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Hecklers Interrupt Weinberger Speech

By Bruce Kelly

Presenting a direct, hard-line argument for Reagan administration nuclear arms policies, Secretary of Defense Caspar W. Weinberger, '41 battled hecklers in a speech sponsored by the Harvard Law School Forum before over 1200 people in Sanders Theater, Thursday afternoon, Nov. 17.

Chanted slogans and jeering comments interrupted the secretary after almost every sentence, rendering the hurried twenty-five minute address incomprehensible to many in the audience.

Hoping to avoid trouble, Forum President James Attwood, 2L, spoke before the secretary's appearance. He asked those in the audience who disagreed to "show respect and courtesy to the speaker and your fellow students." The tone of the afternoon was established by a retort from the crowd of "How can you respect a mass murderer?"

"No War!"

Weinberger then took the stage amid loud applause and equally fervent hisses. A two-minute chant of "No draft! No war! U.S. out of El Salvador" delayed his introduction.

As the din subsided, Roger Fisher, Williston Professor of Law, addressed the crowd, explaining that while he disagreed with many of the Reagan administration's policies, in an academic situation, "ideas should compete with ideas."

When Weinberger stepped to the microphone, a plastic bag containing red liquid was hurled from the audience, narrowly missing him, the

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Adam Eisgrau

Defense Secretary Caspar Weinberger defends the Reagan administration's nuclear arms policy before an overflowing and often-hostile crowd in Sanders Theater.

Justice Blackmun Presides Over Ames Moot Court Final

By Justin Hughes

On Nov. 21, the Ames Courtroom served in the annual mission for which it was designed: as scene for the final round of the Ames Moot Court Competition.

The courtroom was filled well beyond its normal seating capacity as students, faculty, and guests gathered to hear oral arguments in the mock Supreme Court case of *Hawaii Housing Authority, Et. Al., v. John Makalena*. The case, on actual appeal before the Supreme Court, involves the constitutionality of Hawaii legislation which redistributes

land, requiring large landowners to sell property to the tenants who live on it.

The opposing advocates in the case were the Raoul Wallenberg team, representing the Hawaii government agency, and the Atticus Finch team, representing John Makalena, whose property was being taken and resold under the redistribution scheme. Each six-member team had spent a year in preliminary rounds of Ames competition leading to last week's final argument.

The members of the Wallenberg
(Continued on Page 9)

Haar Report Details Harbor Cleanup

By Paul Cramer

Prof. Charles Haar has never taught a course on plumbing while at Harvard Law School, but on July 8, 1983, Haar effectively became Boston's most important plumber.

On that day Haar was appointed as a special investigative master in a suit filed by the city of Quincy against Boston's Metropolitan District Commission (MDC) and other agencies charging that they polluted Quincy Bay. Haar was instructed by Superior Court Judge Paul Garrity to make specific recommendations as to how Boston should modify its sewage system in order to reduce the 12 billion gallons of untreated sewage it dumps into its own waters each year.

Severe Pollution

Shocked at finding a harbor severely polluted by such things as "fecal matter, grease, oil, condoms and tampon applicators" and convinced that immediate action must be taken to prevent the harbor from deteriorating any further, Haar submitted a comprehensive plan requiring the state and city executives, the legislature, and the business and local communities to cooperate to solve the problem. The report specifically called for:

- ceilings on the amount of water and sewage each of the 43 cities and towns served by the system could release;
- a requirement that cities and towns repair old sewer lines at twice the rate they add new ones;
- a plan to correct staffing and maintenance problems at the Deer Island and Nut Island sewage treatment plants; and
- a study to determine whether the MDC sewage division could be reorganized to issue its own revenue bonds.

Haar believes the city and state should set up an independent Sewage and Water Authority that could issue its own bonds. "We've got to get the money to change the sewage system and to set up a system that

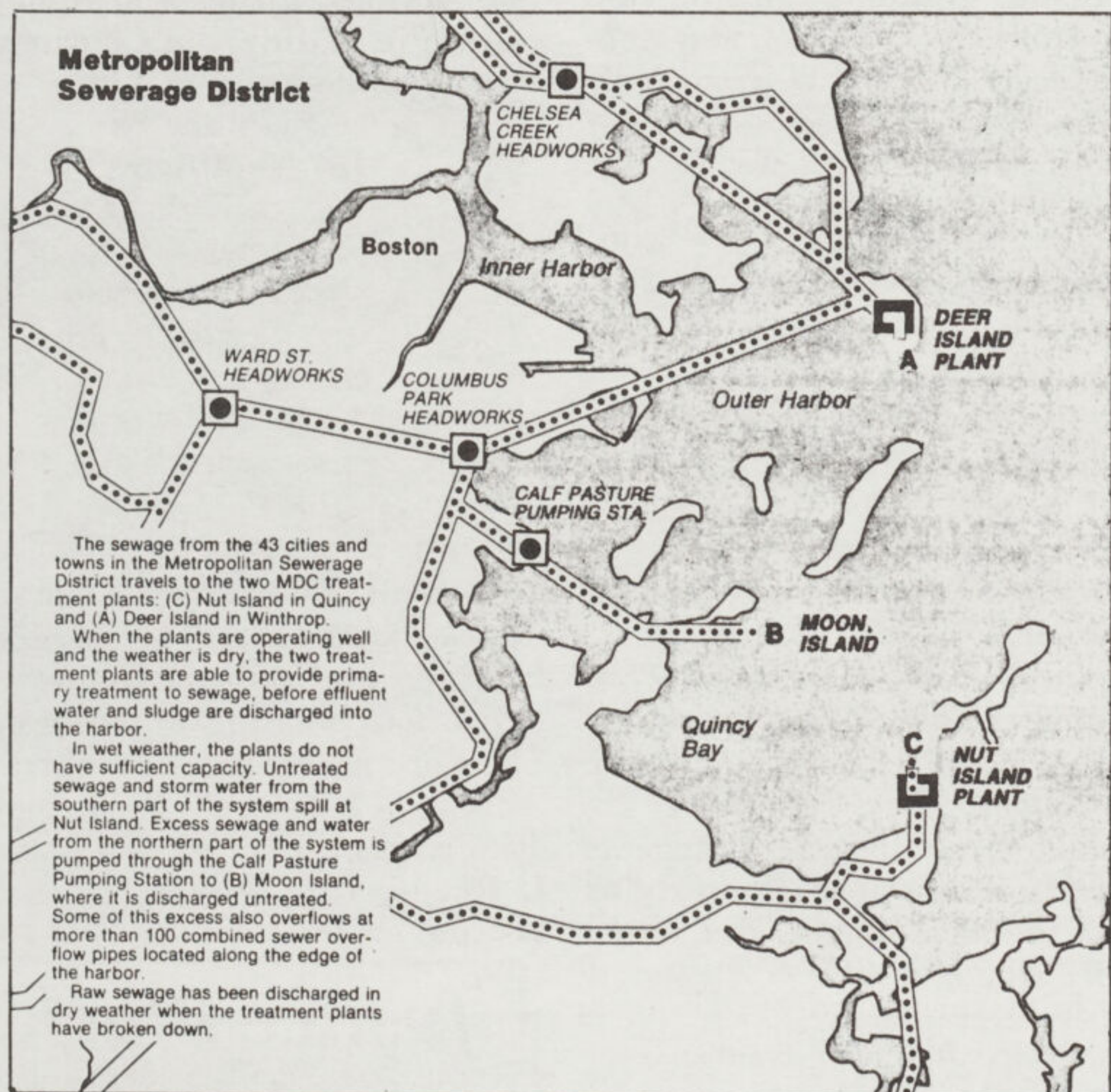
is fair and equitable" for all users, Haar said. "This is an institution you are developing to show people that you are serious about the problem."

Keeping the Momentum

But Haar's greatest practical concern now is maintaining the momentum for change his report helped spur. "To the making of reports there is no end," Haar noted, but he now believes "there's strong

do effectively is unthaw that freeze." Because the judge has life tenure and is insulated from political pressure, Haar thinks "the only person who can articulate the [more permanent] values of society is the judge."

Haar approves of judges actively intervening in disputes over sewage treatment, public housing or prison reform, but he said "the key is the judge [who] has to break the [political] freeze and then get out quickly." After the judiciary has



Deborah Perugi, Boston Globe

public opinion" and the "political will" to act.

For Haar the experience has been more than just a factfinding mission — the entire process has shown how an active judiciary can help solve community problems politicians simply won't handle.

