

HARVARD LAW RECORD

Harvard's Oldest Law School Newspaper

VOL. 78, NO. 6

APRIL 1, 1984

25 KOPEKS

Langdell's Discovery Disputed

By Burlette Carter

A series of Civil War letters recently uncovered during the reorganization of Langdell Library, now raises questions about whether Christopher Columbus Langdell was the true author of the "case method."

The letters suggest that Langdell, HLS's first dean, purloined his "method" from a little known housewife named Abigail Shrift. One of the letters, dated 1870 and allegedly written in Langdell's own script begins, "Dear Abby." It continues, "Your method is absolutely marvelous! I am stealing it." The letter is signed, "Christopher Columbus Langdell."

The news of the controversy gave rise to massive student unrest. Over 500 students occupied the dean's office, demanding that the dean immediately rename Langdell Hall to Shrift Hall and the Langdell classrooms to Shrift South, Shrift North Middle, and Shrift North. However, acknowledging that Langdell was still HLS's first dean, the students agreed that Langdell South Middle should continue to bear his name and, in addition, suggested that the shower stalls in Hemenway Gym could also be named after Langdell.

Rising to Langdell's defense, some are calling the letters "forgeries" and charging "radical leftists" (read Critical Legal Scholars) with "yet

(Continued on Page 15)



Student inhabitants of the leisure class experience problems in the classroom — and in the Hark. See story, page 16.

Explanation Found For Faculty Split

By Adam Eisgrau
and Miguel Rodriguez

The Harvard Law School faculty is deeply divided over the future of legal education. With the ascendance of Critical Legal Studies and the generally increasing vitality of the political left, Harvard's house of legal thinking may be in danger of collapse.

While many faculty members believe that the debate's course will be charted by the substance of the issues involved, others are convinced that the personalities of the principal participants will be more influential. With the debate at its zenith, the RECORD launched its own investigation and asked several

members of the faculty to share their visions of the legal universe in this age of controversy.

According to Prof. Roberto Unger, the rifts in the faculty are not unique to either HLS or even to this culture. "It's really a planetary problem," he said. "It's inevitable in a universe this size that disharmony should arise."

Dean James Vorenberg agreed that conflict among faculty members was "utterly predictable" given the "constellation" of legal thinkers in residence at HLS. "You don't need a crystal ball to figure out that opinions around here are going to come from all over the cosmos."

"I think that it's a sign of the
(Continued on Page 9)

Prolific Profs Publish Potpourri

As usual, HLS professors have been churning out works for publication. This year, however, the publications authored by Harvard faculty members appear to be particularly intriguing. For instance, there is an especially large number of publications intended for the lay reader in this year's batch.

The RECORD, unfortunately, has neither the time nor the space (nor the energy, for that matter) to review all these important books. However, the RECORD felt it would be of help to its readers to list the major works published this year by HLS faculty members.

— *Ordinary People* by Prof. Lloyd Weinreb. An interesting mix of fiction and legal analysis, this book traces the history of the legal battles fought by a white couple and their 2.3 white children who live in a white suburb of Cleveland and drive a white Mercedes-Benz.

— *Collected Children's Stories* by Prof. Roberto Unger. A group of abandoned youngsters are held under the spell of the Good Fairy, who tells them endless stories of the virtues of perpetual societal transformation.

— *Death of a Salesman, Part II* by Prof. Arthur Miller. A wrongful death action produces interesting questions involving ancillary and pendant jurisdiction. Miller has appeared recently on a network TV morning program talking about his latest book and reportedly plans to dedicate an entire episode of *Miller's Court* to it. Miller has also contracted with the publishers of the *Nutshell* series to write a condensed version for students.

— *Remembrances* by Prof. Clark Byse. The popular contracts and

administrative law professor pines for the good ol' days when students begged to be beaten senseless with oversized casebooks.

— *Bette Midler and the Law* by Prof. Charles Fried. A sequel to *Contract As Promise*, Fried's latest book explores the burning question, Do You Wanna Dance?

