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25 CENTS

Nicaraguan Visitors Brief HLS Community

By Steve Cowan and
Jorge Seall-Sasiain

A group of esteemed Nicaraguan jurists and politicians visited HLS last Thursday, Nov. 10. They spoke before an enthusiastic crowd of 175 to 200 students and faculty members about current legal and political issues of mutual concern.

The relatively free-form discussion, moderated by Prof. Henry Steiner, involved a broad range of issues, returning frequently to the Sandinista government and American interference with the region in general.

Of particular concern to many of the officials is the American involvement in numerous military and paramilitary operations near Nicaragua's borders, as well as increasing U.S. involvement in Honduras' export of counter-revolution. Last February, for instance, the U.S. embarked on an ongoing, multi-million dollar exercise entitled "Big Pine II." Both the duration and intensity of this annual "muscle-flexing" operation are unprecedented in the region, and this year it included the invasion of an island off Puerto Rico very similar to Grenada. The operation involved more than five thousand marines and is perceived by the Sandinistas as a major threat to their sovereignty.

Technical Expertise

Manifestations of the American threat are felt even more directly, however, in the "contra's" invasion and in their continued guerilla attacks on Nicaragua's already-damaged infrastructure. Recently, the contras exploded bombs that destroyed a major oil storage facility at Puerto Corinto, endangering much of the civilian population of the coastal city. Roberto Argüello, president of the Nicaraguan Supreme Court, said that the sophisticated nature of the

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Peter Lebold Cohen

Nicaraguan Supreme Court president, Roberto Argüello (far right), addresses capacity Pound Hall crowd.

Review Majority Signs South African Divestiture Petition

By Steve Cowan

In what many hoped would be a relatively non-controversial move, David Hoffman, 3L, treasurer of the Law Review, suggested that the Law Review membership vote to divest all Review funds invested in corporations doing business with the white supremacist regime in South Africa.

Hoffman, and like-thinking members of the magazine's staff, were surprised to find substantial and intractable opposition to their initiative. Opponents of the move maintain that the Law Review is an apolitical institution designed to put out a magazine and not to implement the politics of its members.

In preparing a portfolio concerning the endowment this summer, Hoffman noticed significant investments in a number of enterprises which are heavily involved in South Africa. He put forward a resolution in August proposing that the membership instruct the endowment's "Graduate Treasurer," Ernie

Sargeant, to divest all such funds. This resolution was tabled until a stormy meeting in October.

All of those involved agree that the debate here is almost entirely symbolic. Although the Law Review's endowment is important in assisting in its operations, said Graduate Treasurer Ernie Sargeant, it is negligible both to the South African government and to any company doing substantial business there.

During the debates in October, Hoffman's opponents assailed the concept, insisting not only that the Law Review is an apolitical organization, but also that if it were to become political it must do so more consistently. They question the policy of condemning one nation while many are guilty of egregious abuse of human dignity. "If we're going to start taking stands," said Andy Solomon, 3L, "we must determine whether our singling out South Africa is appropriate."

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Conservatives Stand Up for Principles

By Louis Hoffman

Fifty to seventy people, including a few dressed in military garb, a few carrying American flags, and several law students, braved a light rain in Harvard Yard on the day before Veteran's Day to Protest "Soviet Aggression" in the Caribbean and the Middle East. The rally on the steps of Memorial Church was sponsored by several campus organizations, including the Law School's Society for Law and Public Policy (SLPP).

Standing Up

Bennett Cooper, a 1L member of SLPP, said at the rally that the protesters were "standing up for principles rarely stood up for" and were "defending the Reagan administration's policies" toward Grenada and the Middle East. He labelled those who showed up "democrats with a small 'd.'"

Cooper also noted that Reagan's opponents were using the idea that Reagan will not stop with Grenada to criticize his policies. He called this the "Domino Theory" and claimed that some of the same people had criticized the theory's validity during the Vietnam War. They were wrong, according to Cooper. "Look how that turned out," he said, "Now all of Southeast Asia is Communist."

Cooper further claimed that the tumbling of dominoes in this case would be a positive event. If the fears of Reagan's critics were realized, Nicaragua would be next, and then El Salvador. "If Nicaragua is next, it's a great thing," Cooper stated to the cheering group, "if it's next in freedom, next in liberty, and next in salvation from evil regimes."

Doubting Doubters

Tom Clark, president of the Harvard-Radcliffe Conservative Club, defended the Grenada invasion, appearing to respond to critics from the Law School. He said that he was "convinced that the invasion of Grenada was defensible legally, morally, and strategically," although he knew many people had "sincere doubts." Clark said that he would not respond to those with doubts, but that he was particularly concerned about people who participate in "a consensus that everything wrong in the world is attributable to the United States." These people "shouldn't use freedom to besmirch the U.S.," he said.

Clark added that, unlike the Soviet Union, U.S. invasions bring "liberty, democracy, free elections, and economic well-being."

Another speaker, a foreign exchange student from the Middle East, stated that many of Reagan's opponents were overly concerned about nuclear war. He urged the audience to accept the risks of death and of nuclear war, as the American servicemen in Grenada did, in order to combat Soviet aggression. In both Iran and Grenada, what was good for U.S. interests was good for the local people, he said.

During the rally, many curious onlookers joined the fringes of the crowd,

listened for a time, and wandered off. Several times, the speakers were interrupted by hecklers for brief moments, but the audience drove the hecklers away with calls of "shut up" and "run, commies."

The speechmaking was also interrupted several times for the singing of songs, including one verse each of "The Star Spangled Banner," "God Bless America," and "My Country 'Tis of Thee."



Battle of the Boards: SLPP Signs Removed

By Brad Hudson

Last spring, members of the Committee on Gay and Lesbian Legal Issues (COGLLI) were angered when informational posters that they had placed on bulletin boards around the Law School were removed without authorization. The latest victim of this "battle of the boards" is the Society for Law and Public Policy.

Following the U.S. invasion of Grenada, the society put up posters on Law School bulletin boards with the following message: "Celebrate the Liberation of Grenada! And the Safe Return of the U.S. Students! 4:30, Friday Nov. 4. Middle Hark Dining Room. Society for Law and Public Policy."

The next morning, society members found that almost all of their posters had been removed. In their place were posters that read: "Come Celebrate the Conquest of the Grenadan People! We'll Kill as Many People As it Takes to Make the Word Safe for Democracy! Fri. Nov. 4, 4:00, Society for Law and Public Policy."

Mistaken Identity

SLPP Vice President Kaj Ahlburg, 3L, said that when members of the society saw the "new" posters, they approached members of the HLS administration to get permission to remove them. "Some of the other student organizations thought that the poster was real — that we had put it out," said Ahlburg.

Ahlburg also said that many replacement posters were either torn down or had "Facists" written on them.

The idea behind the celebration originated with John Holton, 2L. Holton planned the event as a dorm hall party

using hall funds. He contacted the members of his hall about the idea, but then cancelled his plans when one member of his hall angrily confronted him and threatened to show up with 200 demonstrators to break up the party.

Holton said that he cancelled his plans because he felt it unfair to use hall funds to hold an activity to which a resident of the hall strongly objected. After Holton cancelled his plans, the society decided to sponsor the event.

Incident Condemned

Dean of Students Mary Upton posted a notice about the incident. The notice read, in part: "The Law School condemns the posting of signs which falsely state that they were distributed and posted by an organization when this was not the case. The Law School reaffirms its belief that all members of the community have a right to express their political views and finds any behavior which interferes with this right inexcusable in an institution which attempts to provide an open forum for the free exchange of ideas."

An announcement to this effect was scheduled to run in this week's *Adviser*.

The Grenada celebration was held without incident. Upton confirmed that plainclothes police were on hand in case of trouble. According to Ahlburg, about 30 people attended the event.

Another poster appeared that same week, purporting to be from the "Students for Law and Private Policy." It read: "No More Soviet Puppets! Stop Marxist Pierre Trudeau! Sponsored by: Harvard Students for Nuclear Destruction and Harvard Law Students for Acid Rain, Pollution, Toxic Wastes and James What."

Cox Reflects On Watergate Era

By Justin Hughes

Ten years ago, Prof. Archibald Cox took on the President of the United States. In a sense, he lost. In a broader sense, he won.

In the fall of 1973, Cox, as special Watergate prosecutor, requested a series of tape recordings made by President Nixon. Nixon went to court to protect the tapes and lost. He offered to hand over the tapes on the condition that Cox would not use the courts to get any tapes or materials from the White House. Cox refused.

The dispute came to a head with the "Saturday Night Massacre" in which Nixon fired two attorneys general before finding one willing to dismiss Cox. The uproar that followed made Cox's dismissal into a Pyrrhic victory and forced Nixon to surrender the tapes and appoint a new special prosecutor.

Ten months later, Nixon became the first President of the United States to resign from office.

On the tenth anniversary of the "Saturday Night Massacre" the RECORD interviewed Cox to discuss his views on Watergate.

Q: When you sought the tapes from the President, did you think he'd comply?

A: "I didn't know. I was very worried about a head-to-head confrontation. The only compromise the White House would consider was utterly intolerable. They wanted me to agree never to go to Court again."

Q: Did you believe your dismissal would end the investigation?

A: Some people on the staff thought that firing me would be the end of Watergate. I told the staff if they would stick together, not resign, in the end they would prevail. Not the President, not anybody, would be able to stop them. The staff developed a fierce loyalty to each other."

Q: What were the 'lessons' of Watergate?

A: "Quite a lot of lessons can be drawn from Watergate. One of those lessons is that our system is capable of investigating and dealing with wrongdoing at the highest level of government.

"A second consequence is that we established for the first time that the President is subject to the rule of law. Until Watergate that had never been certain. Watergate made that an operative principle, not just a matter of legal theory.