Eleven years ago Congress passed legislation demanding that cities clean up their waters. Since that time Haar said, "Everybody has recognized the problem (of severe pollution), but nobody wants to take the heat."

Haar believes a "political freeze" developed around the sewage issue, and "the one thing the judiciary can

said there must be action, Haar noted that it is up to the politicians, the bureaucrats and the community to work out the details, as the court simply doesn't have the time or resources for the detailed work.

Student Involvement

Haar encourages Harvard students to get involved in public policy issues such as this one. Haar thinks the law is essential in these areas because "unless the incentives and sanctions of the law are applied . . . the environment we have today may not be around." In addition Haar

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Faculty Names Seven New Profs

By Louis J. Hoffman

Three assistant professors and four visiting professors have been named to supplement the Law School faculty, according to HLS Dean James Vorenberg. The seven have been approved by the University Governing Board and most will begin teaching next fall.

The three assistant professors are David A. Charny, William Fisher and Randall L. Kennedy. Charny and Fisher graduated magna cum laude from HLS in 1982, and Kennedy received his J.D. from Yale the same year. Kennedy and Fisher are both clerking for Supreme Court Justice Thurgood Marshall; Charny is working for Justice Lewis Powell.

All three clerked for judges on the D.C. Circuit after graduation: Charny for Judge Wilkey, Fisher for Judge Edwards, and Kennedy for Judge Wright. Kennedy is a former Rhodes Scholar while Fisher expects his Harvard Ph.D. in the History of American Civilization next year.

Kennedy will be joining Prof. Christopher Edley, Jr. as the second tenure-track black professor at the Law School. Tony Thompson, 2L, president of the Black Law Students Association described Kennedy as "one of the most sought-after young prospects in the country... a stellar prospect." Nevertheless, Thompson pointed out that there is still only one black, tenured faculty member at HLS.

Traditional Criteria

Thompson pointed out that "traditional criteria in the faculty selection process," including "a law review editorship in a prestigious law school and a Supreme Court clerkship, simply have not and will not produce a large number of minority teaching candidates." Thompson urged the school to find "Third World legal professionals who have utilized their skills in other ways." He said that HLS has failed "to address the issue of its outdated hiring criteria."

Vorenberg responded to the as-

sertion that the new assistant professors' similar backgrounds illustrated an overemphasis on traditional criteria by suggesting a focus on the longer run. "If we consider the past ten appointments, we would see more variety," he stated. As for the common clerkship element, Vorenberg noted that "for younger assistant professorships, that's certainly one important source of candidates."

The three were appointed for five-year periods. Fisher and Kennedy will begin in July, but Charny will wait until January of 1985.

No Nepotism

When asked whether people with last names identical to current HLS professors find it easier to land spots on the faculty, Vorenberg responded, "As far as I know, there's no nepotism at work." Fisher will be joining HLS Prof. Roger Fisher; Kennedy will be the third HLS professor with that last name, following in the footsteps of Profs. David Kennedy and Duncan Kennedy.

The four visiting professors are Theodore Eisenberg, Pennsylvania '72; Linda S. Greene, Berkeley '74; John Kaplan, HLS '54; and Deborah L. Rhode, Yale '77. Greene will be visiting for the calendar year 1984, while the rest will be at HLS for

the 1984-85 academic year.

All are currently law school professors. Eisenberg teaches courses in Civil Rights, Creditors' Rights, Corporate Reorganizations and Federal Taxation at Cornell. He previously taught at UCLA Law School.

Greene, who teaches at the University of Oregon, is interested in Civil Procedure, Constitutional Law and Employment Discrimination. She previously taught at Temple University Law School.

Kaplan has taught Criminal Law and Evidence as a member of the Stanford faculty since 1965. He previously taught at Northwestern and Berkeley.

Rhode is also a member of the Stanford faculty, where she is director of the Public Interest Law Foundation. She is interested in Constitutional Law, Contracts and Professional Responsibility.

Three of the four visitors are former judicial clerks. Eisenberg clerked for the Court of Appeals for the Second Circuit and for Supreme Court Chief Justice Earl Warren. Kaplan clerked for Supreme Court Justice Tom Clark. Rhode clerked for Murray Gurfein of the Second Circuit and Thurgood Marshall on the Supreme Court.

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Michael Malamut

"Service with smiles" marked DSAC's second annual Comedy Night featuring imported New York jokesters.

New ILS Aide Views Job As Challenge

By Michael Malamut

Adelaide Knox Jones has recently started work as the new administrative assistant in International Legal Studies in charge of admissions and financial aid for the Graduate Program. Jones comes to HLS from Harvard's Kennedy School of Government where she had been Associate Director for Counseling and Career Planning.

A 1972 graduate of Tuskegee Institute, Jones went on to take a Master of Science in Rehabilitation Counseling at Southern Illinois University in 1974. She then served as a program analyst for the Medicaid section of the Massachusetts Executive Office of Human Services from 1974 to 1975, and as director of the affirmative action program at the Massachusetts Department of Public Welfare from 1975 to 1978.

Jones is married to Thomas Jones, director of the budget for John Hancock Insurance, and is raising her 14-year-old step-son Nigel, and her 14-month-old daughter Evonne. Because of these family duties, Mrs. Jones is now working part-time at the Law School.

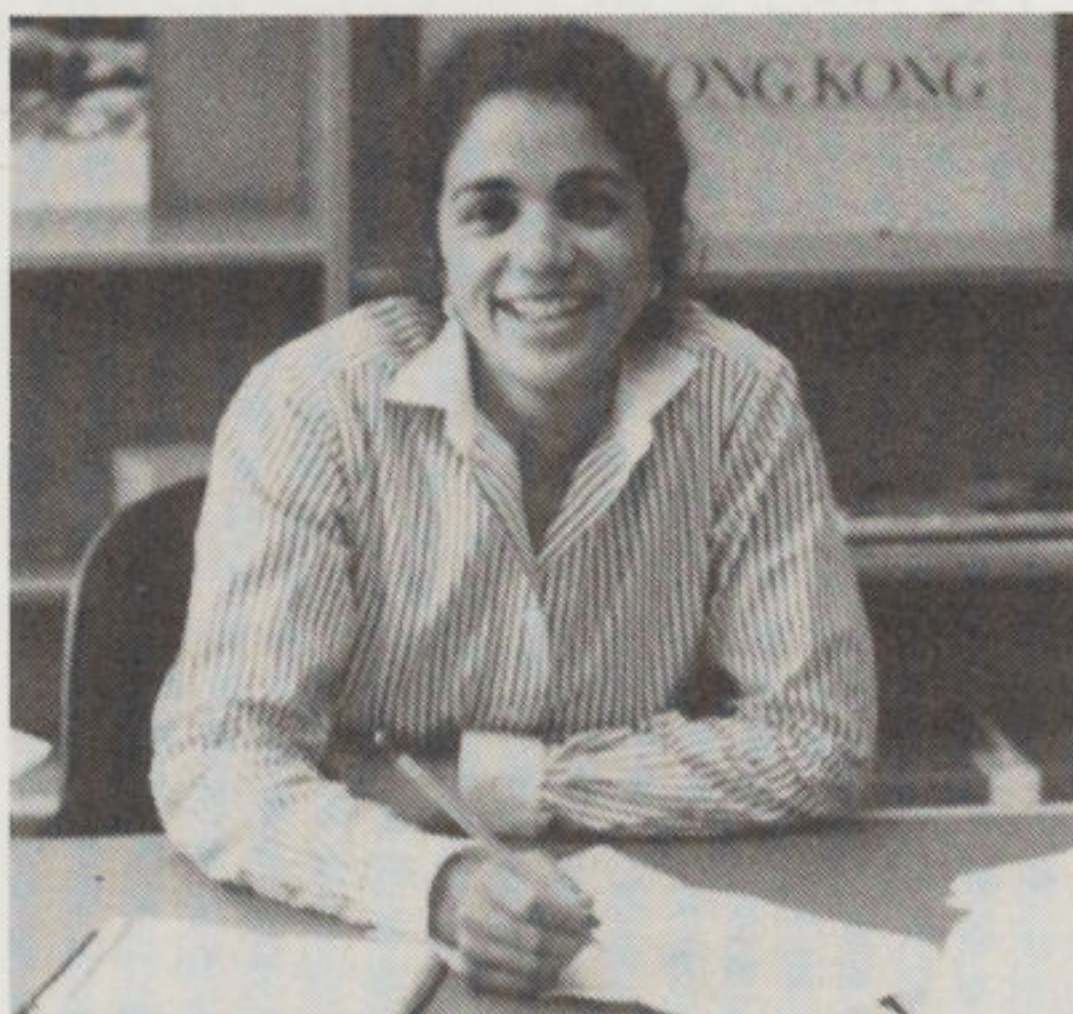
LL.M. Program

Jones plays a major role in the administration of the graduate program. She is presently putting together a profile of the present class and familiarizing herself with grading standards and reputations of foreign law schools. The largest segment of the graduate program is the LL.M. division.