— *Legal Advice For The Family On A Budget* by Prof. Laurence Tribe. The successful constitutional lawyer describes ways families can sell their first-born children in order to afford legal advice costing hundreds of dollars an hour. For governments who want the best in legal advice, Tribe suggests these entities should consider cutting back on welfare, stop building that bridge over that silly river anyway, or maybe increase taxes.

— *Dressing For Success* by Prof. David Kennedy. One of the younger

members of the HLS faculty describes how you can wear the tightest jeans imaginable and still not experience problems with your circulation.

— *Not Dressing For Success*, a joint effort by the bulk of the HLS faculty, edited by Prof. Duncan Kennedy.

— *It's Illegal, It's Immoral, It's Stupid* by Prof. Duncan Kennedy. In this book, Kennedy details his objections to the HLS food service's decision to drop corned beef hash from its rotating menu.

— *Legal Education, Harvard Style* by Dean James Vorenberg. Essential to a good law school, the dean argues, is a divided faculty, an alienated student body and an irrelevant curriculum. Why else would law practice look so good?

—M.T.I.

Jimmy To Profs: "Bite Your Tongues"

By Louis J. Kennedy

In a surprise move at last Wednesday's faculty meeting, HLS Dean James Vorenberg announced some changes designed to further homogenize the faculty. Vorenberg stated that intrafaculty squabbling had provoked him into doing something drastic. "I got tired of all that bickering," he commented, "and I thought that they would do less of it if they didn't know who they were talking about."

So, Vorenberg ordered that all HLS professors will henceforth be

known as Professor Kennedy. Vorenberg credited the brainstorm to the Appointments Committee, which recently hired its third real Prof. Kennedy. (See RECORD, Dec. 2, 1983, p.3.)

Vorenberg also officially changed his own last name to Dean and requested that members of the HLS community call him "Jimmy" henceforth. "I thought James was a bit too stuffy," Dean said, "and I've always admired dead movie stars."

Former Assistant Dean Lance Liebman, now known as Lance Cpl. Kennedy, noted, "It's sure cut down on some of that ugly namecalling that used to go on." But Prof. Dunkin' Kennedy countered the move by requesting that his students call him "Flip" from now on. Flip argued that the name changes would actually increase the seriousness of personal attacks. "After all," he said, "a charge that the former Charles

Published ten times each semester by the Harvard Law School Record Corporation, 23 Everett St., Cambridge, Mass. 02138-9984. Telephone (617) 495-4418. Subscription price: \$8.00 year mailed; \$10.00 year mailed outside U.S.; students \$4.00 year distributed at the Law School. Individual copies including back issues: 50 cents at the Law School, \$1.00 mailed. Second-class postage paid at Boston, Mass.

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

ALUMNI/AE ADDRESS CHANGES: Alumni/ae who receive the Record as a result of membership in the Harvard Law School Association should mail change-of-address information to the Harvard Law School Association, Harvard Law School, Cambridge, Mass. 02138.

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"Crazy Caspar" Gets Hero's Welcome

By Mike Isbell

Secretary of Defense Caspar Weinberger, '41, was welcomed to HLS this week by hundreds of beaming students who threw flower petals in his path as he walked from lunch at Pound Hall to a speaking engagement in Sanders Theater.

The only incident to mar an otherwise perfect Weinberger homecoming occurred when Prof. Bernard Wolfman tackled Assistant Attorney General William Bradford Reynolds, who for some reason was accompanying Weinberger on his walk to Sanders Theater.

Weinberger's triumphant return came four months after he was heckled repeatedly during a speech sponsored by the Harvard Law Forum in Sanders Theater. Chanted slogans and jeering comments interrupted the secretary after almost every sentence of that speech.

This time, however, Weinberger was a guest of the Law School itself. Dean James Vorenberg, who said he was embarrassed by the treatment Weinberger received at HLS in November, personally invited the HLS grad to visit the campus again. "I promise that you will find your alma mater more hospitable this time," Vorenberg wrote Weinberger before his most recent trip to Harvard.

In accepting the dean's invitation, Weinberger reportedly re-

served the right to cancel at the last minute if President Reagan should decide in the interim to invade another tiny Third World country.

