

HARVARD LAW RECORD

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Tribe Asks Big Fee, Chides Press

By Lee Christie

Prof. Larry Tribe has been upset by what he considers misleading newspaper coverage of his ongoing attorney's fees dispute with the state of Massachusetts and state Attorney General Francis X. Bellotti.

The fee dispute arises out of Tribe's six-year representation of Grendel's Den, a Harvard Square restaurant, in liquor-license litigation that climaxed in Tribe's successful argument before the U.S. Supreme Court in October, 1982.

License Blocked

Grendel's application for a liquor license was blocked by a nearby church under a Massachusetts statute giving churches veto power over the establishment of taverns near church property. The Supreme Court agreed with Tribe's argument that granting such a power to churches amounts to an unconstitutional "establishment of religion" by the state.

Now Tribe (along with lawyers of his own, Shapiro and Stern of Boston) is back in federal district court asking the state and the city of Cambridge to pay a total fee of \$322,441 to Tribe and two others who worked on the case — Harvard Prof. David Rosenberg and Ira Karasik, who was then a law student, and now is a member of the New York bar and an officer of a small software company.

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Risé Peters

Law students bear banners in Harvard Yard, protesting American actions in Grenada.

Hundreds Protest Invasion of Grenada

By Michael Malamut

A group of several hundred law students met Tuesday evening at the Hark to protest against the invasion of Grenada. Carrying placards and lighted candles, the participants heard a series of critical speeches as they prepared to march en masse to the Tercentenary Theatre to join townspeople and students from throughout the university.

The HLS demonstration was organized by a broad coalition of students, organized chiefly by 3Ls Kimberle Crenshaw, Ivy Dilworth, Ibrahim Gassama, Matt Kramer, and Robert Riggle. Riggle said the reason behind the Law School dem-

onstration was the sense that the legal community was outraged at the blatant illegality of the United States actions in Grenada. He said that in showing its solidarity against the invasion, the Law School — faculty and students alike — was demonstrating its moral force against what was felt by many to be a retrogressive action.

Show the World

Riggle emphasized the need to show the world that many Americans do not support the administration's actions.

As students held banners proclaiming "U.S. out of Grenada" and

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Profs Debate Merits Of "Toughness"

By Mike Isbell

A crowd of about 250 people, comprised primarily of HLS alumni, heard both criticism and compliments of traditional legal education from past and present HLS professors at an Oct. 28 forum in the Ames Courtroom.

The discussion, held as part of the centennial celebration of Austin Hall, featured former Dean Erwin Griswold, who decried what he feels is the present tendency of law school professors to demand too little of students.

Prof. Gary Bellow told the crowd that current legal education fails to develop lawyers who are "self-conscious" learners. He also questioned the accuracy of the Law School's educational models and the fairness of the entire educational process.

Prof. Clark Byse complained of a general discontent among students which he contended did not exist several years ago, but he said the

students were improperly blaming HLS for their unhappiness.

The alumni, many of whom were in Cambridge for weekend class reunions, also heard Assistant Prof. Susan Estrich ask why it took HLS so long to admit women.

Griswold said that, as a teacher, he occasionally chastised students who came to class unprepared.

Different Times

"This has apparently become unpopular," he said. "I know times are different, but it seems to me that the faculty today pays more attention and too much attention to student reaction. We should hold students up to high standards."

Bellow said the production of students who are self-conscious learners is "more important than how tough we are on them in the classroom."

Bellow criticized the accuracy and

effectiveness of traditional legal education.

"Social class and race have an enormous impact on legal outcomes," said Bellow, who cited studies which have found a strong correlation between a defendant's race and that defendant's likelihood of receiving the death penalty. "But you can go through course after course at Harvard Law School and it will be as if social class and race did not exist."

According to Bellow, the elite members of the bar have always looked to law schools for three things: some limitation on the number of new entrants into the profession, training for selected new entrants, and perpetuation of the popular idea of law as a neutral, nonpolitical entity administered by a neutral, nonpolitical legal profession. The Socratic and case methods, Bellow said, fit in well with these objectives but do not produce qualified, self-critical lawyers.

Contending that "it is a simple fact that no graduate of an American law school is even remotely qualified to practice law," Bellow raised clinical education as an example of a positive change in legal education. "Clinical education, well-done, can respond to the deficiencies which currently exist at the professional level."

More Women

Estrich's example of positive change in American law schools was the trend to greater representation of women on faculties and in incoming classes.

"When I teach criminal law, I teach rape," she said. "I was not taught that subject as a student."

"When my women students read a case, they sometimes see things that my men students don't see."

On the issue of "toughness" in the classroom, Estrich said, "I like to think I am very tough on my students in terms of the thinking

Nicaraguan Visit Scheduled

At press time, a delegation of eminent Nicaraguans was scheduled to visit the Law School Nov. 3. The event, sponsored by the Law School Council, the Law School Human Rights Group and S.J.D. students, has been involved in an ongoing saga of delay and disappointment.

Earlier, the group, including Roberto Arguello, president of the Supreme Court of Nicaragua; Mariano Fiallos, president of the National University of Nicaragua and member of the Council of State; Magda Enriquez, National Executive Committee and Council of State; Jose Villencencio and Rev. Alvaro Arguello, also members of the Council of State; and Francisco Campbell, first secretary of the Nicaraguan embassy in the U.S., were subjected to numerous delays in receiving visas from the State Department (RECORD, Sept. 23, 1983).

On Monday it appeared that the delegation, whose visit had earlier been canceled, would be able to appear.

On Tuesday night, however, Assistant Dean for International and Comparative Legal Studies Frederick Snyder was informed that Robert Arguello, Alvaro Arguello and Enriquez would not accompany the group. After subsequent discussion with the American ambassador, however, Snyder learned that the entire delegation would be present.

The group seeks to study the constitutional and electoral processes of the U.S. and various other countries in preparation for drafting an elections law later this year. This new legislation is designed to comport with the political parties law passed two months ago in Nicaragua.

— S.C.
— J.S.-S.



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Bond Criticizes Reagan Rights Policy

By Burlette Carter

The Reagan administration was the target of a stinging attack from Georgia State Senator Julian Bond, who addressed an audience in the Ames Courtroom on Thursday, Oct. 27.

The noted civil rights leader's speech took place at the very time that President Reagan was addressing the nation on the invasion of Grenada, and Bond took no pains to hide his feelings about the recent events on the island nation: "America is once again the 'bully boy' of the continent. We have invaded a country smaller than Toledo, Ohio."

But the invasion of Grenada was only one of the events which Bond used as the springboard for his attack on administration policies. The other was the recent firing of three members of the U.S. Civil Rights Commission, including the Commission's only black female mem-

ber. Suggesting that these members were fired solely because they criticized the administration's civil rights record, Bond likened President Reagan to "one who murders the messenger because he doesn't like the message."

Bond told his audience of about 150 people that the consistent theme

Bond charged that the Justice Department intentionally failed to appeal unfavorable district court decisions in enforcement cases and actively attempted to undermine court decisions which advanced civil rights by urging watered-down interpretations of their effects or by pretending that such court pro-



Haig Bagerdjian

Forum speaker Bond decries Reaganites' record.

of Reagan's civil rights policies has been and is "to narrow and limit the civil rights remedies available to minorities and women."