There are 100 students, of whom 15 are Americans, looking to improve their credentials in order to

pursue academic careers; the rest are foreigners who desire a greater familiarity with American or comparative law in order to return to practice in their own countries. The LL.M. requires one year in residence and the completion of 16 credits, including a master's paper.

In addition to the LL.M. students, Jones is in charge of the S.J.D. candidates, of whom there are 28 in residence. The S.J.D.s are generally



Michael Malamut

ILS Assistant Adelaide Knox Jones.

chosen from those LL.M. candidates at the Law School who desire to do further research. They are required to complete at least eight credits, write a dissertation which is a major contribution to legal scholarship, and spend one year in residence, although most candidates stay quite a few more.

Admissions Responsibilities

Admissions decisions for the American LL.M.s are made by Feb. 1 and for foreign applicants by March 1. Admission is very competitive; there are approximately 600 applicants for 100 places in the

LL.M. class. Admissions to the S.J.D. program are made in June after the applicants' LL.M. papers are turned in and can be evaluated.

The admissions officer is also in charge of making up financial aid packets for students once they are admitted. Financial aid decisions are made independently of the admissions decisions.

Two groups of students are admitted to use the Law School's graduate program's facilities without being degree candidates. These are the special students and the visiting scholars who are here on their own funds to gain further insight into their own fields.

A Challenge

Asked how she felt about the new tasks facing her, Jones responded that she was glad that Gail Keuken, who formerly held the position, is across the hall, and that the faculty committee that helps her make the final decisions is quite helpful and knowledgeable. She looks forward to uniting in her work at the Law School those two aspects of her background that she feels are most rewarding — administrative policy formulation and personal contact.

She enjoys the diversity of the graduate program, with its students from all over the world and with all sorts of interests. She also likes the fact that she is involved in all aspects of the graduate students' lives.

There are some important differences between the Kennedy School and the Law School, according to Jones. The Kennedy School is much smaller and it is easier to get to know the whole staff there. Yet at the Law School, Jones feels that her abilities are also challenged by her new duties. She looks forward to becoming more involved with the program and hopes in the near future to be able to set up a fundraising effort among former graduate students in order to ensure the quality of graduate education currently available will continue.

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Deadline Change Creates Chaos

By Justin Hughes

For the second time in the last eight months, the schedule for applying for federal judicial clerkships has been changed.

On Sept. 22 the national Judiciary Conference decided that next year federal judges should begin considering applications for clerkships no earlier than July 15, 1984. The new date moves the first day for applications forward from Sept. 15, the date that applied during this past season. Before that, federal judges had usually begun considering applicants in the spring for clerkships that started 18 months later.

The new dates — both this and next year's — mark the first time the Judiciary Conference has created any guidelines for the hiring of clerks. The Conference is a conclave of all federal judges at which they attempt to standardize court administration.

Before this year, the American Association of Law Schools (AALS) had set April 15 as the opening day for applications to federal judges and Sept. 1 as the first day judges were allowed to make and announce their clerkship selections. However, the AALS could not bind judges to any particular guidelines.

Too Much Stress

The problem, according to Joseph Spaniel, deputy director of the Administrative Office of U.S. Courts, is that the old system placed increasing stress on students, faculty, and law schools. Spaniel, who is administrator for the Judiciary Conference, claims that the "primary emphasis for change came from law schools and law professors."

According to Spaniel the April 15 date forced professors and school administrators to begin writing recommendations just as annual teaching and academic duties were at their heaviest. It also forced students to begin applying while in the midst of examinations.

Spaniel also believes that adherence to the April date had also begun to deteriorate in recent years:

"Law schools were having difficulty enforcing the April date as competition for clerkships was getting greater and greater." According to Spaniel the problem was worst with state judges who, in an effort to preempt their federal brethren, were not above interviewing students at the end of their first year of law school.

Last March, just a month before the usual application period would have begun, the Conference's Committee on the Selection of Law Clerks proposed setting a new

starting date to take immediate effect. That date was Sept. 15 and held during the past year.

But the September date was not received by all courts with equal enthusiasm. A sampling of federal courts showed, for example, that while the District Court for Western Michigan was abiding by the Sept. 15 date, the Detroit District said, on Aug. 4, that they were in the process of taking applications. The Second Circuit Court of Appeals was accepting applications until Sept.

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Faculty OKs Subsidy of Low-Paying Summer Jobs

By Bruce Kelly

An amended Financial Aid Committee proposal providing subsidized loans to students who take low-paying summer positions passed overwhelmingly at the faculty meeting on Wednesday, Nov. 30.

Under the program, which will supplement the existing work-study and Student Funded Fellowships, a student whose compensation from full-time, law-related summer work fails to cover reasonable expenses will be eligible to receive up to \$2500 in loans.

The loans will be interest free until six months after graduation, when interest will begin at the rate for GSL or FISL government-administered loans. In addition the program has a reduced-payment "forgiveness" clause for those obtaining low-income, law-related jobs in the three years after graduation.

Faculty members seemed in agreement with the merits of the general proposal, and discussion at the meeting centered on whether the loans should be restricted to "public interest" or "non-profit organization" employment, rather than open to any low-income placement.

Prof. David Rosenberg addressed the problems inherent in "discriminating between what is a public interest job and what is not," point-

ing out that groups which many faculty members disagree with, such as an anti-ERA lobby, believe that they operate in the public interest. He predicted conflicts if a committee had to make determinations of this question.

Seeing similar difficulties with a private sector/non-profit organization distinction, Prof. Elizabeth Bartholet asserted, "Increasingly public interest work is going to be done by small, private firms."

Others argued that the Law School should avoid allegedly "neutral" language in order to skirt possible administrative problems, arguing that the program could make a positive statement that the school is committed to increasing public interest placements. "Remaining neutral in a non-neutral world makes you non-neutral," said Prof. Morton Horowitz.

An amendment allowing subsidized loans for any summer position that failed to cover expenses passed by a 27-16 margin. Following that vote, the "forgiveness" clause motion, and then the entire proposal, were adopted with only a few dissents.

On other matters, discussion began on a proposal by Prof. Richard Stewart for a faculty-edited journal. Prof. Charles Fried criticized the current student-edited structure,

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Weinberger Defends Nuclear Policy

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first of two missiles directed at him during the speech.

Some in the audience unfurled protest signs. About twenty people, wearing either "blood-soaked" white garments or black "death shrouds," stood and pointed at the speaker while holding signs with names of various countries, such as Grenada, Guatemala and the Philippines.

Attempting to be heard above the uproar, Weinberger began by boldly declaring, "Arms reduction is a cornerstone of our administration." The comment was greeted with loud hoots.

Professor Fisher again stepped forward, saying to much applause, "Let him speak!"

Resolutely, Weinberger continued with a reference to the historical development of nuclear arms. "At the dawn of the Nuclear Age, America found itself with a complete monopoly of these weapons . . . But the United States offered to turn over nuclear technology [to other nations] to reduce the impact of the technology."

No Winners

"We recognize that there can be no winners in a nuclear war," he asserted, provoking a chant of "Murderer! Murderer! Kick him off campus!"

Once the noise gradually ebbed, Weinberger presented the principal thrust of his speech, that nuclear deterrence had prevented major super-power confrontations. Stressing the role of equality of forces in this process, he said that, "Maintaining that credible [nuclear] deterrent requires us to upgrade our weapons if our adversaries upgrade theirs."

He cited difficulties inherent in measuring the value of deterrence. "The cost of a strong defense is easily measured, but it's not as easy to measure benefits. The more [deterrence] succeeds, the less visible it appears." He went on to say that the resulting peace is often attributed to other causes, such as an atmosphere of détente.

By this time the speech was generally inaudible through much of the auditorium, due to the continual shouts and chants. Even for those who could hear, the interrupted delivery made the address hard to follow. The secretary seemed to be skipping through his text, extracting key passages.