"In the end, Watergate also showed that all of our liberties depend on uncoerced compliance. It is not just a matter of law. What I mean is that the President complied because the people rose up morally and politically. I re-

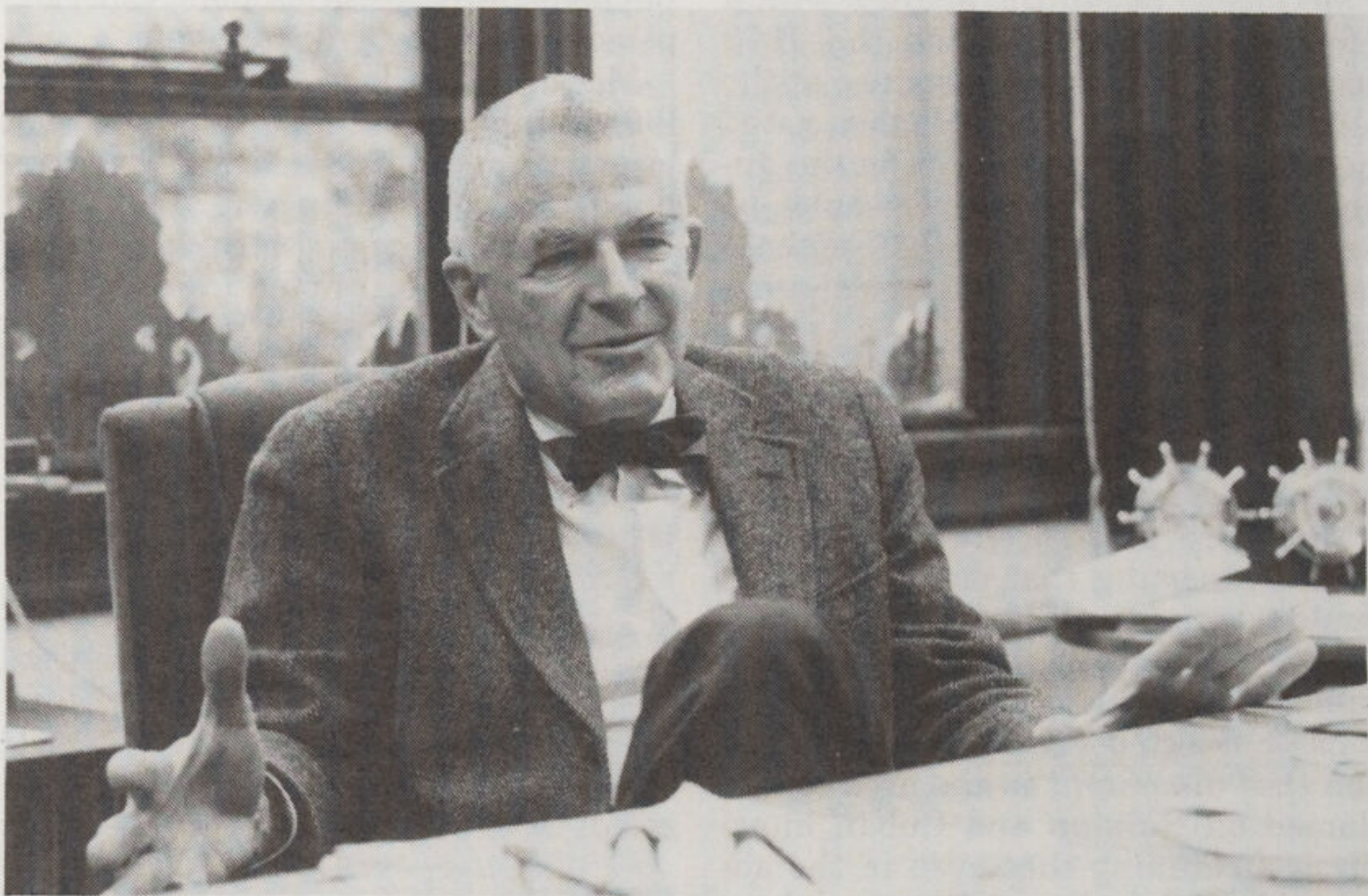
member people at the White House called it a 'firestorm.'"

Q: Do you see other lessons from Watergate?

A: "One is that for a President to surround himself with advisors without constituencies of their own, with no independent bases of power in public affairs, is very dangerous. The President should not surround himself with people

again regards the White House the same as Teddy Roosevelt did — a kind of bully pulpit. He makes a real effort to lead. My only reservation is that his version of events doesn't always correspond to what others think are the facts.

"Even if I could I wouldn't advocate limiting the President's power to lead ... I used lead, as you did, not com-



Peter Lebold Cohen

Archibald Cox — dismissal with honor.

who, if they fall out of the President's favor, are nobodies.

"For a President who has done that and has a taste for secrecy (that) is doubly dangerous."

Q: Do you think Watergate helped restore balance to the branches of government after decades of increasingly "imperial" Presidential power?

A: "Watergate was a favorable battle in the constant struggle between the two ends of Pennsylvania Avenue. ... but I don't agree with Schlesinger's view of the 'imperial' Presidency."

"Clearly, in some areas, presidents have overstepped their powers ... Under Richard Nixon and under Ronald Reagan in some respects there were and are assertions of Presidential power that go too far." ...

"I agree with Schlesinger to that extent. I disagree in that I believe the President may and must lead in formulating legislative programs."

Q: So the distinction you might make is between presidential power based on authority to command and Presidential power based on ability to persuade, to lead?

A: "Yes. I think Franklin Roosevelt and Teddy Roosevelt were good Presidents. ... In that respect, Ronald Re-

mand."

Q: Earlier you critiqued secrecy surrounding the President. What about the new proposed "gag" rule?

A: "It's dangerous to self-government. I'm waiting for the day the incumbent Cabinet members have to clear their memoirs with a new Democratic administration."

Q: With Watergate well past us, what constitutional problems do you see on the horizon?

A: "The one place where trouble may develop is the relationship between the branches of government. The Constitution's balance of power was to keep government from doing things; the problem is modern government needs to do things."

Q: Can the judicial branch settle these disputes?

A: "The usefulness of the judiciary in areas of conflict between the executive and legislative branches of government is exceedingly limited. Much of the greater part of questions of separation of powers fall under political questions, fall in the realm where one has no power to litigate. ... For example, it wouldn't surprise me if the

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McGovern Assails U.S. Foreign Policy

By Bruce R. Kelly

Refuting the hasty pronouncements of some political pundits that he was running a campaign based on old ideas and past glory, Democratic presidential candidate George McGovern excited an overflowing Ames Courtroom crowd Thursday afternoon, Nov. 10 with his proposals for America's future.

McGovern began the address with a reference to his defeat as the 1972 Democratic presidential nominee at the hands of Richard Nixon. He then noted the number of law students in the audience, joking that they would be pleased to know that "only 83% of those indicted [for Watergate crimes] were lawyers."

The former history professor switched focus from 1972 to 1984 in his speech, emphasizing clear and controversial programs he would pursue if elected.

McGovern started out with foreign affairs, asserting that as president he would terminate all United States military operations in Central America immediately. The former South Dakota Senator rejected Pres. Reagan's assertion that discontent in the area can be blamed on Russian and Cuban interference, claiming that even in the absence of the Cubans and Russians, there would still be revolution deriving from the miserable living conditions of the people.

Lightning Rods

Commenting that this was a position he had been voicing since summer, but that it was "harder to say now than before," McGovern stated that if there is a need for a peace-keeping force in the Middle East, "the soldiers ought to be drawn from more or less neutral countries . . . not from countries like the United States that operate as 'lightning rods' to fanatics."

Much applause greeted the 61-year-old candidate's affirmation that as president, "I would begin the nuclear freeze right now." He went on to say that "we don't need the MX, we don't need the B-1 bomber, no matter what

the Russians do."

In a campaign in which other Democratic candidates argue over how much the defense budget should be increased, McGovern advocated slashing up to 25 percent from the Reagan military budget. He cited a case where the Pentagon paid \$400 for a six dollar hammer and commented, "We can survive paying \$400 for hammers, but the same thing happens for battleships," and other expensive military procurements.

McGovern made it clear that he's still for a strong defense, pointing out that even with cuts of \$68 billion the military budget would remain at \$207 billion.

Connecting foreign policy to domestic affairs, McGovern noted the impact of unemployment on budget deficits and proposed to use some of the savings from defense cuts to put people back to work through government programs. McGovern said building up the transportation infrastructure ("our roads, railroads and harbors"), improving the environment, and ensuring energy self-sufficiency would create more jobs than do capital-intensive military expenditures.

Regarding tax reform, McGovern decried the current complicated system

which leads high-income people to spend money just to find tax breaks. He said that he didn't fault anyone for seeking available loopholes but blamed the system instead. Expressing support for the Bradley-Gebhart Tax Bill, which would lower maximum rates to not more than 30 percent and eliminate most write-offs, he described it as "in effect, a flat tax with slight progressivity for the liberals."

Support For ERA

On other domestic issues, the candidate outlined proposals for increased educational loans, one-time government subsidized home mortgage loans, and reform of the current farm subsidy program. He voiced his continuing commitment to the Equal Rights Amendment.

After the speech McGovern accepted questions from the floor. His straightforward replies reiterated his belief in ideas, not image, in the campaign, and contrasted with the popular image of the evasive, equivocal politician. As one student put it, "He's not ducking anything!"

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Graduation, Holiday Conflict; HJLSA Seeks Revision

By Greg Klima

On Thursday, June 7, 1984, Harvard University will hold commencement exercises. That day is also the second day of Shavuot, a major Jewish holiday commemorating the giving of the Torah to the Jewish people.

Jewish students at the Law School, the college and the other schools of the university want something done about it. They believe that commencement activities will interfere with their observance of the holiday. The administration disagrees.

Yadin Kaufmann, 3L, president of

the Harvard Jewish Law Students Association (HJLSA), stated that the spirit of the holiday would be violated if Jewish students attended commencement during the holiday. He pointed out that a leading orthodox rabbi, Moshe Feinstein, very recently announced that attending graduation exercises during Shavuot would not be allowed.

Daniel Steiner, General Counsel to the University, commented that two orthodox authorities, Rabbis Gold and Hertberg, had been consulted before the date was set. These rabbis advised, over a year ago, that no conflict would result.

Action Planned

HJLSA is preparing for action. The President's Council of Jewish Organizations, of which HJLSA is a part, has been meeting to discuss and plan possible courses of action. Their main objective is to have commencement moved back one day to Friday, June 8. There would be no conflict with the holiday on that date.

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Ehrlichman: 'Fill Need in Criminal Law'

By Joe Brandolino

Focusing on the problems of the sentencing, post-sentencing, and parole processes of our criminal system, John Ehrlichman addressed a full house in the Ames Courtroom on Thursday, November 10. Ehrlichman's discussion was sponsored by the Harvard Law School Forum.