The Weinberger who showed up at Harvard this week was more like the "Crazy Caspar" who was adored here during his days as an HLS

front row who carried a sign bearing the message, "No More Coercion."

Weinberger's primary message this week was similar to the one he tried to convey in his speech last November. Weinberger contended that nuclear deterrence had prevented major superpower confrontations. "A continent without a few



Adam Eisgrau

Secretary of Defense Caspar Weinberger, '41, was so emotionally disturbed by the hecklers who confronted him during his first visit to HLS that he is still unable to close his eyes and mouth.

student and less like the stuffy, pointy-headed bureaucrat who makes America's allies quake each time he speaks.

Shouting, "Think fast!" Weinberger surprised the capacity crowd by throwing a plastic bag containing red liquid at a demonstrator in the

hundred Pershing IIs is like a day without sunshine," Weinberger said. "No, seriously, since we created nuclear weapons, we haven't had the first problem with the British. Don't forget, those Brits burned the Capitol once and we have to remain vigilant to see to it they don't do it again."

While the crowd in Sanders Theater listened politely to Weinberger's prepared remarks, several students did raise reservations about the Reagan administration's defense policies during the question-and-answer session. One questioner asked the secretary if he wasn't concerned that American foreign policy was alienating this country's European allies. Weinberger responded: "Oh, give me a break, will ya? These Europeans are really getting on my nerves. Take the French, for instance. How can you take seriously a country of 50 million people who run around drinking

WHERE'S THE BRIEF?

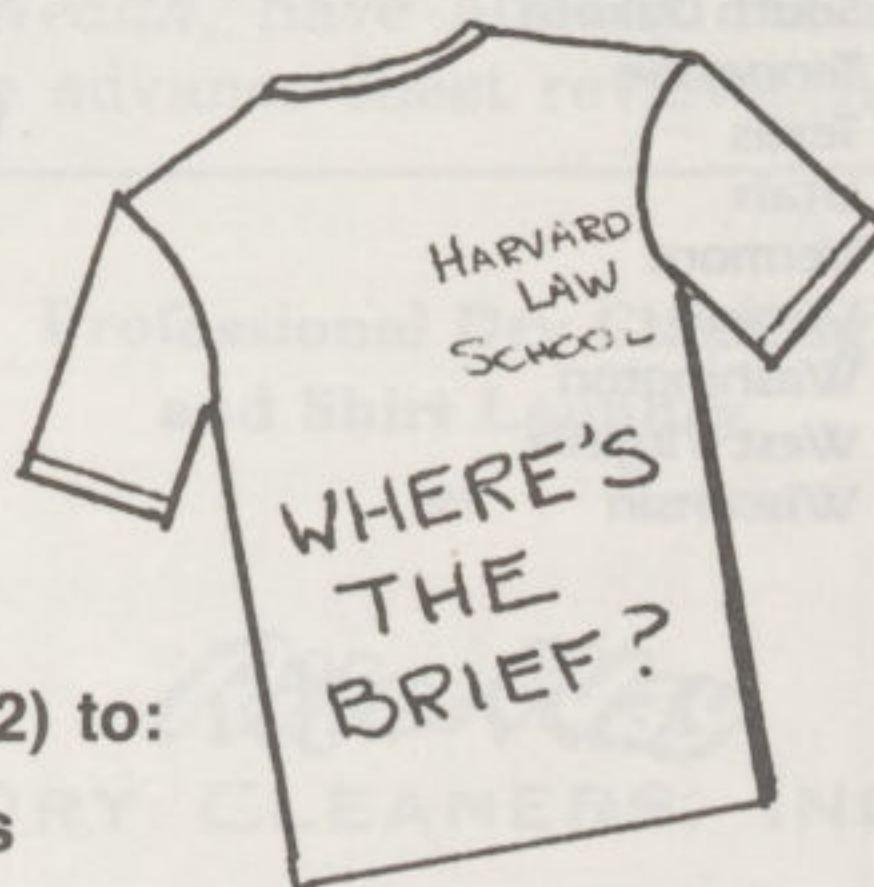
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(Continued on Page 20)

New Corpus Uncovered At Library

By Adam Eisgrau
and Eric Clemens

When the HLS library staff undertook its recent reclassification and relocation of the Law School's surprisingly valuable collection, entering the publishing business was the furthest thing from their minds. "We just wanted to dust," said one energetic cataloguer. "We never expected to actually do anything that would be of any *real* use."