Despite the vehement protests, Weinberger pressed forward with provocative views on nuclear arms. For deterrence to work, he maintained, the United States must keep its enemies believing we will continue to develop our forces. "In the sixties we failed to do this, and the Soviets expanded their forces," he declared.

Weinberger continued in this controversial vein, stating flatly that Soviet writings and actions indicate "they believe a nuclear war can be won — we don't."

Hurrying to conclude, he presented an outline of the Reagan administration plan to modernize U.S. nuclear forces, eliminating the most destabilizing weapons, while pressing for a major arms reduction agreement.

"The United States will accept any equitable, verifiable plan," he said, producing a torrent of barnyard epithets.

Finally, in an apparent reference to the hecklers, the secretary announced that, "In the Soviet Union

Kinoy Recounts Triumphs

By Ernie Cicconi

Arthur Kinoy, on a promotional tour for his book *Rights on Trial*, made a stop at HLS on Monday, Nov. 21, to speak about his career as an activist lawyer. The talk, enthusiastically given before a sparse turnout of about 40, was co-sponsored by the Forum and the Guild.

Kinoy, whose new book is subtitled *The Odyssey of a People's Lawyer*, recounted many of his triumphs in securing fundamental constitutional rights despite governmental opposition. He focused on his efforts as chief appellate counsel in the appeals of the Chicago Seven defendants from their convictions under the federal anti-riot statute, as well as his argument before the U.S. Supreme Court in 1972 against the Nixon administration's warrantless use of wiretapping in the surveillance of domestic political organizations.

Of the Chicago Seven appeal, the thrust of which concerned "whether the First Amendment would be allowed to remain buried in the grave of [a] Chicago courtroom," Kinoy said that it represented "the most frightening, critical constitutional crisis I had been involved with in many years." With the benefit of

respondents' 547-page brief, the Seventh Circuit reversed the convictions in 1972.

Students Help Out

Kinoy, who teaches at the Rutgers University School of Law, explained that his involvement with the Nixon wiretapping case followed closely on the heels of his Chicago Seven victory. He reviewed the procedural history of *United States v. United States District Court*, in which the Supreme Court handed down a unanimous opinion against the Nixon administration.

To challenge the attempt "to get a legal imprimatur on the proposition that the President could suspend the Constitution," Kinoy had enlisted the help of his constitutional law class. These Rutgers law students were on hand when Kinoy, "a little Jewish boy from Brooklyn going to face the President of the United States," argued the case for executive accountability before the Supreme Court.

Kinoy suggested that the result of the Supreme Court decision, like that in the *Dred Scott* case, may have leaked out and precipitated the reappearance and subsequent

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Feisty Crowd Frustrates Forum

there's no way that they could have a rational, or irrational, debate [on this issue]." To succeed in arms reductions, he concluded, the United States must display unity of purpose, patience, and will.

The traditional open question-and-answer session which followed was surprisingly more restrained. Forum members feared that questioners would use the opportunity to make long speeches or insult the secretary. Attwood explained that they stood ready to cut off microphones or, if necessary, require people to write down their questions, but these measures were not implemented.

The chanting and heckling continued, including the old classic, "The People united will never be defeated!", but lacked its earlier fervor.

For his part, Secretary of Defense Weinberger relaxed, but answered the questions in an apparently defensive, superficial way.

Most of the questions were accusatory and anti-administration, but several audience members voiced their support for Weinberger, and even the harshest critics showed him some respect.

One particularly biting query came from a young man who sarcastically dubbed the secretary "a man before his time" for bringing 1984 here a year early. He asked how, as a member of the Episcopal Church, Weinberger could support

forces handled the situation well. Some in the audience urged them to kick out the protesters, but an attempted forcible ejection could have resulted in an escalation of violence.

Prior to the event, the idea of limiting attendance to Harvard affiliates had been considered, but it was rejected in light of the Forum's tradition as open discussion. "In retrospect, it may be a step that has to be taken," said Attwood.



Adam Eisgrau

Anti-administration protesters deliver a silent message during Weinberger's address.

the slaughter of Guatemalans, Nicaraguans, Salvadorans, and Grenadians. In response Weinberger denied complicity in murder, saying, "My conscience does not bother me one bit."

In other matters, the secretary defended the American actions in Grenada as "a proud and proper chapter of American history."

In the aftermath of Weinberger's appearance, HLS officials and Forum members discussed what precautionary steps could be taken when controversial speakers appear. Forum President Attwood said, "We will not consent to subject another speaker to that treatment." He noted the irony that the disruptions could preclude other potentially provocative speakers from accepting Forum invitations.

On hand at the Weinberger speech were 10 Harvard police and approximately 35 Forum members. To this reporter, these security

Leaders of Harvard Law School and undergraduate groups protesting Weinberger's speech stressed that Harvard affiliates had not initiated the disruptions. Attwood backed this up, noting that the hecklers had arrived early to stake out positions in the upper balcony at a time when the Harvard students were holding a protest in the Yard.

Many activists were dismayed at the behavior exhibited during the speech. Said one, "They may not have owed any respect to Weinberger, but they owed respect to the students who wanted to hear."

At present Attwood believes the Forum should not make any radical changes in its policy of open admission. He notes, however, that if they see another potentially controversial speaker coming, they will take whatever precautions are necessary to prevent similar incidents.

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The Paradox of Free Speech

James A. Attwood

As president of the Harvard Law School Forum, I had the opportunity of joining Secretary of Defense Caspar W. Weinberger on the Sanders Theater podium during his recent visit to Harvard. I was able to see the circus he saw and hear the cacophony he heard. And I was struck by the profusion of paradoxes surrounding the afternoon's events.

Most disconcerting was the obvious paradox of free speech. On that Thursday afternoon the exercise of free (or, more appropriately, random) speech was so extensive that in fact very little free speech resulted. The traditional hallmarks of a Forum program — discussion and debate — were virtually absent. There was only noise and emotion — a result of the cannibalistic exercise of "free" speech.

No arguments can justify the denial of Secretary Weinberger's opportunity to speak. Yes, he speaks

frequently in Washington without being subjected to belligerent interruptions, and yes there have been allegations that he had a role in approving the press curbs in Grenada (which critics have claimed demonstrate his low regard for the right of free speech).

Is it therefore acceptable to deny this most fundamental right to the Secretary while he is in Cambridge? The irony of this argument is certainly more evident than its logic.

The ramifications of quelching November 17's discussion will unfortunately extend far beyond one paradoxical Thursday afternoon. The Forum's tentative spring acceptances from other Reagan Administration officials will surely turn into polite withdrawals. Treasury Secretary Regan, Attorney General Smith, and White House Counselor Meese, as well as President Reagan and Vice President Bush, had all replied with interest to Forum invitations.

But Secretary Weinberger's "experience" as a guest of the Forum will surely dull any enthusiasm remaining among these individuals. Discussion and debate have thus been quite effectively curtailed by the trumpeters of free speech. The irony is again evident.

The net result of Secretary Weinberger's visit is a public relations victory for the Administration. To the objective observer, the Secretary appeared poised, confident and professional, while his detractors came across as rude, immature and selfish.

Few probing questions were asked, and when some finally were, the noise all but drowned out the response. Very few people heard anything and very few people learned anything that afternoon in Cambridge. Yet the rest of the country saw the events through the eyes of our objective observer. The winner is obvious, paradoxically helped along by his rather vocal detractors.

The final questions for those of us at Harvard Law School are (1) where does this leave the Forum? and (2) what lessons can be distilled from the experience? For similarly controversial guests, there are only two logical solutions. Either we must refrain from inviting such individuals or we must screen and/or limit the audience in some fashion.

The first alternative is simply unacceptable, so the focus must be on limiting the audience. How should it be screened or limited? Should we allow entry only to Harvard affiliates? Only to Harvard Law School affiliates? Neither alternative is appealing, yet hindsight clearly tells us that with such precautions the disruption experienced during the Secretary's visit would probably have been avoided.

Any limitation or screening of Forum audiences is hard for us to countenance. Yet for similarly controversial speakers few practical alternatives exist. Thus the final paradox: those who so freely expressed their thoughts during Secretary Weinberger's visit actually have foreclosed any future opportunity they might have had to speak out at a controversial Forum program. The result hardly seems worth the price. ☛

Subsidy

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where "articles are edited by those who know less."

Questioning the need for another law journal, Prof. David Westfall said that he hoped this effort would not be seen as derogating the Law Review.