Reflecting on his own prison experience, Ehrlichman pointed out abuses of the system in a plea to the students who may be in a position to effect change in the future.

"Which of you are students in law school?" Ehrlichman posed, being answered by a show of hands from a ma-

Jority of the crowd. "Of those who are in law school," he continued, "how many plan to specialize in criminal work?" Three students responded affirmatively to this question. "That's about the national average," he quipped, adding that he was hoping to interest other students in the criminal field because of the great need which currently exists.

Doctor in a Leper Colony

Ehrlichman was deeply influenced by his eighteen-month stay in a federal prison in Arizona. The prison was situated in the middle of a desert, hours from the nearest city. He pointed out that it was "impossible" for inmates to acquire badly needed legal assistance and he noted the general "climate of indifference in the federal prison system" in this regard. Many of the inmates turned to him for legal help. He described the situation as being like "a doctor in a leper colony."

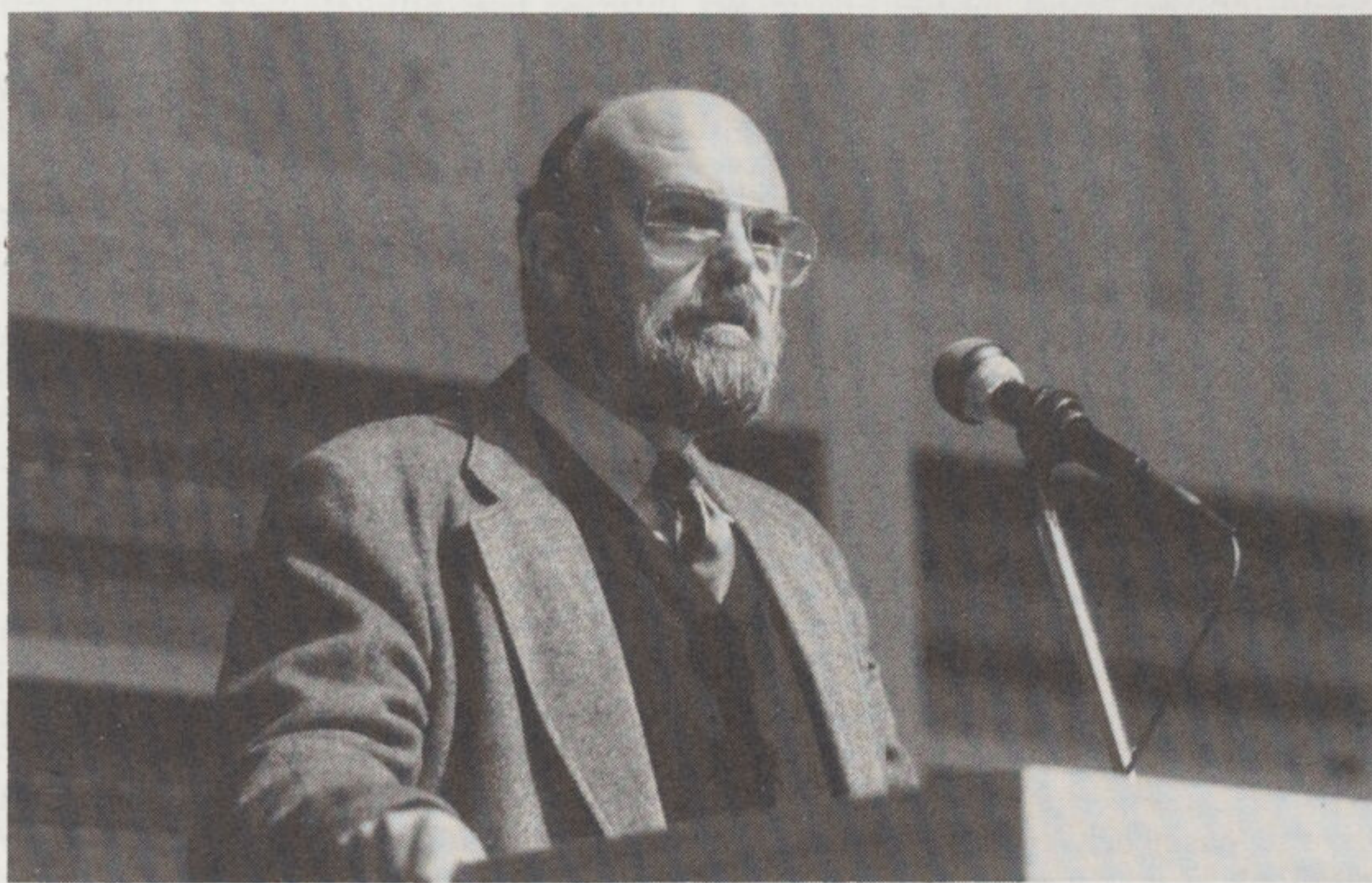
Ehrlichman emphasized that "every lawyer has a professional obligation to his client in a criminal proceeding which extends beyond the jury verdict." From his prison experience, he realized how many criminal defendants are abandoned by their lawyers after conviction, a time when a lawyer's services are as badly needed as during trial.

One post-conviction stage in which many criminal defendants are exploited is the development of the pre-sentencing report. Ehrlichman stated that the content of most pre-sentence reports becomes prejudicial, being developed with no input from the convicted party's side. In addition, many lawyers abandon their clients at this stage of the criminal

abused by the process who were not aware of this option available to them, either because their lawyers were apathetic or had abandoned them earlier in time.

Ehrlichman related the example of a fellow inmate, not advised of his rights before sentencing, who with the persistence of Ehrlichman in acquiring a lawyer and pursuing the motion, was set free. "Many federal judges can have their consciences shocked" when these motions are actually filed, and the judges see how the federal prison system is functioning in reality.

In concluding his talk, Ehrlichman made a proposal to the law students. "If you all are working for a corporation or some big law firm, making a lot of money, and you hear about a case like this, I don't care if you are specializing in the problems of trademarks or unfair competition. Step out and take the hand of one of these fellows who needs it, and do what you can for them. It'll make you feel good, and it might even serve the interests of justice. You never know."



Adam Eisgrau

John Ehrlichman: crusading for quality representation.

process. Clients are deceived in most instances, not being warned at the outset of the lawyer/client relationship.

The prison-parole hearing, which occurs within 90 days after a convicted criminal enters prison, is another important aspect of the criminal process which is highly abused. The often unrepresented prisoner is placed before U.S. Parole Hearing Examiners. Ehrlichman pointed out that these examiners are usually ex-prison guards and non-lawyers who effectively determine the sentence to be served by the prisoner. Their decisions are based on the pre-sentence report "full of second-hand hearsay, . . . full of stuff that a judge wouldn't let into a trial on a bet."

"Yet, the man is punished and repunished if the content of the document is prejudicial to him."

Within 120 days after entering prison, a prisoner is entitled to file a Rule 17 motion, which can expose errors in the sentencing process. Ehrlichman was shocked at the large amount of prisoners

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"BETTER BUYS AT BRINE'S"

Doubled Demand, Diverse Duties Mark SFF

By Burlette Carter

What causes Harvard Law students who could command top dollar in the summer associate marketplace to turn down jobs which have the potential to put the Financial Aid Office out of business is a deep mystery to some.

Some students use their own personal resources to supplement summer salaries from public interest organizations. Others, like the 23 Harvard students who received funds from the Law School's Student Funded Fellowships, Incorporated (SFF) last year, rely on help from special sources.

Harvard's SFF is one of only a handful of organizations nationally which provide fellowships that enable law students to spend their summers working for public interest organizations.

The money that a student can expect to earn, even with the help of a fellowship, might still be considered "servant's wages" by corporate lawyers (approximately \$200/week). For some, however, the difference that organizations like SFF make is the difference between being able to take a job in public interest work or having to turn it down.

SFF is a non-profit, tax-exempt organization whose executive board consists of first- and second-year Harvard Law students. Operated independently of the Law School, SFF is supported by contributions from Harvard Law's students and faculty. These contributions provide the funding for students who receive fellowships.

Applications Double

According to last year's SFF president, Florrie Darwin, 3L, the number of Harvard students applying for SFF fellowships has increased dramatically over the past few years.

Last year, 60 students applied, double the number of the previous year. Twenty-three of those 60 received SFF funds and spent the summer working with organizations which included five Legal Services organizations, Civil Liberties Unions in Atlanta and Connecticut, Equal Rights Advocates of San Francisco, The Children's Defense Fund of Washington, D.C., The National Gay Rights Task Force in New York, the Boston Indian Council, Criminal Legal Aid in New York, the Connecticut Fund for the Environment, the Legal Defense Fund in New York, the Institute for Community Economics in Greenfield, Mass. and the Prisoner's Defense Committee in Atlanta.

To be eligible to apply for a fellowship from SFF, a student must secure at

least a tentative offer from a tax-exempt public interest organization.

According to 2L Chai Feldblum, this year's SFF president, the applicant's commitment to public interest work, the work involved in the proposed job and the applicant's financial need are factors which the SFF board considers in distributing its limited funds. The job must require the use of legal skills, and the applicant must expect an income of less than \$200 a week during that summer. Students eligible for federal work-study assistance are also required to apply for such aid.

Feldblum stressed that fellowships are not available to people who take public interest jobs merely because they're unable to find work in the private sector. However, she added, while the organization looks favorably upon applicants who express a firm commitment to public interest employment, SFF is also committed to "letting people who think they might like to do that kind of work give it a try."

Helping the Neediest

Among the students who received SFF fellowships last summer was John Teeter, 2L, who recommended the program highly. While employed with Chicago Lawyers for Civil Rights Under Law, Teeter worked on prisoners' rights cases, often making visits to maximum security prisons in the Chicago area. He also did casework concerning the entitlement of handicapped children to special education.

Although Teeter acknowledged that his employer had limited resources, he nevertheless found the experience rewarding. "It was both tough and frustrating because we didn't have the resources of a private firm. But it was definitely worthwhile. It's a good feeling to know that you are helping the people who need help the most."

Kim Hawkins, another 2L SFF recipient, called her summer at the National Legal Aid and Defenders Association (NLADA) "a phenomenal experience." While working in the civil division of NLADA, Hawkins did advocacy work for Legal Services offices. She spent a considerable amount of her time on the controversy over new Legal Services regulations that allow bar associations to appoint 60% of the members of the Legal Services Corporation's board.