Although he stated that "civil rights enforcement has never been terrific," he said that the present administration's policies threaten to eclipse any advances made in previous years. Said Bond, "Case by case in the area of civil rights this administration has retreated from positions taken by its predecessors."

Half-Hearted Enforcement

Bond also had tough words for Attorney General William French Smith and Assistant Attorney General William Bradford Reynolds. He accused the Department of Justice of remaining idle in the face of clear civil rights violations and of only half-heartedly litigating those enforcement cases which it did pursue.

nouncements don't exist. Said Bond, "The Justice Department is now the violator of civil rights instead of its protector."

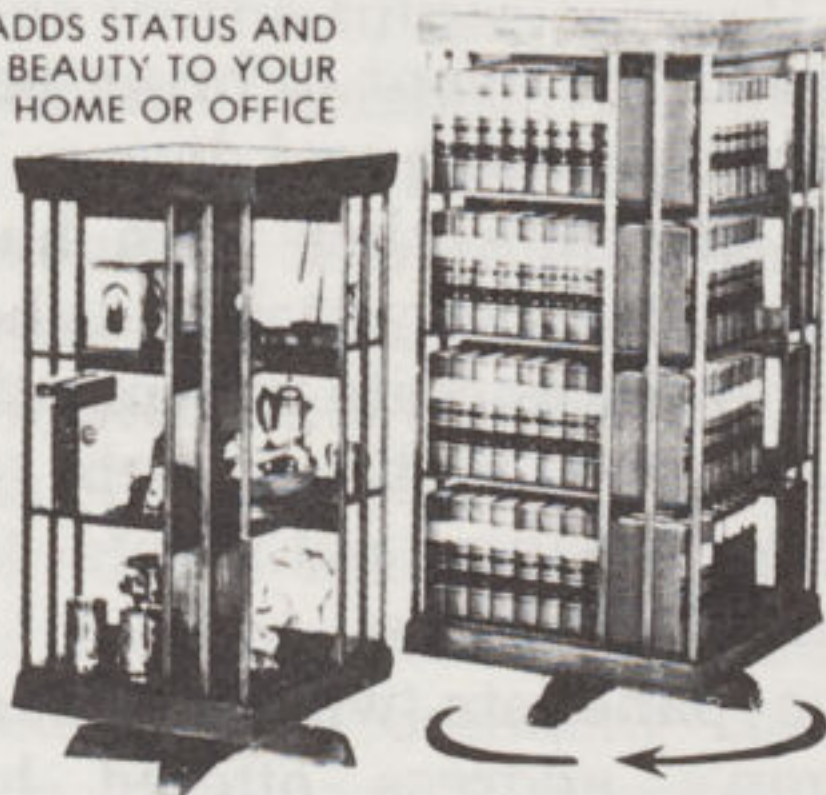
The state senator cited numerous cases involving action or inaction by the administration which he said illustrated President Reagan's efforts to thwart the civil rights gains of women and minorities. He urged the audience to view with suspicion administration retreats from what he called "anti-civil rights" positions. Bond said that such "flip-flops" arise "only in the face of potential political embarrassment" or are "only the result of the administration's confronting the realities of the voting strengths of women and minorities in an election year."

Saying that the civil rights commitments of this administration are short-lived, Bond warned the audience not to take such changes in position as evidence of a turnaround

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Student Papers Help D.A. Shape Policy

By Peter Lebold Cohen

Last year, as part of their third-year written work requirement, a group of 10 HLS students wrote position papers for the new Middlesex County district attorney, Scott Harshbarger, on an array of critical issues that his office faced. This year another 10 students are doing a similar project for Harshbarger.

The project is administered and funded by the Center for Criminal Justice. Prof. Philip Heymann, director, and Dan McGillis, assistant director, oversee and manage the project with the help of Harshbarger; his assistant Steve Limon, deputy chief of the criminal bureau; and Nick Littlefield, who teaches the "Government Lawyer" course and runs the Trial Advocacy Program in the fall.

The project started in the fall of 1982 as the brainchild of Littlefield, then Harshbarger's campaign chairman, and Will Brownsberger (HLS '83), then a 3L, who had come to Littlefield for advice on finding a third-year paper project.

The project quickly took shape with the help of the Center for Criminal Justice and the access provided to the district attorney through Littlefield.

Once the project got underway, the students met regularly with McGillis and Littlefield to discuss the papers and to meet with experts in prosecution such as Lloyd McDonald, former candidate for the Suffolk county D.A.; Bob Wiener, first assistant district attorney for Essex county; Mark Moore from the Kennedy School of Government; and Robert Blakey, one of the prime forces in the drafting of the R.I.C.O. (Racketeering, Influence and Corrupt Organizations) statute.

The students also met regularly with the chiefs of the four bureaus of the district attorney's office (criminal, victim/witness, public protection and appeals) to get information, and occasionally with Harshbarger himself.

Last year's project resulted in 10 "very serious, high-level academic third year papers written in the

context of those lawyers who really deal with the issues on a day-to-day basis in a very good D.A.'s office," according to Littlefield. He termed the overall project "an extraordinary success."

Harshbarger said he had some initial doubt about whether he and his aides would have time to work with students effectively during the hectic transition period when he was taking over the district attorney's office. However, a balance was struck and the students and their supervising faculty had enough access to the office without becoming a burden on it.

Harshbarger commented that the project was an "exceptional success" and that based on last year's results he is very optimistic that there will be useful projects that students can do with his office in the future.

"Effective outside work and input is a luxury that helps us take a fresh look at the things we do on

a day-to-day basis. The perspective provided is something that will probably be useful to us on a continuing basis," he noted.

The papers cover four broad areas of interest to the district attorney's office: (1) Management of the office, the allocation of resources and the identification of needs; (2) Justice policy — how to use charging and sentencing policy to get certain kinds of results; (3) Special defendant issues, such as dangerous offenders, political corruption, business crime, juvenile crime; and (4) D.A./community relations, D.A./police relations, and victim/witness assistance policies.

Nine of the 10 papers, all of which were fairly lengthy, have been condensed into a report put out by the Center for Criminal Justice and entitled *New Roles for District Attorney's Offices: Models for Management, Sentencing Guidelines*, (Continued on Page 12)

Panel Blasts Reagan Speech

By Brad Hudson

A crowd of over 150 people packed the Law School's Pub last Thursday, Oct. 27, to hear several panelists blast U.S. foreign policy and the invasion of Grenada. The panelists were part of an event titled "Reagan and Grenada: A Multimedia Debate".

According to Muhammad Kenyatta, 3L, the event was designed to allow people to "talk about [and] learn about the invasion of the sovereign, independent nation of Grenada."

The program consisted of an introductory address, a short film describing and praising Grenada's 1979 revolution, poetry readings, President Ronald Reagan's nationally televised address, rebuttals to Reagan's speech by several panelists, and a discussion period.

The organizers, who included several students and the Alliance for a Better Legal Education, the Harvard Lawyers Guild and the Black Law Students Association,

designed the event to bring people together to watch and discuss Reagan's speech, rather than having everyone sit and watch it at home. The crowd was quite unsympathetic to the president's speech, with laughter breaking out several times during the address.