Touching on the troublesome subject of how editorial control would be set up on the publication, Prof. Chris Edley suggested that, rather than establishing a formal policy, it should be vested in those professors who were most interested.

A student in attendance, Stephanie Pollack, 2L, pointed out that if faculty hold all editorial input they shouldn't expect students to do the "garbage-work", such as subediting, and proposed instead developing a truly cooperative student-faculty journal. After further discussion the topic was tabled until a later meeting. ☛

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"BETTER BUYS AT BRINE'S"

Atticus Finch Team Sweeps Ames Final

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team included oralists Gary M. Reiff and Sara M. Lord, as well as Ralph Boyd, Kevin Gaut, M. Howard Morse, and Michael J. Tuteur. The Atticus Finch team was composed of oralists Linda Bradshaw and Sheila Mosmiller, along with Mark Director, Mark Dosker, Francis Holozubiec, and Shelley Levitan.

Best Oralist

A bench composed of Justice Harry Blackmun, '32, of the Supreme Court, Judge Stephanie Seymour, '65, of the Court of Appeals for the Tenth Circuit, and Judge Harry T. Edwards of the U.S. Court of Appeals for the District of Columbia Circuit judged the Atticus Finch team to have prepared the best brief. The judges also awarded the best oralist title to Linda Bradshaw of the Finch team.

Along with the honor, Bradshaw will receive the George Leisure Award for excellence in advocacy. The award, given to the best Ames oralist, carries a prize of one thousand dollars.

The case included both major procedural and substantive issues. Gary Reiff, who had the difficult task of opening the oral presentations, argued that under our federal system Hawaii should have the opportunity to test its legislation in its own courts before taking the issue into the federal forum. Reiff contended that the state courts deserved the chance to identify the limits of the power granted by the legislation before the federal courts

determined that power to extend beyond constitutional limits.

Reiff's co-counsel, Sara Lord, argued that the legislation was constitutional and that the Supreme Court should treat the policy decisions of a state legislature with "great deference". She defended the taking under the Hawaii plan as necessary to break a "stranglehold on land" by a few large landowners.

Linda Bradshaw countered Reiff's argument by urging the court not to deny Makalena a chance to be heard in his "chosen forum" and

At other points, the humor, if unintended, was welcome in the tense atmosphere of the final round. At one juncture, Judge Edwards asked Sara Lord about the rationale for the Hawaii land reform plan. He said, "Should I, as a judge, worry that the underlying economic theory makes no sense to me, that I've read books that say this won't work?" When Lord said, "Perhaps I should take issue with the first premise you are making," Judge Edwards playfully asked for clarification on what was the premise. Bringing on



Ruben Perlmutter

The panel of judges in this year's Ames final round included, from left, Judge Stephanie Seymour, Justice Harry Blackmun and Judge Harry T. Edwards.

claiming that the issue was not how Hawaii courts would interpret the statute, but "whether the statute, on its face, is constitutional."

Sheila Mosmiller strongly attacked Hawaii's assertion that the land redistribution was for a public use. She said, "The use in this case, however, is a purely residential one . . . and we would argue that this is the ultimate private use."

Throughout the evening Justice Blackmun and his colleagues mixed humor with careful questioning of the oralists. Beginning the evening's proceedings, Justice Blackmun said, "I want to compliment counsel on making it here after the recent earthquakes in Hawaii. Is there any chance the land in question was destroyed? We're all looking for a way of disposing of the case."

a roar of laughter, he asked if the premise was "that I read books?"

Because the case is loosely based on a case which the Supreme Court will probably hear in the spring, the judging panel could make no determination of the case based on the merits. When Blackmun announced the winning brief and oralists he took pains to describe what is needed in effective oral argumentation and how well the two sides had done.

He seemed to regret the task of announcing winners and added, "someone always has to lose . . . and you feel that just as strongly when you are on the downside of a 5-4 opinion." After admonishing the preparers of the case's joint index

(Continued on Page 14)

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The Sound of Silence

"A lot of people would say I'm much better when I can't be heard."

— Caspar W. Weinberger to Derek Bok after his Forum speech.

"Let him speak, so his own words will damn him."

— Hostile questioner at the Forum.

"Those who oppose his policies should be the first to listen, so they can be more effective in criticizing them."

— Prof. Roger Fisher, trying to quiet the crowd.

"Weinberger's visit provided an excellent opportunity for those of us who oppose his 'defense' policies to really question him, to show that our views are sensible and well-founded, and not merely the opinions of a radical minority."

— Two Harvard University freshmen in the *Crimson*.

"I admit that this kind of speech is no place for scholarly, stone-faced listening, but . . . catharsis at the expense of dialogue . . . is . . . hypocritical [for] leftist activism."

— Joseph M. Ramirez, 2L, on page 12.

"They may not have owed any respect to Weinberger, but they owed respect to the students who wanted to hear."

— Weinberger protest organizer after the speech.

"The demonstration [against the U.S. invasion of Grenada] . . . 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."

— RECORD, Nov. 4, page 5.

"Last spring, members of . . . 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."

— RECORD, Nov. 18, page 2.

When questionable tactics are used to advance even worthy goals, the tactics become the issue. Demonstrators effective at opposing the powerful use tactics that illustrate the worth of their goals. Imagine Sanders Theatre filled with shrouded figures, arms outstretched in silent indictment.



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Fenno

Fenno was not the ambitious type. He did not seek fame, fortune or glory. He contented himself with turning in his weekly column at the RECORD and did not seek to occupy the powerful positions in the masthead — editor in chief, managing editor and pizza editor.

But his peaceful, underling existence was shattered one day when the jangling of his telephone roused him out of his bed at the crack of noon.

"Fenno is not at home right now," he mumbled into the phone. "But if you leave your name and number at the sound of the tone . . ."

"Nice try Fenno," boomed a powerful voice. "This is your editor speaking. I have a new assignment for you. How would you like to be editor in chief for a week?"

"But I'm not the ambitious type," protested Fenno. "I do not seek fame, fortune or glory."

"There's no one else that I can turn to," confessed the editor.

"You mean that there's no one else on the staff that displays such excellent leadership capability and organizational skills?"

"Not exactly," replied the editor. "Everyone else on the staff has fly-outs this week."

Fenno arrived at the RECORD office, trembling with excitement. This was his chance to perform the most important duty on the RECORD staff — opening the mail. He passed up some very tempting material — the official newspaper of Cuba, five letters from Barney Frank and seven requests for change of address — and went straight for the good stuff, letters to the editor. He tore open an envelope and read:

"To the Editor:

"So it's come to this — HLS now has a vice dean ['Smith Named to "Novel" Position' — Great headline, huh?] I don't remember the vice being that bad when I was at HLS and I am shocked that it now needs an overseer. I don't blame the Alumni Association for being too embarrassed to get this issue to us until the middle of October. With news like this to report, what's next — a red light in the Back Bench?

"Hey guys — shape up, will you! If this keeps up, my diploma won't be worth the paper those Latin words with the highfalutin' V's instead of U's were printed on. I mean, gimme a break — HLS needs this kind of rap like Nell Carter needs a gift certificate to Häagen Dazs. No wonder the number of applications is dropping. ['No Trend Seen in Application Drop,' same @*#&\$% issue].

"Affectionately,

Sybil Proseedja, '83

Brooklyn, N.Y."

Fenno shook his head. No wonder everyone else had taken fly-outs. He ran out of the RECORD offices, in search of recruiters.



Letters to the Editor of the Record

Wouldn't It Be Nice?

To the Editor:

It would be nice if you could have found a way to have the October 21 RECORD delivered to me sooner than November 7. It would be nicer if your "Statement of Ownership, Management and Circulation" were grammatically correct. It would be nicer yet if David Hoffman and his ilk understood early on that *everyone* is or is not given a "head start by virtue of [his or her] background" and that success in the law — whether in the firms or elsewhere — is in direct proportion to a lawyer's ability to "see the world from a highly rationalized, competitive perspective." Why ought the Law School endeavor to confuse interviewers by democratizing the *Law Review*?

Finally, it would be nicest if you gave the Law School's homosexual activists a lot less ink. The publicity you accord them does not enhance the image or reputation of the Law School, confuses its alumni and contributors, and (in a glutted market) adversely affects its graduates' competitive postures vis-a-vis those of more conservative institutions.

For good or for ill, the RECORD is the Law School's most current and effective organ of communication with alumni. In your hands, it does not convey an impression of competence.