Hawkins wrote position papers on the subject for NLADA and coordinated the organization's effort to get minority bar members from across the country to take an active role in determining who would

be on the board and what new regulations should be promulgated. She also gathered information for presentation before Senate committees holding hearings on the Legal Services Corporation. Budget cuts that necessitated the layoffs of some of NLADA's lawyers meant that Hawkins had a lot of responsibility and gained a great deal of practical experience.

Resources Limited

Tim Hauser, 2L, spent his summer in Bloomington, Ill. with Prairie State Legal Services. His summer experience only confirmed his interest in public interest law. Said Hauser, "I feel even more strongly now than when I went into the summer about doing legal aid work."

In addition to doing general advocacy work, Hauser developed pamphlets for senior citizens on landlord-tenant rights, consumer protection and other subjects. He sought injunctions under the Illinois Domestic Violence Act against the husbands of battered wives.

Hauser, too, found the lack of resources an unfortunate drawback. "The offices were really understaffed. They really needed help. There are big categories of cases that the office can't even work on because of a lack of resources, cases where poor people just can't get any help."

Although Hauser acknowledges that he was not making a great deal of money in his work, he said that he was able to cut expenses by living at home. He pointed out that students who work in small towns or cities benefit from a lower cost of living than that encountered by students working in larger markets.

Hauser rejected many of the excuses that students have offered as to why they do not seek public interest work. Said Hauser, "I don't have a lot of sympathy for liberals around here who don't practice what they preach. To the extent that they really don't have any financial resources at home, I can understand. But if that's not the problem, then I can't accept it. If people are honestly committed to something, it should show in their actions."

Real Problems

Glen Falk, 2L, who worked with Pine Tree Legal Services in Portland, Me. stressed the practical aspects of his summer experience. "My conception of a lawyer has always been somebody who dealt with real people and the real

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Fast Food Friendless in Harvard Square

By Greg Klima

Ever have a "Big Mac Attack" and want to run into a local McDonald's to cure it? Ever see a Burger King commercial and become enticed by the pictures of the juicy Whopper and the jingle "Aren't you hungry?" If you're at Harvard and this happens, satisfying that hunger will be difficult. Harvard Square suffers from a conspicuous absence of national fast food restaurants.

This lack of fast food in Harvard Square and throughout the rest of Cambridge is not accidental. Cambridge passed an ordinance in 1974 requiring fast food establishments to obtain a variance, or special permit, to open a restaurant within city limits.

Fast food restaurants are strictly prohibited in residentially zoned areas. Moving into commercially zoned areas is nearly impossible, too.

Vague Definitions

The Fast Order Food Establishments ordinance, section 11.30 of the Cambridge Zoning Code, intentionally leaves the issue of what exactly constitutes a fast food restaurant vague. Cambridge Zoning Specialist Horgan stated this was done to give the Board of Zoning Appeals maximum leeway in considering restaurant applications. By keeping the ordinance vague, no specific kind of restaurant is either prohibited or permitted. This allows the Board to meet the current needs and desires of the community.

Large national chains are especially vulnerable, though. This is evident from part 11.33 of the ordinance, which exempts smaller establishments from the requirement of a special permit. The ordinance provides that restaurants with more than 1750 square feet and more than five employees in a twenty-four hour period are required to obtain a special permit.

The ordinance further instructs the Board of Zoning Appeals to consider several factors. These include: an applicant's potential impact on traffic and parking, the impact on the visual and physical characteristics of the area, whether the establishment will fulfill any specific need in the area or of Cambridge as a whole, and the applicant's reliance on walk-in trade as opposed to automobile-related trade.

Public Hearings

The Board of Zoning Appeals holds open, public hearings when considering an application. Testimony on the above factors is taken from any interested

party and considered in the Board's decision.

Any nonconforming business which was already operating when the ordinance was passed were allowed to stay. If that establishment wants to move, however, the ordinance limits its ability to do so. The restaurant can move without a special permit only if it stays within its current zoning district, relocates within 500 feet of its previous location and does not increase its gross floor area.

Given these provisions of the ordinance, why are there no fast food chains in the Square? According to Sally Alcorn, Executive Director of the Harvard Square Business Association, available space is a major factor. Many of the establishments on the Square have been there for several years or even much longer. Frontage space is fairly scarce, especially space enough for a major fast

food restaurant. For example, there are almost 400 applicants for a currently available frontage on the Square.

Another reason for the lack of fast food is the presence of well-organized neighborhood groups. These groups are willing to fight to keep fast food chains out of the Square. They present a great deal of evidence to the Board when applications are being considered. The predominant feeling is that if one chain restaurant is permitted to locate on the Square, many more will follow. The unique look and feel of the Square would then be lost.

Finally, a special permit is just plain not easy to get. Since the passage of the ordinance, only one out of the dozen or so applications for a variance has been granted a permit. All other fast food outlets in Cambridge predated the passage of the ordinance.

(Continued on Page 15)

Visiting Fellow Discusses Advocacy of Indian Rights

By Andrea Hartman

Throughout this week Robert Coulter, executive director of the Indian Law Resource Center in Washington D.C., has been meeting with students and faculty members to discuss the rights of Indians, as well as other indigenous peoples. Coulter is this year's Ralph E. Shikes Visiting Fellow — a fellowship which is awarded by HLS to visitors who have distinguished themselves in the areas of civil rights and civil liberties.

According to Coulter, the focus of the Indian Law Resource Center is "more vigorous advocacy of Indian rights." Said Coulter, "We carry on a program to reform the racist aspects of U.S. law that apply to Indians." He added, "Indian law is still in the shape that civil rights law in general was before *Brown v. Board of Education*. . . . Discriminatory law is still part of accepted doctrine."

Coulter noted that the Indian Law Resource Center is "the only Indian organization that handles or represents Indian people before the Human Rights Commission of the U.N. and the Inter-American Commission on Human Rights." Said Coulter, "We present and argue cases of major human rights violations, including the case of Indian people in Nicaragua."

Coulter believes that legal and political institutions have not come to

grips with the existence and legal status of indigenous peoples. Said Coulter, "Almost all countries in the Americas claim and exercise the right to confiscate the land of Indian people." The United States, he said, doesn't do it openly, but "still uses it as a threat."

Coulter pointed out that two years ago the United Nations set up a working group on indigenous populations to examine the legal status and rights of indigenous peoples. However, he added, "The work has only just begun."

When asked what he hoped to accomplish during his week at HLS, Coulter replied, "I'm hoping to share my thoughts, and to interest others in our work. . . . I'm also hoping to hear from others."



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Give Their Regards To Broadway

Mike Malamut

The Drama Society continued its tradition of presenting a fall musical revue with its production of "Judicial Revue" last Nov. 9, 10 and 11. Billed as a tribute to Broadway of the 1940s and '50s, the show consisted primarily of show tunes interspersed with original skits.

The musical selections and arrangements were especially well-done. Kudos to musical director Charlie McGovern for some innovative arrangements, particularly in "The Jet Song," "Jukebox Saturday Night," and "I Could Have Danced All Night," where he replaced predictable tempos with the unexpected.

Indeed, "The Jet Song" was a smashing success, particularly because of the hilarious switch in the middle of the number from the well-known tune sung by street toughs to a bebop version crooned by gents in white dinner jackets, complete with slicked-back hair and red boutonnieres. One-L Joseph Tazewell's hips accompanied the number, doing things people don't usually do, especially in public.

Kip "He's Worth the Price of Admission" Purcell, 3L, continued his tradition of setting hearts aflutter with his romantic and evocative rendition of "The Heather on the Hill." Amazingly, he outdid himself with his witty yet literate prose in the comedy sketch, "West Cite Story." Weaving together "West Side Story" and "Romeo and Juliet," Purcell recreated the classic confrontation between the capitalists of the Business School and the Critical Legal Scholars. The "Crits" triumph in the end (of course), bringing hope to the hearts of some of our favorites on the faculty.

"Hernando's Hideaway" was another delightful high point. Unfortunately, it was a rare example of a well-integrated and well-executed number, ably performed by Tom Lorenzen, 2L, and five dancers. This was a number that really clicked in all areas, from the familiar music to the stylized choreography, and from the mood-setting lighting to the refreshingly flamboyant costuming.

The songs and skits were loosely strung together by a series of mock newscasts, delivered by Tony Sutin, 3L. Although Sutin had some funny one-liners, many of the connections he drew in order to introduce subsequent numbers were so strained as to sound ludicrous. These lines failed to help pace the production.

The skits provided an entertaining change of pace to the musical numbers

and served up the mandatory rehashing of Law School humor. The obligatory "greasy spoon" allusion this year brought the house down with an order for a pepperoni pizza with an oreo mix-in. Nor will we ever tire of references to the sometimes somnambulant Dean or the omnipotent Mary Upton.

"My Fair Lawyer," by Paul Kiernan, '83, made an intriguing transition from London to HLS, but some of the disparaging references to Lesley College

in class) interspersed with thrift-shop rejects. We deserve a bit more for the \$4.00 ticket price.

The makeup in some numbers seemed a bit overdone, at least from the first row. (What, may I ask, was that cosmetic blight on the forehead of the otherwise striking Lou Fields, 1L?)

The dazzling Fields turned in a charming performance as a counter to Mark Morris, 3L, in a three-song sequence, although her wide-eyed, almost



Risé Peters

Susan Power, 1L, and an attentive following

were offensive, and it concluded rather abruptly. Certainly the highlight of this skit was Beth Bergman, 1L, who was particularly delightful as Judge Ascot as she griped about, but coped with, budget cuts in her courtroom. Bergman's comic capabilities, while considerable, don't begin to tap her versatility. Her sultry and sensuous side was well-illustrated in this temptress's solo, "Come Rain or Come Shine."

The final skit, "The Sound of Mootness," by Jay Handlin, 2L, evoked frequent laughs, although the plot was a bit weak (whoever heard of people fleeing Harvard Law School to go to Boston University, when everyone knows it's even more cutthroat over there?). The actors, who immersed themselves in their characters as 1Ls, endeared themselves and the skit to the audience.

The costuming, with a few exceptions, seemed like a collection of ordinary clothing (I'm sure I've seen much of it

fanatic look of innocence at the beginning of this role, while appropriate, was perhaps a bit too much.