The panelists who spoke after Reagan's address offered harsh criticism of U.S. foreign policy and the Grenada invasion.

Constitutional Crisis

Mike Avery, of the Lawyers Committee Against Intervention in South America, opened his remarks with a question: "In what country in the world today is there a constitutional crisis of law and order, if it is not our own?" Avery said that the greatest threat of the Reagan administration is the dismantling of our constitutional order.

Avery declared that it is absolutely clear that the U.S. govern-

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Protesters Decry American 'Hypocrisy'

(Continued from Page 1)

"Grenada, Carriacou, what next Ronnie?", Gassama spoke out. He blamed the invasion on Reagan's "insensitive" and militaristic attitude. Gassama challenged HLS to take a firm stand against the invasion and to support solidarity with the struggles of the Third World.

American Hypocrisy

Prof. Daniel Tarullo spoke next, emphasizing the gap between our legal and ethical standards and our behavior, pointing out the hypocrisy of American rhetoric and policy. He reminded the audience of the continuity between the invasion of Grenada and the CIA-inspired coup in Chile, as well as other incidents symbolic of American adventurism. Tarullo impressed on the demonstrators that their protest was not only against the recent invasion of Grenada but also against past United States actions, and was conducted in hopes of preventing such actions in the future.

Anthony Thompson, 2L, was the next to take the floor. He inspired the crowd by reminding them that Harvard Law School is a bastion of the "system" on which the U.S. is based. Thompson said that when the students and faculty of HLS unite to oppose what he called the United States' decadent colonial system, they send a message from the very core of the establishment that there is something wrong with the decision-making process.

Kramer, who is currently taking a semester off from the Law School, made the poignant comparison between our invasion of Grenada and

the 1979 Soviet invasion of Afghanistan against which the United States protested so vehemently. He also claimed that the war was a racist conspiracy since it took money out of programs beneficial to minorities to support a military, whose forces are largely composed of minorities, to fight a black Third World nation.

At this point the demonstrators began to get into the spirit of the vigil and punctuated the speeches with chants and shouts for the U.S. to get out of Grenada. Stephanie Pollack, 2L, voiced her shame at being an American because of the American invasion, and said that she and others who felt as she did would not rest until the U.S. was out of Grenada. Muhammed Kenyatta, 3L, told the Law School audience that it must reject not only the invasion of Grenada but also the larger invasion of decency and morality.

Dangerous and Reckless

Professor Morton Horwitz gave the final speech, accompanied by shouts for him to speak more loudly and slowly. He spoke of how the invasion of Grenada has been a catalyst to unite people against the dangerous and reckless path along which the government is leading the country.

The mass of students then marched solemnly towards the Tercentenary Theatre to join students from throughout the university community as well as townspeople. The well-disciplined marchers occasionally chanted slogans in protest against the invasion.

Upon arriving at the grassy ex-

panse between Memorial Church and Widener Library, the Law School crowd was swelled to about a thousand, who were treated to speeches and a guerrilla theater.

The connection between the invasion of Grenada and the United States presence in Central America was a major theme of the university-wide demonstration, which was sponsored by the Black Law Students Association and the Legal Aid Bureau, as well as a panoply of undergraduate groups.

Among the speakers were Kenyatta and HLS Professor Duncan Kennedy. Kennedy had the last word at the demonstration as he spoke out against the illegality, immorality and stupidity of the American invasion. The crowd cheered and shouted slogans as they marched to the river and back to emphasize their solidarity with the Grenadian people.

The demonstration was well-coordinated and controlled, and was marred only when a group of about twenty or thirty counter-demonstrators, who had been singing and shouting in order to disrupt the speeches, left their perch on the steps of Widener to heckle at the back of the crowd. As they tried to unfurl an American flag and continued their singing, several fist-fights broke out among the opposing groups, which were rapidly subdued by campus police. The demonstration organizers emphasized the need for order and pleaded for calm and non-violence.

Show of Solidarity

These demonstrations, both at the Law School and in the Yard, show that the intellectual community can be rapidly mobilized to express its distaste for government actions violative of principles it holds dear. Such a show of solidarity among the entire university community is indeed rare, and, for that reason, all the more powerful when it occurs.

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Professors Question Invasion's

By Brad Hudson

The majority of HLS faculty members has registered opposition to the U.S. invasion of Grenada. Over 40 have signed a petition against the invasion. Many have leveled criticisms at the invasion — criticisms based on law, policy and morality.

According to HLS Prof. Laurence Tribe, the continuing presence of U.S. Marines in Grenada, absent a Congressional declaration of war or an equally specific Congressional authorization, is a violation of the U.S. Constitution.

Of the initial invasion, Tribe said that the protection of U.S. citizens on Grenada probably provided sufficient basis for Reagan to exercise his commander in chief powers under the constitution to rescue those citizens.

No Authority

However, once the citizens were removed from Grenada, Tribe said, the president had no constitutional authority to continue the invasion. To do so, he said, violated the clear allocation of war making powers in the constitution.

Tribe said that Reagan does not have even "arguable" commander in chief power to deploy American forces in the invasion and occupation of foreign territory when there is no armed attack against the United States, its possessions or territories, or its citizens, and the only attack on its armed forces exists because of the invasion.

To continue the invasion in accord with the constitution, Tribe said, Congress would have to pass a formal declaration of war or some equivalent. The fact that Congress did not affirmatively act to require Reagan to withdraw the troops is irrelevant because "Congress cannot declare war by inaction," he said.

In reference to the War Powers Act, Tribe stressed that the act itself does not give the president authorization to keep the Marines in Grenada. In addition, he said, the act's terms were applicable to the

invasion, if at all, as soon as the first U.S. troops landed. At that time, the 60- to 90-day time limit automatically began to run.

Tribe explained that because of the U.S. Supreme Court's decision in *Immigration and Naturalization Service v. Chadha* (which struck down the use of the legislative veto), any resolution by Congress saying that the act applies to Grenada would be unnecessary and irrelevant. Under *Chadha*, he said, powers of the president cannot turn on a later concurrent resolution without the opportunity for a presidential veto.

Tribe felt that the legality of the Grenada invasion presents a proper question for resolution by the courts. The invasion, he said, is an "appropriate case in which a court could, with some degree of confidence and courage, declare what the law really is." Any member of Congress would have standing to bring such a suit, he added.

When asked whether he knew of any plans to bring such a suit, Tribe responded, "no comment."

No Legal Justification

Professor Frederick Snyder, dean of International Legal Studies at HLS, criticized the three formal justifications for the invasion offered by President Ronald Reagan and Secretary of State George Shultz. The formal arguments used by the administration to defend the invasion are "simply very sloppy, and the political justifications it has advanced reflect an anachronistic view of the role of the U.S. in the international community — a view whose implications carry with it great risk of greater wars," he charged.

The first justification, said Snyder, was that the invasion was authorized by a 1981 treaty of the Organization of Eastern Caribbean States. Member nations had reportedly requested three nonmember nations, the U.S., Jamaica and Barbados, to help them invade Grenada in the interest of mutual defense under the treaty.