Frederick O. Kiel, '66
Cincinnati, Ohio

Stuffy?

To the Editor:

When I was an editor of the RECORD, I occasionally winced at stuffy, pompous letters

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.

from fuddy-duddy alumni; I never thought that I'd be writing one myself.

I am deeply troubled by your coverage of the demonstrations at HLS against the invasion of Grenada. The blatant editorializing of the lead article by Michael Malamut does a profound disservice to the readers of the RECORD, who (I suspect) would rather read quotations from the speakers at the demonstrations than approving paraphrases by a reporter.

I yield to no one in my loathing of and detestation for Ronald Reagan, for his administration, and for his record. He has done violence to the Constitution, to America's moral posture at home and abroad, and to the American people. He has betrayed his oath of office time and time again, and thus deserves to be impeached and removed from office.

And yet I cannot accept the complacent, self-satisfied tone of the Malamut article, for it epitomizes one of the basic defects of the left's critique of American society: the left's arrogation to itself of all morality, respectability, and good motives and intentions, and its imposition on its opponents of unrelieved iniquity. Nowhere is it mentioned, for example, that the Grenadian population (at least according to the *Village Voice*, no friend of this administration) seems to be welcoming the overthrow of the regime which murdered Maurice Bishop. If the Reagan administration had given in to its impulses and invaded Grenada when Mr. Bishop was still in office, there would have been no justification whatsoever for the invasion, and the Grenadian people would have resisted the invasion far more enthusiastically than they seem to have done. As it is, however, when Mr. Coard and his henchmen deposed and murdered Mr. Bishop, the Grenadian people concluded that the Bishop revolution, which they had welcomed so enthusiastically in 1979, was over and would be replaced by a regime of terror and oppression. That Ronald Reagan opposes and has now overthrown Dennis Coard does not confer sanctity or purity upon Mr. Coard, though it deservedly besmirches Mr. Reagan's already sorry record.

It should also be pointed out, for the record, that the invasion of Grenada is distinguishable from the Soviet invasion of Afghanistan in 1979, and this reveals yet another defect of the left's critique of America and Reaganism — its antihistorical methodology. If opponents of the invasion would cast their minds back to 1968, they might be pleased to find a more accurate historical analogy: in 1968, "friendly" and "concerned" countries bordering Czechoslovakia "invited" their local superpower, the USSR, to join with them in "restoring socialism" to Czechoslovakia. For the USSR, read the U.S.; for socialism, read democracy. Though, as the late Sir Herbert Butterfield, one of the great his-

torians of our time, once pointed out, all historical analogies are suspect as attempts to distort the past for present convenience, apt historical analogies are better than inapt historical analogies.

It is good to see that at least some law students are not mired in complacency and the race for material "success;" it is a shame, however, that those who are politically active seem to have abandoned standards of critical judgment and historical understanding in a reflexive attempt to strike back at our First Cowboy. Such standards are our only protection against rampant irrationality, of which the Reagan Administration is our most eminent advocate.

Richard B. Bernstein, '80
Brooklyn, N.Y.

Irresponsible

To the Editor:

As one of the people who signed and circulated the South African divestiture petition at the law review, I was astonished to see the RECORD describe my proposed anti-Arab boycott resolution as an attempt "to counter [the South Africa] resolution."

Let's get the facts straight. At an October Review meeting, David Hoffman moved that the Review instruct its Graduate Treasurer to divest all Review funds invested in corporations doing business in South Africa. My amendment proposed that the Review also vote to divest from all corporations adhering to the Arab boycott of Israel. My amendment was intended to supplement, not to counter, the South Africa resolution. I believe that *if* the Review voted to divest from corporations doing business in South Africa, the Review should *also* divest from corporations adhering to the Arab boycott.

RECORD reporter Steve Cowan is guilty of inexcusably irresponsible journalism. In writing this article, he never attempted to contact me (though at least one Review member urged him to), but rather chose to attribute motives to my actions. Instead of reporting the news, Cowan chose only to offer his misinterpretation of events.

Cowan is thus also guilty of the worst sort of politics. Though claiming to be a reporter, he wears blinders and filters all information to make it conform to his preconceived world view. Cowan is evidently unable or unwilling to realize that issues other than those on a single political agenda have merit and are worthy of discussion.

Barbara Fischbein Berenson, 3L

Steve Cowan was unavailable at press-time. Further editorial clarification may be forthcoming once he has had the opportunity to read Ms. Berenson's letter. — Ed.

Letters to the Editor of the Record

Scream Therapy

To the Editor:

I had several reactions to the policy of violent verbal attack and heckling pursued by segments of the audience at Secretary of Defense Caspar Weinberger's speech at Sanders Theater on Nov. 17. As a law student, I was disturbed by the way allegedly cherished First Amendment principles were contemptuously cast aside by those who have so often claimed their protection in the past, but maybe disturbing a mere law student is acceptable if saving humanity is the goal. As a Forum officer, I was upset that our event was seriously disrupted and its potential for valuable communication partially thwarted, but perhaps breaking a few rules of genteel debate isn't so bad if the cause of peace is advanced. As a person concerned about our country's tragic role in world affairs, however, I was shocked and disgusted to see so many people with views apparently somewhat similar to mine simply throw away a rare opportunity to make someone with real power take those views seriously for a change. I don't think that this blind waste can be excused, because it is a betrayal of the very values that should have been impressed on Mr. Weinberger.

While I don't claim to be the world's savior of human rights, the fact that I do have relatives in Central America probably gives me a more personal stake in ending the United States' policy of barbaric militarism than is possessed by most of the self-righteous political dilettantes who indulge in public primal scream therapy. I wanted Mr. Weinberger to see a focused, committed expression of opposition to the Reagan administration's foreign policy; instead, he was treated to a display of undisciplined rage and mindless sloganeering that he couldn't help but laugh off. Indeed, that is precisely what he did: at the Forum's reception following the event, Mr. Weinberger was gracious and smiling, not at all angry at the Harvard community and not at all inclined to change his ideas. I suspect (and hope) that most of the worst offenders were not from HLS; unfortunately, a few probably were. Also among the chanting leaders were those masters of fruitless confrontation, the Spartacus Youth League. I hope they and all other off-campus agitators realize that their conduct probably helped convince Mr. Weinberger once again that there is no reasoned alternative to his policies.

What I can't understand is why so many people thought the only way to protest was to shout down Mr. Weinberger. Granted, anger and outrage are the natural result of an examination of the Reagan administration's actions, but why should emotion sweep aside all else? Some people made forceful, unambiguous statements by dressing in shrouds

or asking challenging questions at the microphone. Perhaps the rest judged these methods insufficiently disruptive. It's certainly reassuring to discover that disruption finally has been acknowledged as a virtue in itself; I only hope the moral worth of rioting does not remain hidden too much longer.

During the question period, a student made an intelligent appeal for a moment of silence in honor of those people for whose deaths we bear a share of responsibility. Predictably, Mr. Weinberger ignored the request, but how can he be condemned when so many spectators had already made it clear that respectful silence was to be avoided at all costs? I noticed some who stood up, shouted, shook their fists, then sat back and laughed. Others simply made angry noises at all the appropriate moments. I admit that this kind of speech is no place for scholarly, stone-faced listening, but recreation or catharsis at the expense of dialogue with at least a small chance of success is the kind of hypocritical solipsism that leftist activism must eliminate if it is to survive as a meaningful alternative to inertial, mainstream politics.

Joseph M. Ramirez, 2L

Non Sequitur

To the Editor:

In light of the recent flurry of redbaiting by some of the conservative groups on campus, I wish to say a few words about the attitude of Harvard's leftists toward the Soviet Union. Though I am speaking only for myself, my views are by no means atypical.

Having studied Russian politics and society closely for several years, I am well aware that the Soviet Union is a brutal, authoritarian police state that goes to great lengths to suppress dissent both at home and abroad. Indeed, I had been well aware of this long before I went to college: I have never met any relatives on my father's side of my family, for they were all killed by Soviet police at one time or another for the crime of being Jewish. Moreover, I feel a special antipathy toward the U.S.S.R. because its behavior has so effectively discredited the leftist ideals to which it pays lip service.

Having said all this, however, I still think it a pernicious non sequitur to conclude that the United States is somehow beyond criticism. Is the anti-Soviet game really worth the candle if we use it to conceal the racism and other forms of injustice that pervade American society? Do bullets hurt less if they come from American guns?