Special mention should be made of Ruben Perlmutter, 3L, whose versatility was underused. Perlmutter demonstrated a fine sense of comic savvy in his portrayal of nerdy Don Leisure, and he shone with energy and contagious enthusiasm in the chorus numbers, particularly in "I Could Have Danced All Night," where his torsal machinations rivalled Tazewell's.

Also of note was the exceptional saxophone performance by Don Braden, who helped brighten the entire musical backing, which was consistently good.

Although it dragged at times, as Law School shows go (and really what else but another Law School show can you compare it to?), "Judicial Revue" was fun, lively, at times provocative, and illuminating. It poked fun at our foibles and let us see some of our more-talented

(Continued on Page 13)

Dean Deems Reunions a Success

By Andrea Hartman

Five Harvard Law School classes held their reunions over the Friday, Oct. 28 to Sunday, Oct. 30 weekend. Members of the classes of 1938, 1953, 1963, 1968 and 1978 gathered at HLS to participate in educational and social activities. The weekend marked the first time that multiple reunions occurred simultaneously.

According to Donna Chiozzi, Director

of Reunions and Special Programs, a total of 689 persons attended, including alumni and guests. Chiozzi noted that although several activities included all the alumni, the weekend also provided an opportunity for individual class events — including a dinner on Friday night, and a breakfast and symposium on Saturday morning.

Dean Vorenberg was enthusiastic about the opportunities provided by holding multiple reunions on one

weekend. Said Vorenberg, "What is important about it is that we were able to expose alumni much more to what's going on educationally in the school than we ever have before."

Alumni Go to School

Vorenberg noted that many alumni arrived early on Friday and attended classes. One theme of the new approach to reunions, he stated, is "the hope that people will learn as much as they can about what's going on at the school."

According to Chiozzi, one of the highlights of the weekend was a panel discussion led by Prof. Charles Nesson entitled "Law Schools and Law Firms: Suppose You Were in Charge." Commented Vorenberg, "The ten-person panel that [Prof.] Nesson ran gave alumni an exposure to changing patterns of life and related that to what's going on at law firms."

Finally, Vorenberg observed that the reunions "seem to have been done without diminishing the opportunities for social interchange within the classes."

Club Is Off and Running

By Ernie Cicconi

For those who want to escape from the rigors of the Law School, there is now an organization on campus that is designed to do just that. The Running from the Law Athletic Club, formed recently by four 1Ls as an athletic and social club for runners of all levels of ability and enthusiasm, is open to students, faculty and staff.

The club's introductory meeting on Nov. 10 drew about 25 people. Membership currently numbers about 40 and is growing, according to George Shepherd, 1L, one of the club's founding members.

A membership list is being compiled that will include the time of day each member prefers to run as well as each individual's typical distance and speed, enabling compatible running partners to be found more easily.

The other major function of the club will be a weekly group run on either Saturday or Sunday morning. The first official aerobic exodus occurred this past Sunday, with 11 students and one HLS staff member participating. According to Kurt Janson, 1L, standard procedure will involve weekend runs of varying lengths to suit particular tastes, followed by brunch.

Janet Silverberg, 1L, commented that she and the other founders hope to establish a "network of runners." Page Mailliard, 1L, said that the club will "give people a sense of who else is running." It is often important for safety reasons, she added, to know others who run.

Although members may decide to participate in one of the many road races in the Boston area in lieu of the weekend run in the future, the focus of the club will remain primarily a recreational one.

Stressing that the club was formed "for companionship," Shepherd said that it will enable "people to meet one another outside of the classroom and the

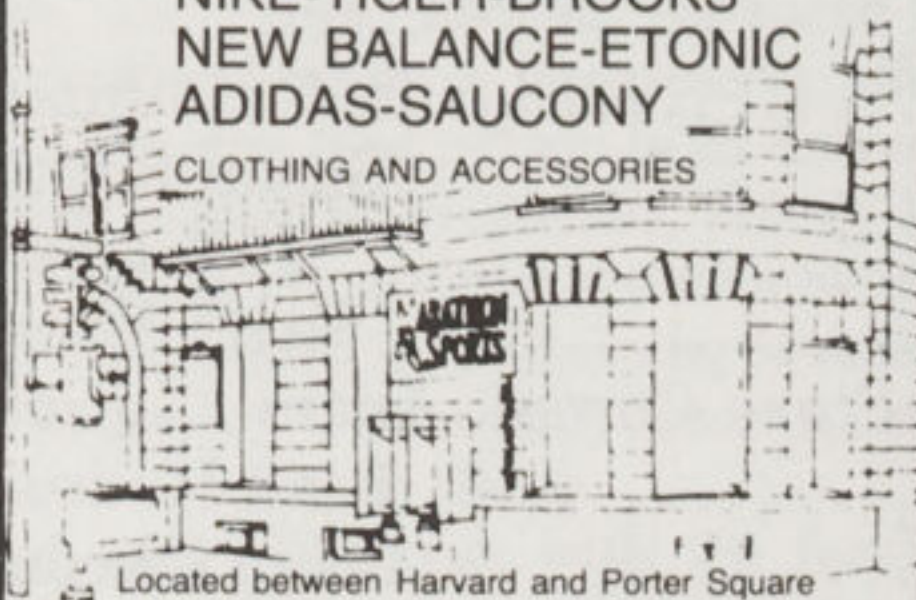
library." All four 1Ls (this club has no officers, Janson noted, "we four just got it off the ground") emphasized that less-than-serious runners are encouraged to join.

Several professors have expressed an interest in joining the fleeing throng, with Prof. Phillip Areeda and Visiting Prof. Gerald Lopez already signed up. Also in the offing is a group run in the middle of the week and club t-shirts.

Anyone interested in Running Away from the Law is welcome to escape en masse and, for those who need to jog their memories, meeting times for the group runs will be posted on the club's bulletin board in the tunnel running under Langdell.

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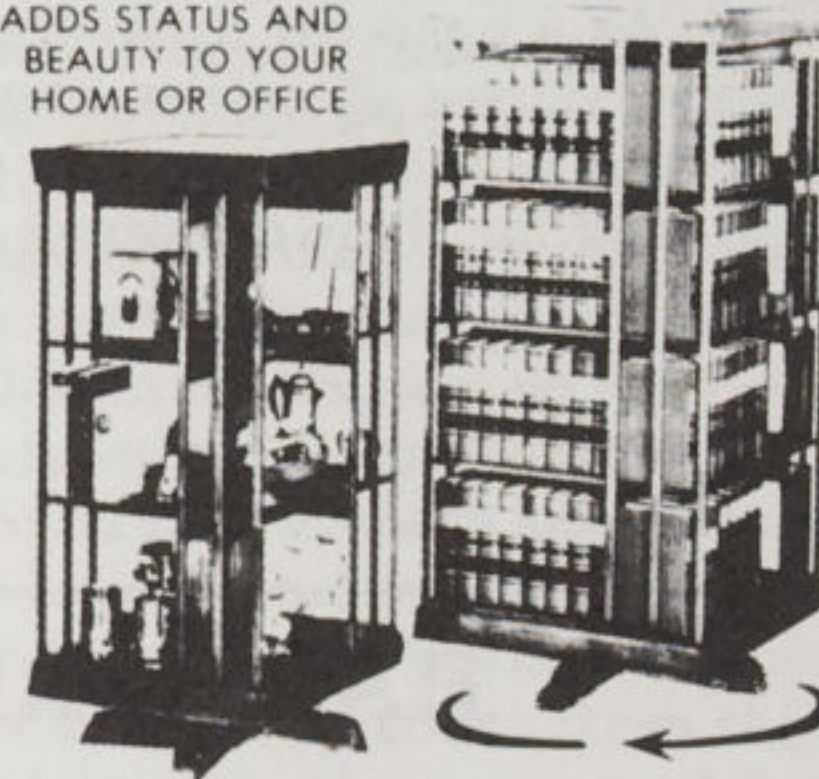


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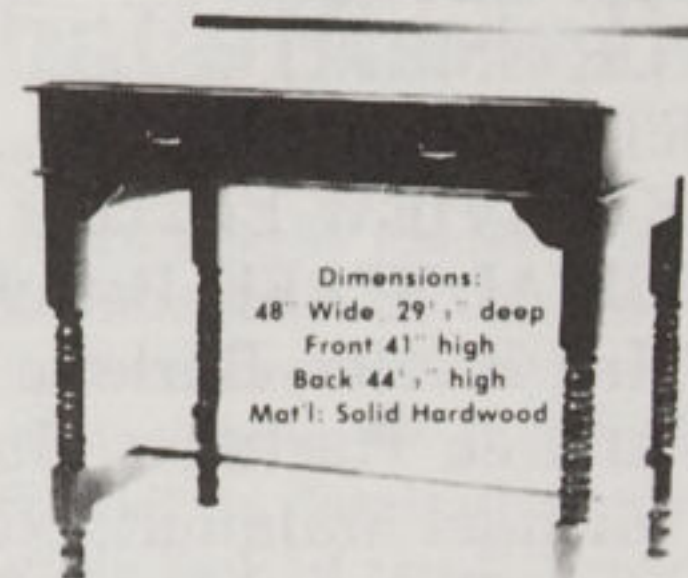
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Myths and Events

The twentieth anniversary of President Kennedy's assassination challenges us to make new attempts to understand the significance of an extraordinary presidency and its tragic conclusion. Attempts to understand this particular presidency also challenge us to consider the methods we use to analyze events. Evaluating the actions of the Reagan administration poses similar challenges.

Understanding any presidency is difficult because the events are complex and because there is an inevitable delay in seeing the consequences of decisions. The development of myths creates additional obstacles to understanding. For example, the myths for and against Camelot, which arose to explain the Kennedy presidency, became impediments when used to evaluate it. Those myths have been difficult to give up because they are emotionally satisfying to their believers and because they have developed a reality independent of their origins. The myths might be better used to gain insight into the psyches of their propagators and believers than to describe and interpret the Kennedy presidency.

Current events continue to challenge us to develop understanding despite their complexity and to evaluate actions despite the uncertainty of their consequences. The actions of the Reagan administration concerning Grenada pose precisely such a challenge. There are many indicators that a myth to describe and interpret these events is in the making. The Reagan administration has shifted its justification for the invasion. The President has personally attempted to shift the rhetoric of the intervention from an invasion to a rescue. The American military supplied misinformation to describe events before public media representatives were allowed on the island, and was subsequently forced to retract it. The Administration has selectively released captured documents. Finally, the military's psychological warfare units are conducting propaganda activities directed at the Grenadian people. One can also see the outlines of a countermyth in the making.