Snyder explained that any authority to request such aid would have had to come under article eight of the treaty. Article eight authorizes the formation of the Security and Defense Committee. The committee is made up of representatives from the member nations, which can advise the respective heads of state on matters of collective security.

But, said Snyder, the provision has two important limits. First, article eight authorizes collective action only in the case of external aggression or armed attack. Neither of these conditions were present at the time of the U.S. invasion, said Snyder.

The second limitation described by Snyder was procedural. All decisions regarding collective defense made by the committee under article eight must be unanimous. However, three member nations, Grenada, St. Kitts, and Montserrat, were either not present when the decision was made or didn't approve of it.

There was, then, "no compliance with the formalities or the substance of article eight," concluded Snyder. In addition, he said, the U.N. and Organization of American States charters "clearly prohibit armed intervention of this sort." In fact, the OAS charter prohibits even a temporary military occupation of a state for any reason whatsoever.

According to Snyder, the administration's second justification for the invasion was based on human rights — the need to protect the "life and limb" of U.S. nationals in Grenada.

Appealing Argument

While Snyder admitted that this is an "appealing argument," he stressed that under general understandings of appropriate behavior in international affairs, the intervening state carries a heavy burden of justification. It must show that its nationals are in "immediate danger of physical violence and that the state under attack is incapable of protecting these nationals."

However, said Snyder, as to the

Legality, Morality, Advisability

danger posed to the American students in Grenada before the invasion, "the evidence is at best ambiguous."

First, said Snyder, Grenada's Revolutionary Council sent the U.S. a diplomatic note on the day before the invasion assuring the U.S. that the American students on Grenada were safe. The council invited the government to send observers to Grenada, and offered to make arrangements for any American students who wanted to leave the country.

Second, said Snyder, statements made by the medical school's chancellor before the invasion suggested the students were safe, and the students themselves were making conflicting statements at that time.

Snyder admitted that a revolution or coup is a frightening experience, but he maintained "it doesn't seem to me that there was evidence sufficient to justify the invasion of the territory of Grenada, occupancy by the military and the intervention in the political life of the society."

Snyder said the administration's third justification for invading Grenada was to restore political stability and install a democratic form of government. Ironically, observed Snyder, this argument is similar to one used by the Soviet Union to justify its 1971 invasion of Afghanistan.

"Outrage"

At that time, said Snyder, then-President Jimmy Carter and the legal adviser to the U.S. State Department claimed that this argument constituted an "outrage" to the principles of international law.

"Treaties like the Rio Pact, U.N. charter and OAS charter reflect a clear view . . . developed over the past generation or so, that politically motivated territorial invasion simply won't wash anymore," said Snyder.

On Tues., Nov. 1, the HLS graduate program sponsored a panel discussion on the Grenada invasion. The panel, composed of Profs. Abram Chayes, Roger Fisher, Dan-

iel Tarullo and Detlev Vagts, addressed different aspects of the Grenada invasion.

Vagts began the discussion with a brief outline of the legal rules and framework within which a discussion of the legal aspects of the invasion would have to take place. In general, said Vagts, international law requires that the burden be placed on a party who uses force to find a justification within the legal framework.

Vagts listed three such justifications: humanitarian intervention (such as a rescue mission to save lives), invitation by a state, and individual or collective self defense.

So What?

Chayes began by asking the audience to assume that the factual portions of the administration's defense of the invasion rise to the level of bare plausibility. He then asked, does it matter if the actions by the U.S. violated international law? Why should the U.S., he asked, treat international law as constraining

it from doing good in the world — as it sees it?

Chayes said that consequentialist arguments are often used to defend the claim that the U.S. should not have to obey international law. If a nation is strong enough, he observed, it can break international law with impunity. "International law isn't Roloids — you don't get instant relief."

Short Sighted

But Chayes found this consequentialist argument to be short-sighted. "It's hard to deny that there are long run consequences." He stated that the "returns" from our allies in Europe and South America show that they don't think much of the validity of our action. "One of the criteria by which they judge our reliability, our credibility . . . is whether we comply with law."

Chayes saw the invasion as having short term effects on many of the Reagan administration's goals,

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Risé Peters

The masked meow? Strange visages and vagaries of all varieties materialized at DSAC's first-ever Halloween Bash last week.

Profs: Does International Law Matter?

(Continued from Page 7)

including continuing the Marine presence in Lebanon and deploying Pershing missiles in Europe. (Chayes did not claim to endorse either of those goals.

He saw even longer term impacts: "The general reputation of the United States for legitimacy and reliability in the conduct of its affairs" is "compromised by actions that disregard — and disregard heavily — international law," he said.

Law is relevant in a discussion of this type of issue, said Chayes. It "provides a basis for criticism . . . of actions that depart from international norms." In the area of international law, he said, the interaction between law and politics is much more exposed. That does not mean that the issue involves all politics and no law — just that the interaction is more visible.

The fact that the administration has raised legal justifications for the invasion implies "that we are entitled to judge those acts, at least in part, on the basis of conformity to law," he said.

Regarding the assertion that legal arguments are indeterminate — that in the case of Grenada, lawyers can "crank out" any answer that they want — Chayes said that the argument does not mean that we cannot tell whether an act was legal in every case. He likened the process to that involved in advising a client on an open point of law: "We can judge the plausibility of our arguments," he said.

Illegal Conduct

Fisher declared that there is "no doubt that the United States' conduct in Grenada is illegal." He criticized the editorial in that day's *Wall Street Journal*, which put the question of legality aside, and declared that the invasion is a "certifiably good thing."

Putting aside the legal question, Fisher attacked the policy justifications for the invasion. He divided the problem into a consideration of

means and ends. Our ends, he said, have something to do with human rights, independence, self-determination, and civilization. These ends, he said, require some pattern of law — some structure — in order for them to be realized.

Fisher saw three basic means to accomplish these goals at home and abroad: education (aimed at bringing about a general attitudinal change), influence (designed to produce a fairly identifiable decision or action, including the use of threats, promises and persuasion), and self help (direct intervention).

If the goal of the U.S. is to avoid the establishment of communism in the western hemisphere, it cannot do so through self help, said Fisher. The communist propaganda ministers, he said, have an easier job this week than they did last week. The U.S. is saying, he said, "We will give you liberty, damn it, at gunpoint."

Shattered Credibility

"Our credibility is shattered," declared Fisher. The U.S. turned down the offer of Grenada's Revolutionary Council to remove the American students because we said that they "weren't trustworthy." We made an absolute promise not to do this kind of thing, Fisher said. "What about our trustworthiness?" he wondered.

We also made an absolute promise that if we installed missiles in En-

gland that we would not fire them without the British government's permission. Now polls show that 75% of British citizens want a second switch installed so that Americans will not have a chance to break that promise, he said.

Lynch Justice

"There's no way that by self help we can impose democracy in other countries," asserted Fisher. "What we are spreading is lynch justice." "The fact that this is illegal makes it that much worse," he added.

Tarullo began by expressing his reservations about discussing the legal aspects of the Grenada invasion. The problem with such an approach, he said, is that it distances us from what is really going on.

This type of discussion, said Tarullo, gives law a sense of autonomy — a sense that law is there and can be grabbed on to. "That kind of talk, to me, is danger," he said. It is dangerous because in a different context, that kind of analysis can be used to legitimate what we are opposed to.