At the recent protests against the invasion of Grenada, speakers denounced imperialist aggression by both superpowers. It is unfortunate that Harvard's right-wing orga-

nizations cannot bring themselves to do the same.

Matthew Kramer, 3L

Good Sense?

To the Editor:

As a Harvard Law School alumnus (LL.B. 1961 m.c.l.) and formerly counsel to the Senate Foreign Relations subcommittee on military commitments (1969-70), I read the RECORD's account of the demonstrations and symposium against the American invasion of Grenada with considerable interest.

To state my view succinctly, I thought the criticisms, based on foreign policy grounds, from both the students and the faculty were trite and fallacious. Their reaction was a perfect example of what Herman Kahn used to call trained incapacity, or the "twilight phenomenon." Harvard scholars are so accustomed to making subtle distinctions between shades of gray, that sometimes, as at twilight, they cannot see the difference between night and day. It seems law professors are no better than four-star generals in analyzing international political questions.

Actually, the Grenadian invasion made eminent, and obvious, good sense. It is very important, especially in this post-Vietnam, post-Teheran period, to demonstrate, at least once in awhile, that American power is not irrelevant or ineffectual. It bolsters national morale in this country, keeps our allies and the non-aligned from moving into the other camp, and dampens the appetite of our adversary (and those who are identified with it in world opinion) from further adventures. Those are not chauvinistic, prideful reasons, but basic security interests, as Herman Kahn (and even Hans Morgenthau) once explained to me. Those who do not recognize this relationship have forgotten Santayana's famous aphorism.

Even passing those considerations, the Grenadian invasion happily happened to have other positive factors: the rescue of American citizens (who when they came back sounded as if they thought they were in danger), the avoidance of a Teheran-style hostage situation, the overwhelming approval by both the Grenadian and the American people, the promptness of victory, and perhaps most important, the number of people killed in the invasion being surely less than the number that would have been killed in the chaos that would have continued in Grenada had the invasion not occurred. Some liberal Americans, as in the case of Indochina, have a way of blithely ignoring that consideration.

In light of the foregoing, it is very hard for me to accept the comments on the invasion by Professors Snyder, Chayes, Fisher, Tarullo, and Kennedy, such as the following

Letters to the Editor of the Record

remarks: "Our credibility is shattered" (Mr. Fisher); our reasons did not "justify intervention in the political life of the society" (Mr. Snyder); "I am opposed to the wrecking of an economy" (Mr. Tarullo); the invasion was immoral and stupid (Mr. Kennedy). And as for the demonstrating Harvard students, they now look rather silly, having proclaimed their solidarity with the Grenadian people against the invasion, only to find out that the Grenadians were very pleased the Americans came to save them from the turmoil on their island.

Roland Paul, '61
Westport, Conn.

Surprise!

To the Editor:

I greatly enjoyed the annual April Fool Issue on Grenada. I was caught off-guard even more this time by the brilliance of dating it Nov. 4. The parody of how law professors and students can revel in legal immensities and screen out facts when political agendas are thwarted by action was marvelous.

For my generation, a similar focus on how corrupt old USA should never have invaded a France that had made peace in World War II with an older Wave of the Future — Nazi Germany — would be hilarious.

Nathaniel J. Young, Jr., '45 ('48)
Boston, Mass.

Great Moments in the Law

The Way It Is

"A lot of rich people pay very little in taxes and they are doing it quite legally. They are always going to have a certain advantage, because they can hire the best attorneys. That's just part of the human condition."

Tom Selleck, quoted in *Playboy*,
Dec. 1983, p. 106.

Sports Answers

1. Earnest Gray
2. Larry Brown
3. Vida Blue
4. Darrell Green
5. Byron "Whizzer" White

Worth It?

To the Editor:

Very few lawyers charge \$275.00 per hour for their time. Even fewer are worth it. But when a lawyer charges for his or her "time", a sizeable portion is for overhead, such as rent, staff, benefits, library, and equipment.

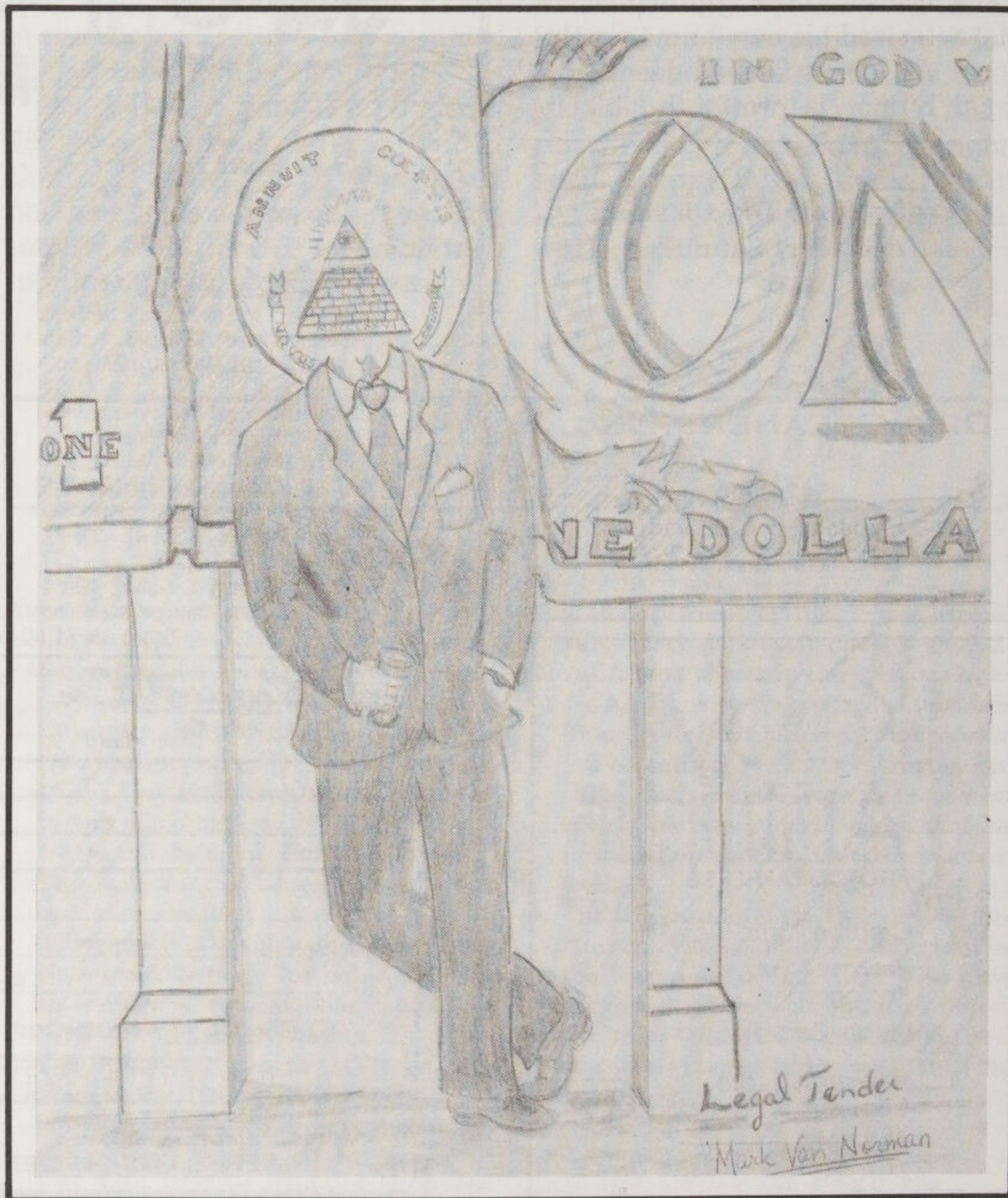
One might reasonably expect that a professor pretending to be a lawyer would not have much experience in the realities of practicing law and thus might miss this nuance. One who has attended Harvard Law School would more than expect this and, already feeling cheated by the quality of teaching, might even feel ripped off by the fact that, instead of teaching, a professor had spent 600 hours tilting at windmills (albeit with some success this time), notwithstanding the rationalization that the windmills were "interesting for purposes of what [he's] teaching and what [he's] writing about."

Harvard Law School, as usual, is totally missing the boat. While its facilities (and

name, for what it's worth) are being exploited for profit by more than one professor, it has not thought to take its cut. Since the record is clear that the quality of teaching is not a concern, perhaps, instead of playing the cuckold, the law school could less aggressively seek donations from alumni (or even lower tuition) by demanding a third or half of the attorneys' fees awarded to its employees. Why, it might even consider taking a share of the "consulting" fees. Real lawyers practicing in those bad old law firms would anticipate no less.