Intentionally or not, the library found that "there's gold in that thar dust." While dust accumulation is a fact of life in libraries the world over, its depth is "not ordinarily measured in fathoms," explained Assistant Librarian for Public Services Joan Howland. "When we finally cleared it all away we discovered an almost perfectly

preserved set of the original *Corpus Juris* series put out by The American Law Book Company in 1916."

Actually, "unused" might be a better description than "perfectly preserved". Special tests commissioned by the Library revealed that the books had been untouched by the hands of any natural person since the early twenties. Many of the volumes had not been opened at all. "Why, the bindings of the

set were almost as slick as Al Warren," hooted Howland. "We just had to do something with them."

Howland contacted Milo Binder-finder of American Law Books. The price of materials being what they are, ALB was anxious to cut a recycling deal with the Law School. Negotiations were concluded "in principle" last week. ALB has promised the Library half the profits from the new "recycling" venture

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HLS Turns Books Into Bucks

in exchange for unrestricted use of the covers and spines of the 1916 artifacts and the Law School's assistance in securing the services of several HLS faculty members. (The RECORD has been unable to confirm rumors that the Law School also obtained a second round pick in the next tenured minority law faculty draft scheduled for August, 1992.)

Updating

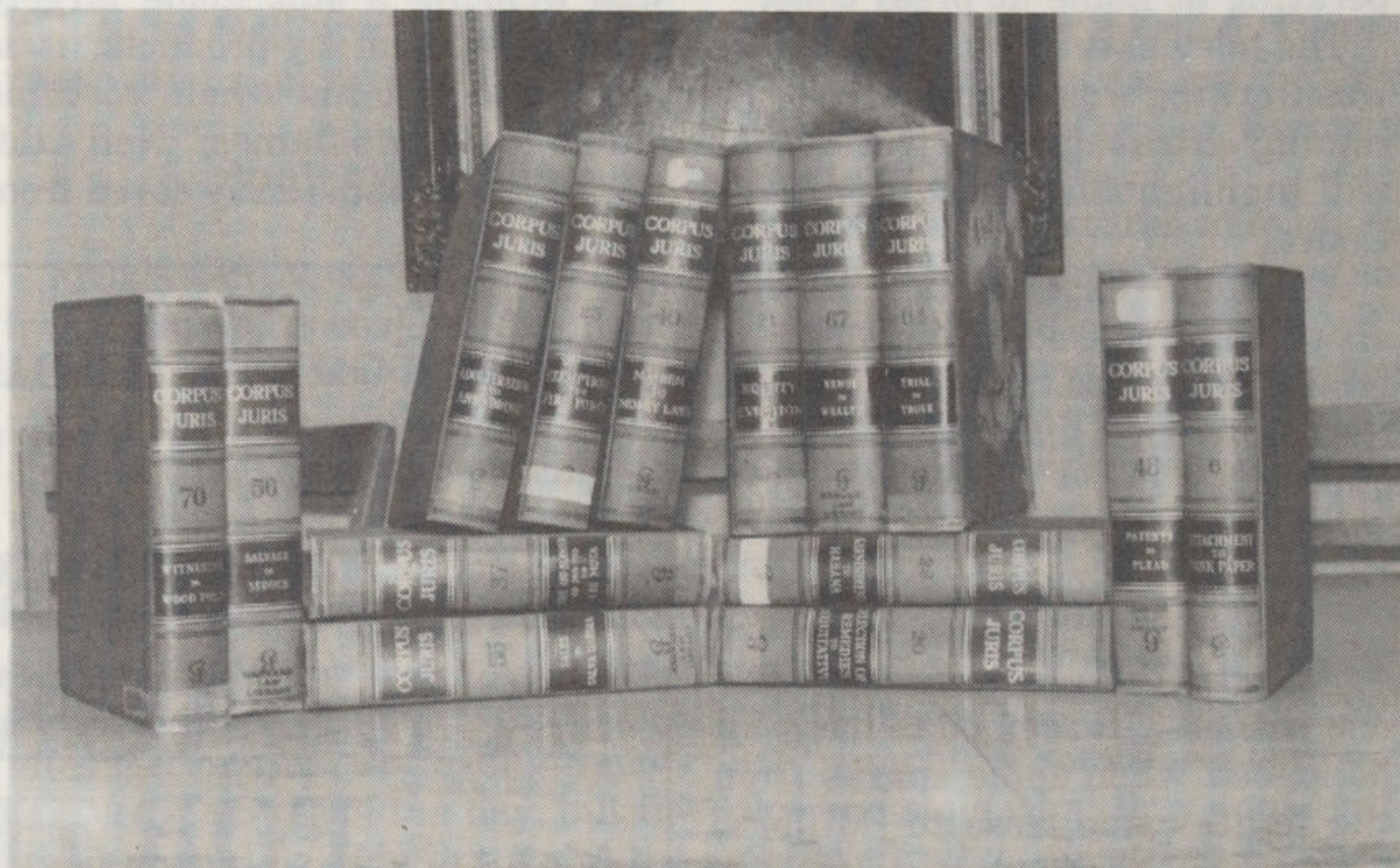
If all goes well for ALB and the Library, 1985 will reveal new meaning in the phrase "don't judge a book by its cover." Under the new plan, the *contents* of the original 1916 volumes will be "updated" with totally new, often highly inventive text prepared by prominent members of the Law School faculty, but the spines and covers will remain the same. Eventually, all the old books will be "revised", but only relatively few have been commis-