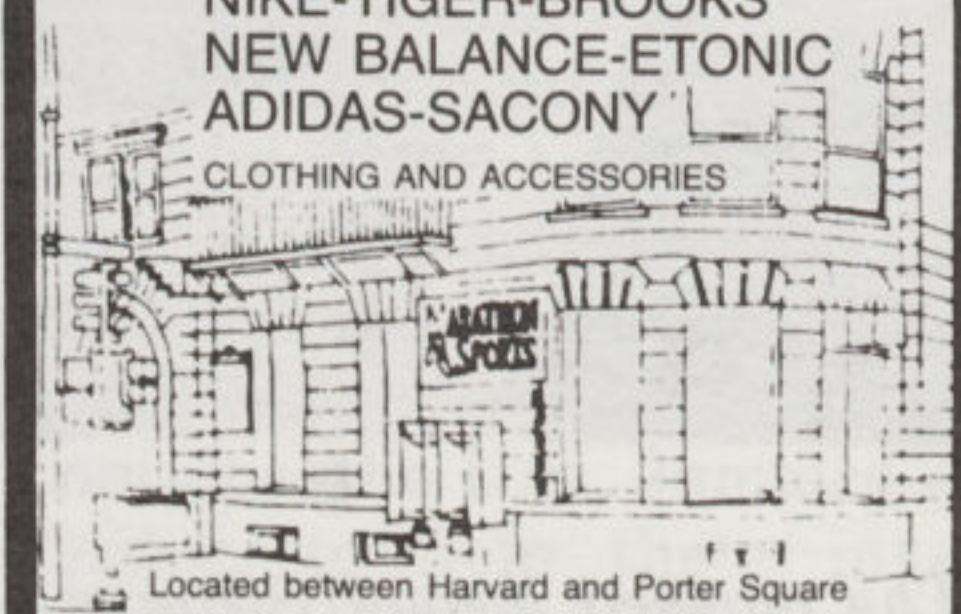
Tarullo explained that discussions of international law tend to treat law as a hurdle to be overcome, or a tool to be manipulated to a desired end, or a strategic weapon. Lawyers get the sense that by approaching any problem in just the right way, any action could be justified.

This type of discussion and anal-

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Profs Condemn Grenada Invasion

ysis, said Tarullo, creates a gulf between law and what is going on, and between lawyers and what is going on. He saw a need for lawyers to cross that gulf and "to cross it quickly in the present case."

Opposed to Attack

Even if the law produced a justification for the invasion of Grenada, said Tarullo, "I would be opposed to it." I am opposed to it, he said, because I am opposed to the bombing of mental patients. I am opposed to the wrecking of an economy of a country with a population the size of Cambridge. I am opposed to the crushing of small countries. I am opposed to the intolerance of

governments that are not only socialist, but progressive.

Tarullo described the lesson that he thought other nations in the Caribbean and South America are being taught by the Grenada invasion. He repeated U.S. government reports of excessive arms found in Grenada. Apparently, he

said, the "excessive" arms in Grenada were not enough.

The lesson that we have taught nations like Nicaragua, said Tarullo, is that they must be prepared for any and all means that the U.S. will use to fight them. "If they want respect from the United States, they must arm themselves." ❦

Austin

(Continued from Page 2)

that I require of them. But teaching is not terrorism."

Byse was asked by one HLS alumnus if the student discontent reported in the RECORD was an accurate reflection of student attitudes.

"Yes and no," he responded. "It is certainly true that there are many students who are personally satisfied. They didn't come here to continue what some people would call undergraduate activism."

Always Dissatisfied

"Then there are always a certain group of people who are always dissatisfied, who don't feel they are getting a proper education. What's the mix? I would certainly think that the latter group is a much lesser percentage, but there is a discontent."

"I think this is a great place. I get so very angry at the complainers. I do try to listen."

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Think Like Lawyers

"It's illegal.

"It's immoral.

"It's stupid.

"And it's part of a 200-year history of the United States putting its boot on the head of any people who threaten our sense that our own corrupt way is the only way."

That was the entire text of a speech by Prof. Duncan Kennedy at a rally against the U.S. invasion of Grenada. It is succinct. It is to the point. And the positions expressed have particular force for members of the legal profession.

Upwards of 300 members of the HLS community marched in the anti-war demonstration Tuesday. And, in a move probably unprecedented in the last decade, 42 law professors signed an anti-invasion petition in less than two days. In fact, proponents of Reagan's tidy little war have criticized the concerns of the legal profession as "lawyers' quibbles," "empty legality" or the like. The very folk who criticized the legal profession for immorality in the wake of Watergate now do not want to be bothered by the niceties of the law.

Why the special concern of lawyers? First, the rhetoric surrounding the invasion is easier to dissect with a legal background. And closely examined, the invasion does not make sense. On the other hand, without the help of the press, the public had remarkably little critical analysis to bring to bear on the problem. Second, the total absence of legal justification shocked many lawyers. Lawyers are trained to act according to the "rule of law."

As a moral matter, lawyers recognize that by eschewing the legal course, the Reagan government has abandoned any pretense of moral superiority for the United States. Why should a Third-World country believe Reagan when he says that we wear the white hats and the Russians and Cubans the black? He, too, uses force to grab power abroad. The superiority of our domestic freedom was also challenged, by the Reagan censors.

Finally, stupidity. This country has the most to gain from obeying international law, which still conserves power for those countries that already possess it.

Sometimes it's worth listening to the lawyers. ☛

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Fenno

"Who assigned me to cover the faculty meeting?" grumbled Fenno as he trudged down the hall to Pound 200. "I'll bet it's something really exciting, like a proposal to make instructors say "pretty please" when they call on students in class. Or maybe they'll have a hard-hitting discussion about how many professors can dance on the head of a dean."

Fenno was so busy grouching that he almost bumped into the two Marines who were standing guard outside of the meeting. Fenno authoritatively flashed his bursar's card and bellowed, "Press!" hoping that the Marines wouldn't look too closely.

"I'm sorry, sir," said one of the Marines. "No reporters are allowed inside."

"What's going on?" asked Fenno.

"The president has ordered two Marine battalions to invade this faculty meeting. If you want to find out more, you'll have to attend the press conference down the hall."

Fenno walked down the hall until he heard screaming and shouting coming from a room on his right. "I've had it up to here with you, Sam. Leslie, you can go soak your head, for all I care. Shut-up, all of you!"

Fenno crept into the room. A large man with a bull whip stood at the front of the room. He appeared to be conducting a press conference.

"We invaded the faculty meeting at the request of several neighboring law schools, including Pepperdine, Puget Sound and McGeorge, because of increasing concern that the dean might be taken hostage.

"Just as we suspected, some 5,000 Yalies and Columbian advisers were present at the faculty meeting, disguised as custodians trying to change a light bulb."

"Why wasn't the press allowed in the meeting?" asked a reporter in the front row.

Crack! The bullwhip lashed out, leaving a bright red welt on the reporter's cheek. "I've already told you, you sniveling twerp," snarled the whip-wielder, "We were concerned about your safety."