Put another way, would anyone, other than perhaps a small coterie of groupies, be willing to pay \$275.00 + \$137.50 = \$412.50 an hour to submit himself to Larry's pontification? Do you think Larry just might have mentioned in passing how outrageously high are the legal fees charged by those big bad old firms? Do you think Larry is expecting an increase in his salary this year? Would Kingsfield believe lining one's nest to be consistent with pro bono publico?

Cal LePygian '69



Ames Oralists Keep Judges Awake

(Continued from Page 9)

for minor errors, he urged would-be oralists to know their facts and to "know when to stop."

"You should never be concerned when your well-prepared oral argument goes down the drain," Blackmun said. In fact, Blackmun said that when judges are not attacking an oralist's argument, it's quite likely that they aren't paying attention. He recounted an anecdote about sitting next to Justice Byron White: "Byron would tap me on the leg and say, 'Harry, who's that fat guy sitting in the second row on the left?' And I'd have to tell him, 'Byron, be quiet. I'm trying to listen to an argument.'"

Corny Humor

After the round Blackmun said he was impressed with the quality of the briefs and the arguments. He characterized his own humor in the Court as "corny," but added, "Judicial humor is pretty terrible in

general . . . I think it's so easy to go to sleep in a court . . . I'll always try to stir it up."

After the competition the audience, which included attorneys for the parties in the real case before the Supreme Court, seemed satisfied with the caliber of the presentations and the august atmosphere of the final round. Oralist Sara Lord gave much of the credit to the case: "I thought it was a great case for

Ames. There were two major issues and it fell into the cracks on both."

Before the reception following the round, Justice Blackmun remembered his own Ames final round and commented that all the members of his team remained good friends. "I remember that day very well," he said, "... I can't tell you what the case was or who the judges were, but I remember that day very well."



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J. Child's T-Shirt. 100% cotton, maroon. (Corresponds to "C" above) S(6-8), M(10-12), L(14-16) **\$7**

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Many Judges Ignore Deadlines

(Continued from Page 5)

30 with no mention of the Sept. 15 date and the Ninth Circuit Court of Appeals said it was accepting applications in late August.

Spaniel claims that much of this lack of compliance was due to the fact that the Sept. 15 guideline was decided upon too late, but he also concedes that "there seemed to be a general feeling that the Sept. 15 date caused problems."

Problems For Judges

According to Assistant Dean Molly Geraghty, who oversees judicial clerkships for the Law School, the September date created problems for some judges. Abiding by the Sept. 15 date was especially difficult for judges on the West Coast. Since students have to pay their own travel expenses to interviews for judicial clerkships, these judges found themselves faced with a choice between ignoring the date and interviewing students working on the West Coast over the summer or following the date and missing many students who would not pay to fly out to California from Boston or New York during the school year.

She added that judges were not the only ones hesitant about the dates: "There was a great deal of nervousness, anxiety in general, a real fear that Harvard students were going to get cheated out of clerkships." She adds, however, "I think our students have done as

well this year as last year in getting clerkships."

This past year's judicial clerkship hiring proved to be more chaotic than Geraghty and Spaniel suggest. Many of the Harvard students who received clerkships applied and, in fact, had been offered clerkships before the "application period" had officially begun.

The judges of the Fifth Circuit were among the most visible dissenters from the September deadline. Tony Sutin, who will be clerking with Judge Sanders of the Dallas District of the Fifth Circuit, says that he applied for the clerkship in the spring and received an offer in June. According to Sutin, "For judges who honored the September date, it caused unnecessary anxiety by forcing students to seek clerkships and jobs with firms at the same time." He added, "When judges ignored the September date it hurt lots of people who assumed everyone would be complying."

On the other hand, an HLS student who will be clerking with a Court of Appeals and who asked not to be identified said the September deadline was an advantage to him, mainly because it gave him

more time to consider whether or not he was really interested in applying for a judicial clerkship.

New Date Accepted

Dissension among judges, even those complying with the Sept. 15 deadline, caused the Conference's law clerk committee to reevaluate the problem. This past September the committee's chairman, Judge Carl McGowan, proposed moving the 1984 starting date to July 15. The July date will help students and professors by placing the bulk of the application workload in the summer months. It will also allow judges to interview candidates while they are home for the summer. The new date — effective for the coming year — was accepted at the Conference's most recent meeting.

"Nobody is going to know in a conclusive way who followed the old September date and who didn't. People were skittish about it," said Geraghty. "The July date seems reasonable; it should make more people happy. After tinkering with the dates, we hope this date will work well."



Sports Quiz

Note: This week's sports quiz asks you to identify a rainbow coalition of sports figures whose last names denote particular colors.

1. Currently in his fifth NFL season, this wide receiver set a New York Giants record by hauling in four touchdown passes in one game against St. Louis in 1980. Name this Memphis State alumnus.
2. This well-traveled basketball coach who last year instilled his defense-oriented philosophy into the play of the New Jersey Nets recently made his debut with the University of Kansas. Name this new head coach of the Jayhawks.
3. The American League MVP and Cy Young award winner in 1971, this hard-throwing lefthander was never again able to match the 24 wins, 301 strikeouts and 1.82 ERA that he compiled that year.

Name this switch-hitter whose baseball career has apparently come to an end.

4. A first-round pick in the 1983 draft, this NCAA Division II sprint champion from Texas A & I has held up as the starting left cornerback for the Washington Redskins this season. Name this small but speedy player from the school that has produced the most national champions in football.
5. The NFL Rookie of the Year in 1938, this University of Colorado All-American led the league in rushing while with Pittsburgh his rookie year and with Detroit two years later. Name this running back who today is successfully pursuing a second career.



(Answers on Page 13)

New Profs

(Continued from Page 3)

Greene, a black woman, was a staff attorney for the NAACP Legal Defense Fund for three years and deputy city attorney for the City of Los Angeles. Eisenberg practiced law for three years with Debevoise & Plimpton in New York City. Kaplan was an assistant U.S. attorney in San Francisco for three years.



Kinoy Urges Others To Fight For Rights

(Continued from Page 6)

arrest of the "plumbers" at the Democratic National Headquarters. "If the decision had gone the other way," Kinoy explained, "everything in Watergate would have been legal and proper." Concerning the validity of his speculations, Kinoy concluded, "I don't know, history will tell us."

Invasion Condemned

A founder and member of the board of the Center for Constitutional Rights, Kinoy turned his attention to current history in remarking that the doctrine of the

president's inherent powers has been resurrected by the Reagan administration. Kinoy pointed to the invasion of Grenada as an instance of presidential overreaching which he had hoped his efforts in 1972 had helped bury. Referring to apparent violations of the War Powers and Neutrality Acts, Kinoy noted that the President's powers are now being exercised "in relation to the colossal danger of world war, not just internal affairs."

Kinoy, who is also a member of the National Executive Board of the National Lawyers Guild, stated that now is another moment like the

early 1970s when lawyers have to stand together. Lawyers have a responsibility "to preserve a system of law in this country," Kinoy exclaimed, as well as a "duty to preserve the written Constitution."

Kinoy concluded his animated remarks by urging those aspiring to greatness in the legal profession to immerse themselves in the agony of the times. As one who has time and again achieved success as a lawyer of the people, Kinoy welcomed his audience to the struggles and reminded those less enthusiastic than himself that "if you throw yourself into it, it's fun."

Not one to be silenced, Kinoy responded to a fervent round of applause by interjecting, "I applaud you, because you're the ones who have to do the work."



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Cleanup

(Continued from Page 2)

believes these issues are the most fascinating and difficult issues a law student could tackle. "They cut across fields," Haar said, "and they are not 'good guys' versus 'bad guys'."

Haar believes a "large portion of law students should be dedicated to these issues" at one time or another; they give students a chance to "do some good, some public service." Some of the Harvard Law students who helped Haar in the preparation of the report were Joanne Amsterdamska, 2L, Michael Goroff, 2L, Alan Miller, 2L, and Randall Wang, 3L.

The original suit was filed by Quincy against the MDC early last summer, after Quincy's solicitor realized that the "jellyfish" he saw as he jogged along the beach weren't actually jellyfish, but rather were patches of grease with patties of human waste on them. The suit has been suspended while all parties try to work out the details of the Haar report.