sioned thus far.

"Obviously, dry reference material isn't making it with the TV generation," explained Binderfinder. "We're going for the bucks on this one: sex, violence, politics and personality are where it's at. As they say in publishing these days, 'Barbara Cartland gathers no dust'."

Judge Kaplan's *Patents to Plead* has attracted the favorable notices of gizmo aficionados.

It is with Charles Fried, however, that ALB's dreams of staggering corporate profits most safely lie. In the wake of Prof. Fried's recent article in the Sunday *New York Times* his new work, *Equity to Eviction*,



Adam Eisgrau

Old find turns to new mint as Corpus Juris prepares these future bestsellers for press.

At least in part, ALB is banking on the fame of various HLS luminaries, many of whom have graced the boob tubes of America, to attract and keep new readers. Several of the new publications, particularly the "star" biographies, promise to be particularly controversial. Alan Dershowitz's latest foray into self-exposure, *Trial to Trove*, and Arthur Miller's paean to procedure, *Venue to Wealth*, have already received rave advance sheet reviews. Also,

should, according to ALB spokesperson Fitz Printit, "really galvanize the upper end of the market for us." In *Equity* Fried suggests that "shelter has for too long been accorded the artificially elevated status of a human necessity." Moreover, he argues convincingly that "social safety nets below make roofs overhead superfluous."

Unwilling to abandon the law entirely, ALB also plans two re-

(Continued on Page 18)



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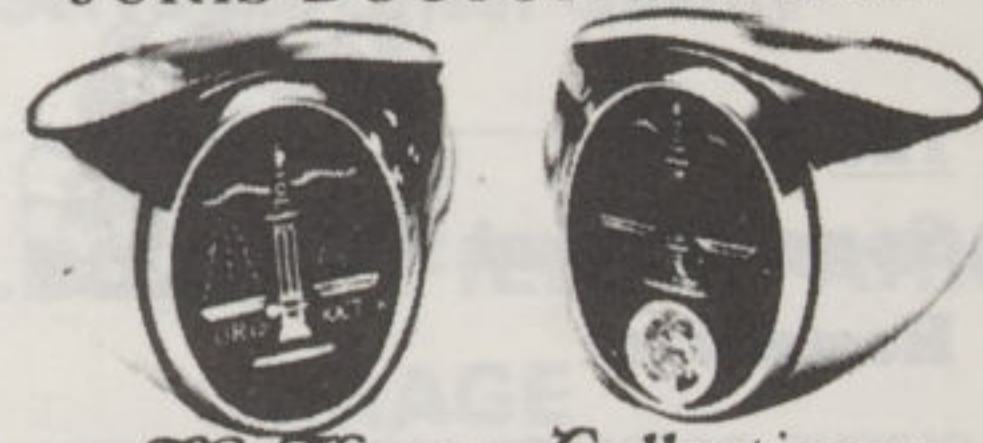
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Flaming Faculty Member Recuperating