"What's all this sudden concern over the safety of reporters at faculty meetings?" piped up Fenno. "Two years ago, the RECORD had three reporters die of boredom during the debate on affirmative action for the *Review*. Nobody seemed to care then."

Crack! Fenno found himself lying in a heap out in the hall. He limped over to the Hark, where he watched film clips, taken by military photographers, on the big-screen TV.

One clip showed a Marine, standing in what looked like a faculty office piled to the ceiling with documents and manuscripts. The commentator's voice said: "These documents and manuscripts, piled to the ceiling, contain polemical propaganda penned by leftist thugs who planned to export terrorism and violence throughout all of Langdell West."

"Whew," sighed Fenno. "We got there — just in time." ☛

Letters to the Editor of the Record

Unwanted Results

To the Editor:

This letter is in comment to the article concerning the affirmative action plan of the *Harvard Law Review* (RECORD, October 28).

In evaluating affirmative action plans it is important to give attention to unwanted consequences. One such consequence concerns the effect on individuals whom the plan is intended to benefit. The implementation of a plan similar to that of the *Review* creates a situation in which all persons who might have benefited from the plan are forever burdened with the presumption of relative incompetence. Although this problem accompanies most affirmative action plans, it is most troublesome when the plan is applied to the selection of a group for which the value of membership is inherently associated with the selection process.

Gregory J. Glover, 1L

King and Ideals

To the Editor:

The past two years at Harvard Law School have been times of student activism which has broken stereotypes of student apathy generally and of law student piggishness specifically. Much of that activism has centered on students' rights (the spring grading protests), affirmative action in faculty hiring (the Chambers-Greenberg boycott), curriculum content (the Racism and the Law alternative course), and the University's social responsibility (the South Africa divestment campaign). Each of these issues has implications beyond the law school and beyond the University. But each has tended to focus attention upon the institutional politics of

the narrow Harvard universe.

It should be remembered, however, that this recent upsurge of activism first manifested itself, in the fall of 1981, in the massive response of students to the anti-Klan rally and teach-in organized around the film *Resurgence*. That effort, spearheaded by the Black Law Students Association, the Guild, the Committee on Gay and Lesbian Legal Issues, and a broad coalition of student groups, brought us together across racial, ethnic, sex, sex preference, even ideological lines. And, significantly, we came together because of our concern about "real world" struggles of Blacks, trade unionists, women, and everyday people of every race. As is often the case, the combativeness of a relatively privileged group (us!) took its initial spark from the compelling initiatives of the drastically underprivileged.

Now we have the opportunity to come full circle. That opportunity presents itself in the campaign to elect Mel King. The King campaign is not simply an effort to elect Boston's first Black mayor. King's campaign is an expression of grass-roots stirrings for economic justice, affirmative action, the right to abortion and sexual preference choices, the cessation of racially motivated violence, even such broader aspirations as the protection of due process and de-militarization of international politics. Mel King, who led the successful South Africa divestment campaign in the Massachusetts state legislature, even found time to come to the Harvard Law School last year to endorse our anti-apartheid efforts and to encourage our de facto student "rainbow coalition."

Harvard BLSA, the Guild, COGLLI and others have come together again to mobilize student interest in a real world campaign. We are raising money and organizing student volunteers to assist the Mel King campaign.

Every dollar counts. Every volunteer hour helps. Faculty and staff participation is welcomed in this venture that looms larger than our sometimes parochial on-campus disputes.

A victory, even a strong showing for Mel King in Boston may do more to advance the ideals that we have shared than all our rustlings among Harvard's ivy put together. Please help.

Muhammad Kenyatta, 3L
Ivy Dilworth, 3L
Jenny Wriggins, 3L

Concerned Humanity

To the Editor:

This letter is to my fellow law students, hundreds of whom turned out at short notice to demonstrate against the U.S. invasion of Grenada. By your discipline and clear expression of outrage, you have contributed greatly to the defense of the historical ideals of freedom, decency, and respect for all. You have shown that you care, not just for yourself and for those closest to you, but even for people in faraway places like Grenada.

For you, it is not enough that you take from society all that a legal education can provide. You are prepared to give something back in return. I say with a great deal of pride that we are moving from being a collection of students studying law to creating a community of concerned humanity.

Ibrahim Gassama, 3L

Next RECORD
Nov. 18

Letters Policy

The RECORD's policy on letters is simple. We read all of them. We do not usually acknowledge receipt of them. We print many of them, subject only to editorial discretion. We encourage letters on any subject, and particularly concerning subjects that have been covered in the RECORD. Short letters are more likely to be printed. In no event will we print individual letters longer than 700 words.

Letters should be typed and must be received by 4:00 P.M. on the Tuesday before the issue. Letters should be addressed to the RECORD rather than to third parties. In no event will the RECORD publish letters by writers who have not identified themselves to the RECORD. Organizations should identify the specific individual(s) responsible for approving the letter.

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3Ls Publish Crime Policy Ideas

(Continued from Page 4)

and Special Defendant Programs. According to McGillis, this report is being sent to district attorneys' offices in major urban areas around the country. If any of those district attorneys request them, copies of the full-length papers will be provided.

In researching and writing their papers, students were given access to all information and records relevant to their individual projects with appropriate protections accorded the confidentiality and integrity of the files, said Brownberger, now clerking for Federal District Court Judge Walter Jay Skinner.

Much of last year's research is being expanded by this year's students, particularly in the field of sentencing guidelines regarding sex offenders, narcotics, breaking and entering, and also family-related crime.

Guidelines Adopted

McGillis stressed that while the guidelines developed by the students are not binding on the prosecutors or judges, many of last year's recommendations by students were formally adopted by the district attorney's office with regard to both plea bargaining and jury case verdicts. He also noted that judges tend to follow the prosecutor's recommendations for sentencing in the majority of cases. Thus, policies developed largely by HLS students are being implemented in certain key areas.

Littlefield contended that "there should be other projects like this in other fields of law where a student's third-year paper is not just an academic ivory tower exercise. There are lots of government offices that need the work done."

Heymann agreed, stating, "This is exactly the type of thing the Law School should be doing as making a contribution to the outside world. I think 50-60% of our students should be doing 3L papers like this that are outward looking and public interest oriented on issues that

outsiders care about and need and want work done on."

Heymann, Littlefield and McGillis all agreed that another benefit of this project is that it gets students working together in groups.

Harshbarger pointed out that this year's projects will be even more group-oriented. He hopes that four or five sentencing guideline models are developed that will be used to promote consistency in the sentencing recommendations of assistant district attorneys with regard to certain common crimes.

All at the Center for Criminal Justice believe that not only can the work that has begun with the Middlesex office be carried on for several years, but there is a variety of other topics out there to be explored and organized for interested students in the future.

Six or seven students are writing papers about federal narcotics prosecution issues in another project presently being organized.

Other possible projects with the Middlesex district attorney's and other offices are under consideration. One would involve collaboration with the Black Law Students Association (BLSA) to research racially motivated violence. Another

would be to explore setting up for the district attorney's office a pre-trial mediation program to help people settle their disputes without litigation, and "diversion" programs to help defendants connect with drug rehabilitation programs, social services, or perform restitution to victims with "adjournment contemplating dismissal" where those remedies are appropriate.