But Grenada is by no means the only case of national mismaking, either historical or modern. This month was also the tenth anniversary of the Saturday Night Massacre, the most significant event in the Watergate scandal. A campaign for the presidency is also getting underway, with its typical hyperbole about the "lessons of the past." Revisionists and counterrevisionists are hard at work in all of these cases.

Both of these developing myths are already attracting an emotionally satisfied following. As a basis for understanding complex events and evaluating present and future courses of action, these myths are an impediment that should be ignored, despite their immediate emotional appeal. The mythmakers should be called to task for their disservice.



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Fenno

"War is Peace."

Fenno looked up and saw a large man with a black, bushy mustache staring at him with dark, piercing eyes. "Aren't you a little doubleplusunlate?" asked Fenno, "It's still only 1983."

"A little," said the man. "War is Peace."

"I'm afraid I don't understand."

"Ah, but you do." The man lit up a Victory cigarette. "You make war against tiny islands in order to bring them peace. You create a weapon of nuclear destruction and then give it the name 'Peacekeeper.'"

"Peace through strength," the man chuckled. "I wish I'd thought of that."

"Freedom is Slavery," he said.

"Come again?" said Fenno.

"But you understand this, too," said the man. "Your government reduces programs designed to free the poor from their poverty because it does not want to make them slaves of the welfare state. It will not allow other countries the freedom to choose their own form of government because they might choose the slavery of communism."

"Gunboat democracy," he chuckled. "I wish I'd thought of that."

"Let me guess what's next," said Fenno. "Ignorance is Strength?"

"Exactly. Take your latest war. Your government wisely kept the people ignorant by forcing the press to obtain its information from the Ministry of Truth —"

"Pentagon," corrected Fenno.

The man just smiled. "And look at your President. He is ignorant of the many complexities of science, sociology, economics, politics, law and foreign affairs. Yet is he not the strongest leader your country has had in many years?"

"Leftist thugs," he chuckled. "I wish I'd said that."

"Who are you trying to kid?" demanded Fenno. "This is America, not Russia. We believe in freedom, in truth —"

"Truth?" laughed the man. "You are masters of doublethink. When your enemy shoots down an aircraft full of innocent civilians, you call it criminal and barbaric. When your own soldiers bomb a mental hospital full of innocent civilians, you call it an unfortunate mistake."

"Your leaders have simplified a complex world into two opposites — good and evil. Oceania had Goldstein and me. But, of course, we were mostly creations of the party — more illusory than real. You have created black hats and white hats, Americans and Communists, democracy and tyranny."

"Now you've gone too far," protested Fenno. "Our government doesn't spy on its people. It doesn't punish them for what they say or think. It doesn't manipulate the truth. It doesn't torture or execute its critics."

The man turned to leave. "Yes, you may be right. But, as you say, it's still only 1983."

"And don't forget," he called over his shoulder, "I am watching you."

Letters to the Editor of the Record

All's Clear

To the Editor:

I must confess that, despite two and one-half years of an HLS education designed to sharpen my powers of analysis, I was at a loss to understand why, when Cuban troops depose and assassinate the leader of a socialist state and confine the populace to their homes on pain of being shot on sight, we are happy, but when American troops enter and defeat the assassins and release the people, we are enraged. But thanks to the lucid and cogent analysis of Prof. Duncan Kennedy and others, I now see the error of my ways.

I am still confused, however, about the treatment of the recent events on campus in the RECORD, especially Michael Malamut's article about the Nov. 1 protest. I thought that the opinions of the author were supposed to be confined to the editorial page. Am I wrong?

Eric S. Shube, 3L

No Conspiracy

To the Editor:

I did *not* claim that the Reagan Administration's decision to invade Grenada was evidence of a "racist conspiracy" (RECORD Nov. 4). I hope the RECORD will be more careful in choosing its phraseology in the future. What I *did* say was that the invasion of Grenada was another example of the Reagan Administration's "generally racist policies." I then went on to define what I meant by that phrase: policies that cause minority groups to bear the brunt of any hardship that may occur. To me, the administration's war against minorities seems one of induration and thoughtlessness rather than of

sinister calculation. I should emphasize that I feel the absence of conspiracy is as much an indictment than it is a ground for exculpation.

Matthew Kramer, 3L

Say 'Please'

To the Editor:

Well, I'm glad this whole Grenada thing has been settled. I was relieved to see that the Harvard Law School faculty has decided that we should pull our troops out of Grenada. Now I guess the President has no choice. I mean, geez Louise, this isn't just a group of laymen with no foreign policy experience — this is the Harvard Law School faculty! If the HLS faculty isn't qualified to chart the foreign policy course of the United States, well, gosh, who is? After all, most of them have been to law school and everything.

And that telegram they sent to Ronnie really put ol' Cap Weinberger and the whole military industrial complex in their places. Jean Kirkpatrick, Bud McFarlane, George Shultz and all those egg-headed career lackeys in the State Department are probably cowering right this minute, buckling under the irrepressible righteousness and irrefutable logic of that telegram. I mean, who can argue with their point that this is just another example of the government's hatred of progressive regimes. A fellow goes in and shoots the bejesus out of the Prime Minister and half the government and kills a couple of little kids in the process and declares himself in charge. Holy cow, how much more progressive can you get? It's just like when we refused to support the progressive Idi Amin government. And I can't believe we still object to the progressive policies of Poland, Afghanistan, Nicaragua, the Soviet Union, and Libya. Instead, we spend our resources undermining progressive efforts by encouraging land reform in El Salvador, sending money to Zimbabwe, acting as a depository for the riff-raff abandoning more progressive regimes, and keeping Muammar "Mr. Progressive" Khaddafi from exporting progressive ideas to Chad.

And who will argue with the faculty's pointing out the gross violation of international law involved. Everybody who's ever been to law school knows that if some lunatic starts shooting up his country, you are supposed to ask politely, through the appropriate channels, that he stop. And if a thousand of your own people are in danger of being taken hostage or killed, you ask nicely that they not be. I mean, geez, we didn't even say "please."

And what about the OAS treaty, huh? We promised not to invade Grenada, and Grenada promised not to invade us, fair and square. It didn't say anything in the treaty

about not invading only so long as thugs don't take over and start killing everyone, and a treaty's a treaty. Four corners rule and all that. And besides, if a country wants to amass an army and ammunition far in excess of defensive needs in order to export progressive ideas, what business is that of ours?

In short, I'm damn proud of our very own faculty for stepping forward to shape foreign policy. After all, that's what they get paid for isn't it?

Ed Fletcher, 3L

Shining Star

To the Editor:

The recently published proposals for changing the selection process for *Harvard Law Review* members (RECORD, Oct. 21 and Oct. 28) were most thought-provoking. Replacing a highly arbitrary process with a somewhat less arbitrary one is desirable. But tinkering with the selection process doesn't address the problem of the fetishism of the law review. Our need for a status hierarchy in which individuals can place themselves (preferably at the top) is apparently so profound that we create one although the information necessary for reasoned merit distinctions is unavailable, if indeed it is even sought. This need is reflected in the irrational emphasis placed on journal membership by legal employers, particularly judges.

I suggest that the consequence of success in the grade and writing competitions be shifted from membership on the journal to an exclusive privilege of placing a bright red star on one's forehead and résumé. This would satisfy whatever need there is for status differentiation, but leave work on the journal a matter of choice. Then those interested in hierarchy but not scholarship, or scholarship but not hierarchy, could pursue their aims selectively.

Stephen Rothman, 2L

That's Show Biz

To the Editor:

I was entertained by the letter from Mary Lee Wolfe (RECORD, Oct. 28) that characterized Charles Thensted's review (RECORD, Oct. 21) of one performer in "The Real Inspector Hound" as "uselessly destructive," "an appalling lack of tact," "a regrettable absence of consideration," and "having one's performance sliced up." On consulting the original review, I find the sum total of the negative comments so characterized to be that the performer in question "disappoints"

(Continued on Page 12)

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.

Letters

(Continued from Page 1)

and "never seems comfortable in the role." (The performer's costume was also criticized, a matter for which she herself can hardly be faulted.) If Ms. Wolfe truly believes that Mr. Thensted's restrained remarks represent the height of rudeness, inconsiderateness, and sarcasm, I am afraid she has a few surprises in store when she departs the sheltered groves of Harvard Law School.

More fundamentally, Ms. Wolfe's whole attitude is wrongheaded. I have been involved in over fifty dramatic productions at the college, community, and professional levels. I have received my share of critical abuse, which I never objected to no matter what the status of the production. Any actor, amateur or professional, who asks an audience for the favor of its time and attention must either repay the favor with a good performance or be prepared to weather the consequences. And whether the actor likes it or not, the audience's opinion is solely a matter of its members' taste. The actor is free to disagree.

A critic is simply an audience member who happens to record his or her thoughts in writing. If the members of the cast want a uniformly favorable report of their show published, they can write it themselves and issue it as a press release. If they want an honestly favorable report of their show published, they have to earn it.

Thomas D. Fuller, '77
Washington, D.C.

President Nader

To the Editor:

As a former president of the HARVARD LAW RECORD, I subscribed to the common lore that Ralph Nader rose only as high as managing editor of this esteemed publication (RECORD, October 21, 1983, page 14). The office of president is reserved for those select few who charge by the hour, own a dozen suits, drive fancy cars and hope one day to have their house pictured in *Architectural Digest*. (Just kidding.)

Daniel A. Hershman, '81
Miami, Fla.

As a 2L, Nader began serving as president of the RECORD in mid-term. His tenure lasted from Nov. 8, 1956 to Jan. 29, 1957 and covered six issues. He resigned because of a personality conflict on the RECORD board, despite a resolution passed (by a 6-1 vote) calling upon him to stay on. The most significant event during Nader's term was the allocation (over his opposition) of \$15 for "liquor for board meetings." — Ed.

Sports Quiz

Note: In this week's sports quiz each question asks you to identify two athletes who have the same name.

1. A second-round draft pick out of Nebraska, this San Francisco 49er rookie running back has the same name as a former Dodger pitcher who paced the expansion New York Mets pitching staff in 1962 with 10 wins and had the infamous distinction of leading the National League that year with 24 losses and the following season with 22 setbacks. Name these men.
2. This quarterback from Arkansas, currently in his eleventh pro season, has the same name as a strong-throwing catcher who played for St. Louis, Houston and California as well as putting in two stints with Los Angeles from 1970 to 1976 and from 1978 to 1981. Name these players.
3. This big L.A. Dodger outfielder/first baseman who hit .286 with 17 home runs this past season goes by the same name

as the former relief ace who led the league in games pitched on two occasions while with the Expos and once each while with the Dodgers and Twins. Name these baseball players.

4. A freshman with the high-flying Auburn War Eagles, this fullback has the same name as the 1966 American League Rookie of the Year who three years later gave one of the best single-game performances in World Series history. Name these athletes.
5. A veteran of 18 years in the major leagues, 14 of them with the Dodgers, this fleet-footed outfielder who twice topped the National League in triples has the same name as the Lisbon, La. native out of Grambling who played defensive end for the great Green Bay Packer teams of the 1960s and was inducted into pro football's Hall of Fame in 1981. Name these men.

(Answers on Page 15)



Cox: Ten Years After

(Continued from Page 3)

Supreme Court says that they can't rule if there's sufficient hostilities to say whether the War Powers Act has been set in motion . . ."

Q: What would it take for the courts to be able to rule on an issue like this?

A: "It would take a Marine or a soldier to bring suit saying his liberties were being denied by the President's action. The courts require a core of jeopardized rights — either to life, liberty or property."

Q: How did Watergate change the world?

A: "I would like to say that I see a major piece of unfinished Watergate business. That is further reform of the financing of political campaigns . . . We have made a great deal of progress in reforming Presidential election financing, but we need to do the same for Senate and Congressional elections."

Q: What about the rise of Political Action Committees?

A: "We left an awful loophole, but it's closeable."

Q: Is complete reform of election finances possible?

A: "Well, you have the same difficulties you have in writing the IRS code. There's a little progress each time, but as soon as one team of lawyers figures out how to close a loophole, another team of lawyers is figuring out how to create one."

Q: Is our government better?

A: "Perhaps. . . I'm a believer in the way you set up your institution, but I don't suppose the best institutions can

survive the worst individuals . . . The best individuals can usually do something constructive with the worst institutions."

Q: Why haven't you written a book about Watergate?

A: "It's more fun to deal with current affairs than to rake over the past . . . Maybe I will someday when I'm old enough, feeble enough, to engage in nostalgia."

As one of the people who knows best, Cox provided what may be the best epithet for the Watergate era:

"Watergate serves as a reminder that there are limits to the kind of loyalty that is owed and should be given."

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Divestiture Debate Prompts Petition

(Continued from Page 1)

Proponents of Hoffman's measure felt that this view ignored the politics inherent both in the daily business of the Law Review and in permitting their investment to remain in South Africa, implicitly supporting its regime.

"I think it is deeply false," said Law Review member Stephen Presser, 3L, "to say that the Law Review should not be in the business of taking 'political stands' on issues of significance. Everything the Law Review does — from the selection of editors to the content of the magazine — is inescapably political despite its pretensions to the contrary. To argue that divestment from companies doing business in a brutal and systematically racist regime is 'too political'

is simply to flee from responsibility."

Those opposed to the resolution reject this logic, asserting that maintenance of the status quo is apolitical. "By the terms of the people who said that our decision not to take a position is an endorsement," says Solomon, "we would have to investigate the investments of every company in every country."

To counter Hoffman's resolution, Barbara Berenson, 3L, introduced a resolution suggesting that the members ask for divestiture from all corporations doing business with nations involved in the Arab boycott of Israel. Another resolution recommended that the Law Review exorcise its funds from any morally reprehensible corporation doing business in any morally reprehensible

country.

Presser feels that these resolutions were proposed in an attempt to forestall decision on Hoffman's proposal. "I think those particular amendments were offered in an attempt to stall any particular divestment resolution from being passed and specifically to delay and postpone consideration of the South African question."

In an attempt to avert stalemate, the proponents of the resolution agreed to circulate a petition among the membership so that any decision would be individual and not institutional. Although Law Review President Scott Nelson feels that "Inasmuch as the Law Review is a part of the prevailing political order in the United States, it is political." He believes that the petition is a useful compromise. "The way the issue has been resolved now is, institutionally, a good one," says Nelson. He feels that this will serve to avoid the ill feeling that might have resulted had the combatants continued their fray.

The petition has been signed by sixty-eight of the Law Review's ninety-two members, but its initiators expect another eight to twelve members to sign in the next week. The petition asks the Review's trustees, Hoffman, Nelson, and Profs. Louis Sargentich, Richard Parker, James Vorenberg and William Andrews to instruct the graduate treasurer to reinvest the funds. Its signators hope that this pressure from the overwhelming majority of the magazine's membership will move the trustees to action.

SFF: Prisons to Prairies

(Continued from Page 6)

problems that are important to those people's lives. I think that students who work in firms have very little contact with real clients and their real problems. I spent about one quarter of my time in the library — the rest was practical experience," Falk said.

Falk was forced to quickly solve the pressing problems which his clients brought to him. Those clients included someone who was living in a car because he had been evicted from his apartment and another who Falk said was "literally starving" because an administrative foul-up had delayed his food stamps. Falk was able to help each of these persons get quick and much needed relief.

Falk is not disturbed that the salary he will receive as a public interest lawyer will not be comparable to those of his corporate counterparts. "If one thinks about the whole range of salaries that people in various jobs are paid, what I will be getting as a legal aid lawyer is not that bad," he said.

Falk and other SFF recipients, along with those who worked in public interest

last summer without much help, seem to place a premium on personal satisfaction; that satisfaction is not tied up with marking enormous amounts of money.

And, even though there is a law school financial aid plan which gives some relief to students who take lower-paying jobs, the plan clearly does not make ends as easy to meet as a higher salary would.

Yet Teeter, Hauser, Hawkins, Falk and others do not seem disturbed over the choices they have made. As Falk put it, "It will definitely shape my lifestyle for a while. But I'd much rather be a little poorer and doing something that I'm really happy doing."

'Revue' Review

(Continued from Page 8)

friends employing their skills for our benefit. It got some people out of Langdell for a few hours, gave us something to talk about until the next show, and pleasantly surprised us with its pertness. It left us with the memory of tunes from a time gone by, a simpler and perhaps happier time, brought to life by actors and vocalists who were well-practiced and who aimed to please.



Peter Lebold Cohen

Former National Security Advisor, Clark Clifford, sharing his insights into presidential politics with a Forum audience last week. Clifford served in various capacities under the last three Democratic Presidents.

Commencement Conflicts with Holiday

(Continued from Page 4)

Kaufmann revealed that the Council requested that a committee be established to examine rescheduling. According to Kaufmann, the administration would not disclose any of the scheduling or administrative details. They also declined to participate with any group or committee dealing with the issue.

Steiner stated that this scheduling conflict occurred inadvertently. The conflict was discovered after the dates had already been set. Steiner commented that he believes Orthodox Jews could both observe the holiday and attend commencement.

Rescheduling Difficult

Steiner does not see rescheduling feasible. Harvard's unique commencement exercises, he said, involve 25,000 to 30,000 people, seven days of activities and locations from Cambridge to Cape Cod. Any slight change would cause countless complications.

The number of persons affected just does not warrant the complications, according to Steiner. Only a total of 30 to 35 students from all of the schools are involved, because Reform Jews do not observe the second day of the holiday.

"We have looked at the situation carefully and with sensitivity, but a secular institution cannot meet every concern of every religious group every time," said Steiner. He added that the administration has tried its best, but with such a diverse student body, not all concessions are possible. He also mentioned that concessions had been made at other times, but just could not be made in this matter.

Housing Provided

Steiner did mention that Harvard would be providing housing within walking distance of the commencement site for Orthodox Jews who did not want to be traveling on that day. Services for observation of the holiday on that morning would also be publicized.

Kaufmann said that the Council is not giving up so easily. He points to rescheduling at other universities (Yale, MIT and Columbia) in the past for the

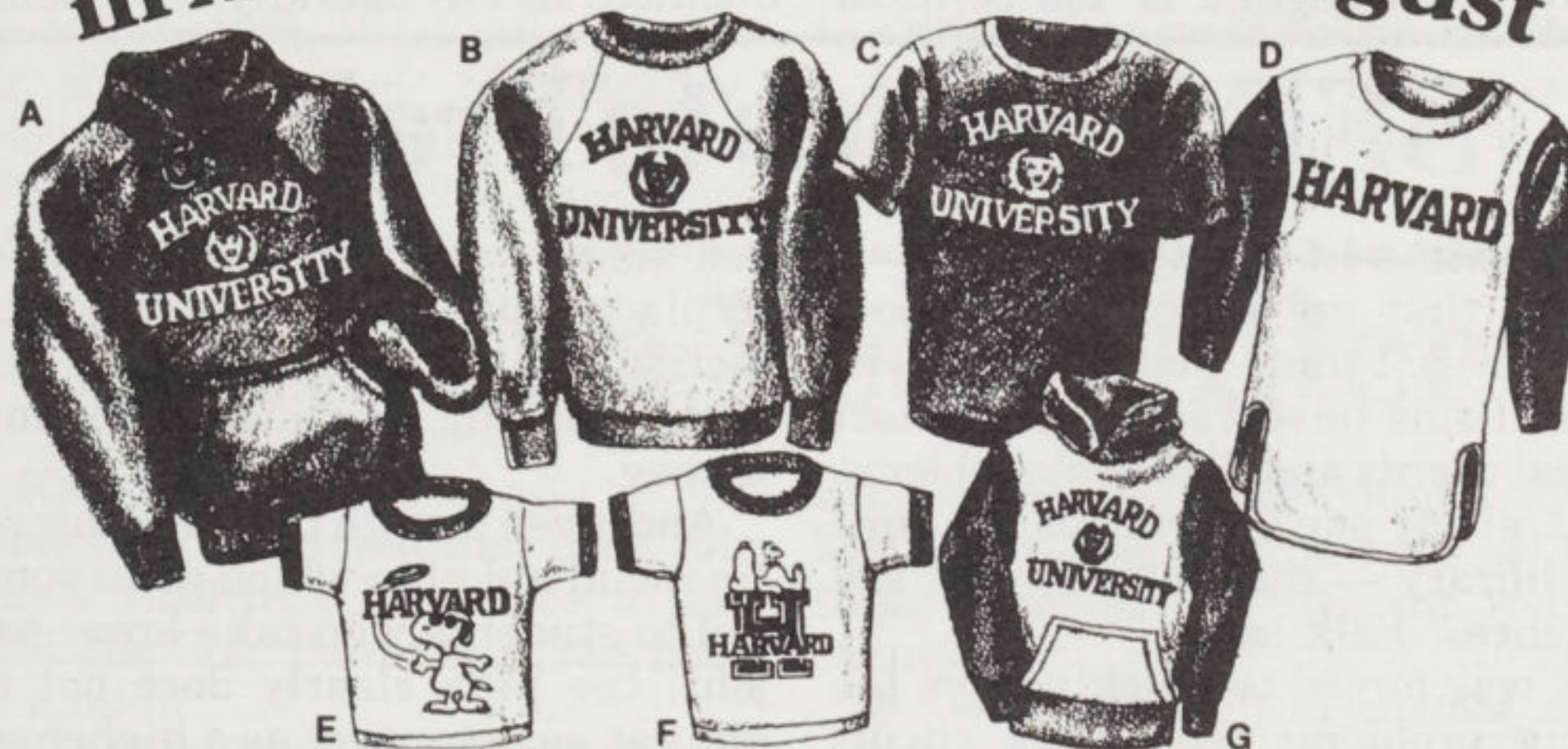
identical reason and believes that Harvard can be just as accommodating. The Council is contacting alumni and other organizations for support and encouraging people to write letters to the administration persuading them to reschedule. The Council is also appealing to faculty members for support.