All of those involved with the project at the Center for Criminal Justice noted that there is room for many more students to write their 3L papers through this program and that the faculty supervisors can come from anywhere in the Law School.

Nor need one be a 3L to participate; six of this year's 10 students writing their 3L papers are actually 2Ls.

Harshbarger said that dedication on the part of the students to do the serious work involved and the leadership of the HLS faculty will be key factors in determining whether the high quality of the student work and input with his office can be sustained in the future.

Interested students should contact McGillis, Heymann or Littlefield.



Sports Quiz

Note: The first sports quiz of November asks you to identify athletes who are known by names that are the same as parts of the body.

1. During his 15-year career with the Pittsburgh Pirates, this righthander led National League relief pitchers in saves on three occasions, but made his mark on the record books by compiling 18 victories against only one defeat in 1959, despite pitching only 93 innings that season. Name this bullpen ace who mopped up his playing days on the mound for the Tigers and Expos.
2. A left wing for the Montreal Maroons and Canadiens, this winner of the Art Ross, Lady Byng, and Hart trophies later coached the Canadiens to eight Stanley Cup triumphs in 13 years, including five consecutive championships from 1956 to 1960. Name this member of hockey's Hall of Fame.
3. Beset by injuries in recent years, this relief ace broke in with the Oakland Ath-

letics in 1968 and after playing on their three championship teams went on to lead each league in games pitched and saves. Name this stylish righthander who has tossed four complete games in his major league career.

4. Regarded as one of the best playmakers in the NBA, this second-round pick from West Texas State managed to play in his first All-Star game, score 22 of his club's 25 three-point field goals, and win a championship ring last year in his fifth season as a pro. Name this reputed junk food addict.
5. A native of Rutherford, New Jersey, this righty compiled an 111-110 record in 11 major league seasons, but is best remembered for his seven years with the Chicago Cubs, which included 54 victories in three seasons from 1968 to 1970. Name this hurler who was 20-14 with 18 complete games for the second-place Cubs in 1969.



(Answers on Page 15)

Speakers Attack Invasion, Foreign Policy

(Continued from Page 4)

ment had not complied with international law and treaties by invading Grenada. Reagan had also violated the War Powers Act, he said, and then just acted as if the act did not apply to the invasion.

Avery said that the issues involved are deeply ideological. Reagan, he said, cannot abide the thought of socialist countries in the western hemisphere.

The issue, said Avery, is whether the United States can peacefully exist with socialist countries. "We have to say that other nations, even in this hemisphere, have the right to choose a socialist government if the people want one."

Orlando Patterson, Harvard professor of sociology, branded the invasion an "act of barbarism — it's illegal, it's stupid, and it's unnecessary."

Patterson, who is a native of the Caribbean and specializes in Caribbean politics, said that the Caribbean is in a state of legal, economic and social crisis.

Orphans of History

Patterson described the Caribbean nations as the "orphans of history." They were created as colonies to grow profitable sugar and spices. But the world changed. When the nations were no longer of benefit to the capitalist countries, they were given their independence.

Essentially, then, said Patterson, the Caribbean nations are all non-viable economies. As a result, the heads of state need to seek aid from the international powers.

Europe, however, has its own problems and cannot supply such aid, said Patterson. The U.S. is the only alternative. The central question in these countries, given the fact that they need U.S. economic aid, is what kind of political relations to have with the U.S.

Patterson claimed that attempts by these countries to solve their economic problems by means other than begging for aid have failed because of active hostility on the part

of the U.S.

This situation explains the request of the other Caribbean nations to invade Grenada, he said. The request was made because they had no choice — they had bankrupt economies and they had to do what their bankers wanted.

Unfortunately, observed Patterson, these small nations are geographically close to the U.S., which considers them a part of its defense boundaries. They cannot exercise any countervailing power — only moral suasion.

The Caribbean nations, said Patterson, must depend on the recognition of international law; they must appeal to whatever social decency exists in the U.S. "The fate of these islands rests in the hands and hearts and decencies of those Americans who believe in the rule of law and in international justice," he said.

Paula Aymes, a native of Grenada, criticized the U.S. for not assisting Grenada when then-president Maurice Bishop had requested it. "When we needed help," she said, "America was not there." Now, "all of a sudden, Grenada is very important."

Get Out

Aymes's brother, who served in Grenada's cabinet, was killed during the recent coup in which Bishop was assassinated. Aymes said, "If dead men could speak, [Bishop] would say 'get out of Grenada.'" She said that Bishop was not a rich man who oppressed the poor, unlike those rulers that the U.S. government chooses to prop up.

There is no incident in American history, she said, where the U.S. set up a puppet government that improved the people's lives.

HLS Dean of International Legal Studies Frederick Snyder said that there was "no formal legal justification" for the invasion, and criticized the justifications given by the Reagan administration. (See story, p. 1.)

Peter Smith, professor of political science at the Massachusetts In-

stitute of Technology, discussed political and historical aspects of the invasion to show that Reagan was acting in accord with a long tradition of U.S. action.

New Twist

After outlining past U.S. intervention in the western hemisphere, Smith said that current U.S. policy of intervention has a new twist. In the past, he said, the concerns were economic and geopolitical — today they are ideological.

The U.S., he said, isolates regimes because of ideological differences. When the isolated governments react by seeking aid elsewhere, the U.S. uses that reaction as an excuse to intervene. He pointed to current U.S. policy in the region to illustrate his point: containment in El Salvador, militarization in Honduras, refusal to negotiate with Cuba, and intervention in Grenada.

Wilhelm Josephs, staff member of the National Conference of Black Lawyers and the United States president of the American Association of Jurists, also addressed the crowd.

Josephs, who was born 100 miles from Grenada, in Trinidad, said that what's at stake in Grenada is peace, real independence and self-determination.

Josephs described the situation of the small Caribbean nations as "being a small country [and] having a big bully as your neighbor who will kick your butt anytime he wants."

The attitude shown by the U.S., he said, has been: "We are bigger than you, we are better than you, we are smarter than you." The United States doesn't care what Grenada's interests are, he charged. It just looks out for its own interests.

What kind of democracy does the United States offer? Only the racist, insensitive system found in this country, Josephs answered.

"The United States is a big bully that has nothing to offer Grenada," he declared, "not today, not yesterday, not tomorrow."

Bellotti Balks At Tribe Fee

(Continued from Page 1)

A 1976 federal statute gives prevailing plaintiffs (or their lawyers) a right to recover a reasonable attorney's fee from defendants who have violated the plaintiff's constitutional rights.

As of today, Tribe has incurred over \$7,000 of out-of-pocket expenses in connection with the case, and hasn't received a penny for his years of effort. Tribe says he understood from the start that Grendel's slim earnings — due in large part to its lack of a liquor license — left the restaurant's owners with little or no money for lawyers. From the very beginning, Tribe and the others looked to the attorney's fees statute for their payment.

Massachusetts Attorney General Francis X. Bellotti, who handled the state's losing effort in the Supreme Court, is contesting Tribe's fee petition, which includes over 600 hours of Tribe's own time at \$275/hr., plus a 50% "multiplier."