"We are still trying to inform people," said Kaufmann. "There are still those who would be affected but don't realize it yet."

Kaufmann also sees possible repercussions of this problem. "This is not just a Harvard issue," he continued. "This will send a message to other universities and institutions." He is afraid if Harvard ignores the needs of its Jewish students, other institutions will too.

Kaufmann concluded, "It is especially insensitive to begin classes on Rosh Hashanah and then end them on Shavuot."

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Hold the Pickle, Hold the Lettuce

(Continued from Page 7)

The single special permit which was granted met with vigorous opposition from neighbors, who appealed the Board's decision. The Board dismissed the appeal.

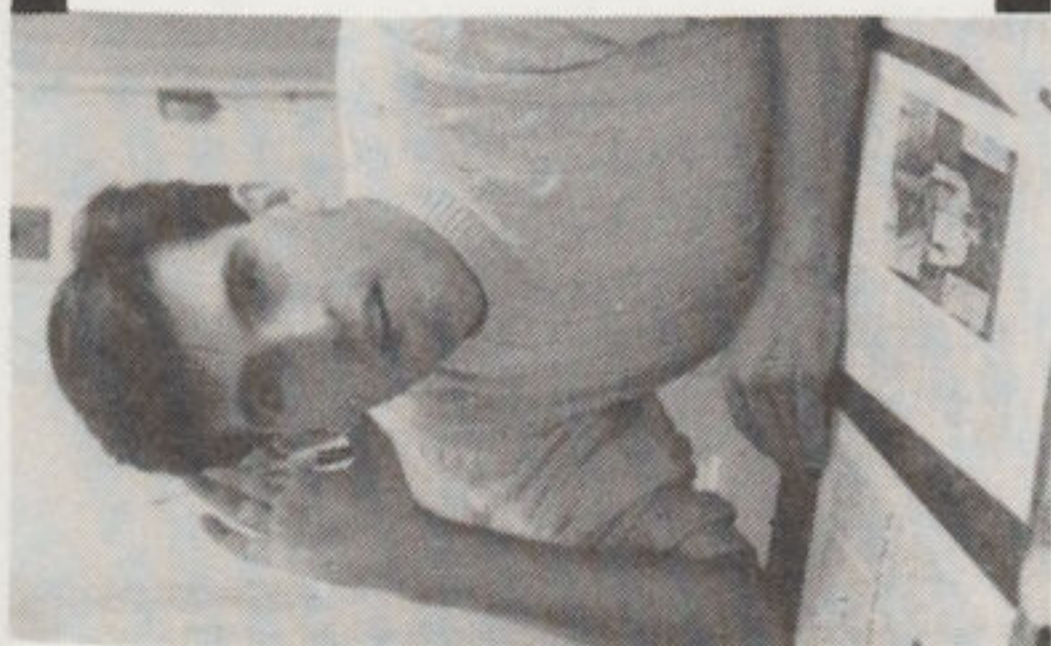
Those applicants who are denied a variance occasionally try to fight the decision. Horgan stated that the few who did appeal the Board's decision proceeded on narrow technical grounds, such as the unconstitutionality of the ordinance or its unfair, unequal application. None of these appeals has ever succeeded.

Odds are that Harvard Square will probably remain without fast food restaurants for some time to come. No chains have even bothered to apply for a special permit in the recent past. They may not feel welcome.



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Great Moments in the Law

... The Final Frontier

"[C]onsciousness is loopified when the ends of the continuum seem closer to one another (for some purposes, in some cases), than either end seems to the middle. Otherwise stated, one's consciousness is loopified when one seems to be able to move by a steady series of steps around the whole distinction, ending up where one started without ever reversing direction. Like wow, man."

— *HLS Prof. Duncan Kennedy, The States of Decline of the Public/Private Distinction. 130 U. Pa. L. Rev. 1349, 1354 (1982).*

Deja Vu

Without the strongest mutual support, each European nation is no match for the Soviets. The pressures for negotiation, for appeasement, for outright surrender grow stronger with every day of United States delay in devising policies to counter the Soviet H-bomb. The free world cannot survive without us, and knows it. We cannot survive without our allies. They must not fall one



by one, victims of our lack of firmness. We must recognize the new threat of a sudden Soviet attack, and begin countermeasures which will restore European faith in our leadership and purpose. Our allies have not slipped far, and they will return at once if we meet the Soviet challenge by deeds.

— Editorial, *HARVARD LAW RECORD*, October 15, 1953

Everything's Better...

Anyone who sells butter containing stones or other things [to increase its weight] will be put into our pillary, then the said butter will be placed on his head and left until entirely melted by the sun. Dogs may come and lick him, and people offend him with whatever defamatory epithets they please without offense to God or the King

— 1481 French law, quoted in *Breeden and Lovett, Louisiana's new unfair trade practice and consumer protection law, 20 Louisiana Bar Journal 307 (1973)*

Nicaraguans: Inside View

(Continued from Page 1)

sabotage suggested involvement of American intelligence services. The attack required expertise so technical, said Arguello, that the U.S. was certainly involved.

The Nicaraguan officials stressed that this interference with the affairs of the Sandinista government has become a profound hinderance to the regime's efforts to reconstruct. They emphasized the titanic hardship this imposes on their non-industrial economy and lamented the necessity of diverting such a large portion of their extremely scarce resources to defend themselves against external aggression.

Press Censorship

One of the issues raised during the question-and-answer period concerned frequent accusations of press censorship. Magda Enriquez, a member of the National Women's Organization and the Council of State, responded that La Prensa represents the interests of the Chamorro family and that because of the current state of war many freedoms were suspended. She also stated, with considerable support from her audience, that "even in America, freedom of the

press is a very relative thing." Highlighting this, Enriquez said that the American media is neither accessible to, nor representative of, the population as a whole. Enriquez defended some aspects of Sandinista censorship as socially beneficial regulation. There is a statutory provision, for instance, prohibiting the commercial exploitation of women in television advertisements.

Another issue raised by a member of the audience concerned the resettlement of the Mosquito Indians. Francisco Campbell, first secretary of the Embassy to the United States, answered that this was largely an effort to remove the civilian populations from the perils of battle. Additionally, he stated that it was in part a response to the contras' efforts to enroll the Mosquito in the anti-Sandinista campaigns.

Arguello asked the audience to attempt to empathize with him and his compatriots. He asked them to imagine that they were involved suddenly in the middle of a similar struggle and asked to take office. With a dearth of administrative experience it is not surprising, stressed the Chief Justice, that the new government has made mistakes despite their best intentions.



Candidate McGovern Stumps HLS

(Continued from Page 4)

In response to a question about U.S.-Israeli relations, McGovern distinguished support for Israel from support for the actions of whatever group holds power in that country. He found it disappointing and ironic that whereas the Israeli people reacted to last year's military activity in Lebanon with mass protests and heated Knesset discussions, most American politicians kept silent. "That's no way to treat a friend," said the candidate.

When asked for his explanation of the low proportion of blacks in the audience, McGovern asserted that "black people are more skeptical of the political process, perhaps for good reason." He went on to encourage blacks to register and vote and expressed admiration for

the efforts of fellow candidate Jesse Jackson in this area.

In response to another question, McGovern admitted that the nuclear freeze is only a first step. Noting the added dangers in international relations in the Nuclear Age, he said, "The minute we unlocked the secret of the atom, war as a means of resolving international disputes became obsolete."

The candidate refused to criticize his rivals for the Democratic nomination, urging voters to examine where the candidates stand and register support for whomever best reflects their beliefs. "Don't try to guess the eventual nominee," he said while reminding the audience that although he currently stands at third place with eight to 10 percent in the polls, at this time in 1971 he

had four percent, well behind front-runners Muskie at 42 percent and Humphrey at 35 percent.

Endorsements

Prior to the speech McGovern was formally endorsed by seven Harvard Law School professors: Elizabeth Bartholet, Gerald Frug, David Kennedy, Duncan Kennedy, Richard Parker, Lewis Sargentich, and Daniel Tarullo. Initial press reaction to the McGovern candidacy, which either ignored it or derided it as something no one would take seriously, prompted the seven to come forward with their support.

Parker presented two reasons for the group's endorsement. First, they believe McGovern is "the most admirable national political figure in the country today."

Additionally, Parker stressed the special importance of McGovern's candidacy in keeping the possibility of fundamental domestic and economic reform alive and keeping his views before the people. He compared McGovern's idea-based campaign to those of other candidates, who are out soliciting support from organized interest groups or indulging in political image-making.

Candidate McGovern thanked the professors for their support and noted that recently he has been receiving more serious and careful coverage of his efforts in the campaign.



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