Unfair Press

Tribe says the *Boston Globe* and *Harvard Crimson* accounts of the fee dispute have been unfair, reporting Bellotti's ire without detailing any of the underlying justifications for the \$322,441 fee.

In defense of the fee, Tribe points to the "time factor," referring to the period of several years during which he was earning, but not receiving, his fee. The significant body of attorney's fees precedent consistently points to a "present value" concept as one determinant of a proper fee. "We're talking about an effective rate of well under \$200 an hour" on a present-value basis, says Tribe.

As for the 50% "bonus," Tribe points out that district judges clearly have discretion under the statute to apply a "multiplier" to hourly rates in cases involving "contingency" and "novelty." Contingency of payment was clearly present in Tribe's case since Grendel's could afford to pay next to nothing, and Tribe could assure himself of an adequate fee only by

Professors' 'Outside' Work: Tribe Comments

Prof. Larry Tribe says his "primary role" is to be a teacher and scholar. As for his notable forays into constitutional litigation, Tribe says, "I pick my cases in part because they are interesting for purposes of what I'm teaching and what I'm writing about."

Student concern over professors' "moonlighting" for paying clients prompted the Law School Council to request detailed disclosure of such activities — a request which most professors, including Tribe, did not heed. (See RECORD, Oct. 28.)

Tribe says most faculty members are "looking to the dean for leadership" on the disclosure question, and points out that client confidences would be "potentially a major exception to any rule of disclosure."

Tribe says law professors are often approached by units of government, legislators or other clients, who seek to employ the professor in an advisory role and who insist that the very fact of advisement be kept confidential.

Such understandings might partially explain the faculty's silence so far. Tribe suspects that many professors who *are* free to disclose their client relationships have not done so because they are "concerned about showing up their colleagues by being more forthcoming than others."

Tribe suggests that there be a centralized procedure for disclosure of professors' litigation activities, to save interested students the trouble of rummaging through docket records from across the nation. Tribe notes that the use of HLS offices or secretaries for one's own private law practice would be "obviously improper. I hire extra secretarial help with my own money." Tribe also keeps separate records of any litigation-related uses of HLS phones and photocopiers so that Harvard does not pick up the tab.

"Of course, Harvard indirectly subsidizes *everybody* here, just by letting us be connected with Harvard," Tribe observes.



— L.C.

actually winning the case and looking to the losing defendant for payment.

On the "novelty of the claim" issue, Tribe says, "[Chief Justice Warren] Burger called it a case of first impression in the Supreme Court, and all the analogous state precedents were against us."

No Discounts

Tribe's fee petition charges \$125/hr. for Rosenberg's time, \$25/hr. for Karasik's time while a student, and \$75/hr. after Karasik passed the bar. Bellotti's brief, however, urges the court to adopt a \$105 hourly rate for Tribe, with a lower rate for Rosenberg and no payment at all for

work done by Karasik while he was a student. Bellotti has also argued that the pre-appellate stages of the litigation were not sufficiently complex to bring Tribe's full skills to bear.

Tactically Complex

In response, Tribe points out that the case was tactically very complex even before the complaint was filed, and that \$105/hr. is less than the amount charged by junior partners or even senior associates in many law firms.

"Bellotti seems to think discounts should apply in public cases or civil rights cases, especially in times of fiscal crunch for government-de-

Public Pays the Price of Rights

fendants," says Tribe, who disagrees with such an argument. "If lawyers have to cut fees in non-business cases, it frustrates the purpose of the statute, which is to avoid having important constitutional issues shunted off to local counsel or relatively junior lawyers," Tribe said.

Total Distortion

Prof. Elizabeth Bartholet expressed a similar view, and also expressed anger at the *Harvard Crimson's* "total distortion" of her remarks on court-awarded fees. The

October 24 *Crimson* quotes Bartholet as saying, "I have never heard of anything more than \$100-150 an hour." Bartholet said that she and the *Crimson* reporter were not even discussing Tribe's case at the time.

Market Fees O.K.

Bartholet called it "appropriate" for courts to award fees based on what "the particular lawyer could get for his services on the market if he wanted to. . . . The whole purpose of the statute points to attor-

neys getting market-rate fees, and this is what the legislative history supports."

"I have no sense that the attorney's fees statute is being abused as a general matter," Bartholet concluded.

Although Massachusetts taxpayers might be expected to balk at paying a \$300,000 fee, Tribe says, "It is appropriate to have the public pay for the vindication of public rights of which the public is the chief beneficiary."

Not Budging

Tribe says his fee was determined in part by what governments have willingly paid lawyers — including Tribe — in similar situations in the past. Tribe's lawyers have also made a "substantial compromise offer" to settle the claim, but "the attorney general has barely budged at all," Tribe said.

As Tribe is quick to point out, Bellotti brought much of his current headache on himself by pushing his defense of an indefensible statute all the way up the appellate ladder, with Tribe's billable hours accumulating all along the way.

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Sports Answers

1. Elroy Face
2. Toe Blake
3. Rollie Fingers
4. Maurice Cheeks
5. Bill Hands

Bond: Jackson's Candidacy Tardy

(Continued from Page 3)
in the administration's general thinking.

Bleak Future

According to Bond, the pattern of enforcement of civil rights under this administration suggests that the federal government may soon attempt to withdraw from the enforcement area completely, especially where the desegregation of public schools is concerned. Bond argued that the victims of segregation and other forms of discrimination will be left to fend for themselves. Said Bond, "The Reagan policies offer solace and comfort to those who want a separate and unequal America."

Bond urged the defeat of President Reagan in 1984. He said that Congress must be made to act to counter the policies of the administration. These two goals, said Bond, can best be accomplished by a broad coalition of laborers, minorities, women, those who fear the annihilation of the universe and others utilizing the power of their voting strength.

He rejected any notion that Reagan might be unbeatable in 1984. "We can take this guy," said Bond. "We can take him easily. We've got the votes."

Late Announcement

In response to a question on the desirability of a black candidate for

president, Bond said that a black candidacy was not a novel idea, thus, "there is no sense in doing it simply to prove it can be done." Similarly, Bond rejected notions that such a candidate would increase the number of minorities who go to the polls, saying that enormous increases have already occurred without such impetus.

However, Bond did say that a black candidate could force white candidates to pay attention to minority issues and to "make some promises."

Although he refused directly to address the candidacy of the Reverend Jesse Jackson, Bond did say, "With the first primary a few months away, I think it's rather late in the day to be announcing a candidacy."

On the subject of the relationship between blacks and Jews, Bond said that though serious tensions existed between the leaderships of the two groups, he did not think that such tensions existed between other members. "I don't even think the two groups are thinking about one another," said Bond.

Return To Activism

Bond also offered some comments on law students and the legal profession. He said that in recent years the brightest and most aggressive young minds had turned away from the political arena, allowing their political activism to grow stagnant. He urged a return to that activism of earlier years.

Additionally, he urged students to "learn something about civil rights law" whatever jobs they ultimately pursue. He said he was "shocked and surprised" at the number of students graduating from law schools today who know a great deal about business and corporations but very little about civil rights law. Said Bond, "I hope that some of you will know a little bit about civil rights law and that wherever you end up, you will spend some time handling those kinds of cases."

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