By Mike Isbell

Prof. Arthur Miller received minor burns on his scalp last weekend when his hair caught fire as he was taping a television commercial for his syndicated TV program, "Miller's Court."

Miller was reported to be recuperating at home at press time.

The television ad on which Miller was working was to promote an upcoming extravaganza episode that will highlight the "Best of Miller's Court."

Although experts are unsure about what caused Miller's hair to ignite, witnesses in the studio said the professor's hair was heavily oiled.

Heat It

"The lights were quite hot," said one witness. "It seemed to me it all happened when some sparks from the lights came close to [Miller's] head."

After singing *The Ballad of International Shoe*, Miller burst into an enthusiastic original number entitled *Talk Now Or I'll Turn Your Name In To The Ad Board*. Witnesses said it was at this point that Miller's hair burst into flames.

One worker on the set questioned whether it was Miller's hair that was the first thing to burn. "From my vantage point," he said, "it looked as if the tasteful burgundy kerchief [Miller] was wearing in his

suit pocket started burning first. The flames went to his head while he was doing that fancy dance routine."

Dr. Pennoyer V. Neff, who treated Miller at a local hospital, said the Harvard professor was lucky to escape with only minor injuries. "In light of the fact that Prof. Miller was wearing a suit made largely from petroleum by-products, it is fortunate that his whole costume didn't go up into flames," Neff said.

Miller was apparently saved from

greater injury when several dancers on the set doused him with water. The water was being stored nearby in large buckets. The script reportedly called for Miller to throw the water on several Harvard 1Ls who were unable to answer his questions on diversity jurisdiction.

In spite of the accident, Miller said he intended for the ads to run soon. "I want all my fans to see it," he said by telephone from his Cambridge home.

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The Social Agenda:
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Thursday, April 12
8 P.M.

The Political Agenda:
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Thursday, April 19
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Profs Vie For Spots In Publication

The Law School, astonished by the commercial success of this year's *Men of Harvard* calendar, plans to publish a 1985 calendar entitled *White Men on the Harvard Faculty*, Dean Vorenberg said this week.

While the dean said the Law School will publish the calendar in an effort to raise money (so that the school can lop off a few pennies or so from the annual double-digit tuition increase) and aid recruitment, sources close to the dean (i.e. Prof. Lance Liebman and Ms. Vorenberg) said the calendar was actually being produced to deflect criticism of the Law School's faculty hiring record. "We want people to see that all those white men on the Harvard faculty can let their hair down and have a good time, too," said one source.

The idea originally produced a strong negative reaction from some faculty members when it was first

circulated in a memorandum by Vorenberg.

Prof. Charles Fried wrote to Vorenberg: "While I would love nothing more than to appear in your proposed publication, I fear your proposal has produced a startling conundrum. Actually, I doubt it has produced a true conundrum, but I do so enjoy using that word. What it has in fact produced is strong reservations on my part."

No Student Editors

Fried continued, "It is unclear from your proposal whether the calendar would be edited by faculty members or by students. It is my opinion that it would be highly unwise to permit students to edit yet another important scholarly publication. Practicing lawyers cannot rely on student editors of the *Law Review* or this calendar to dispense vital information regarding important legal issues of the day, but instead should be able to turn to the educated elite on the Harvard faculty, most of whom have never practiced a day in their lives."

Later, when it was explained to Fried that the calendar would indeed be edited by professors, his ob-

jections subsided. "Let me be Mr. February, pleeeeee," he implored the dean in later correspondence.

Vorenberg said he was currently in the process of selecting the pasty professors who will wind up in print as Harvard Law's newest "calendar boys."

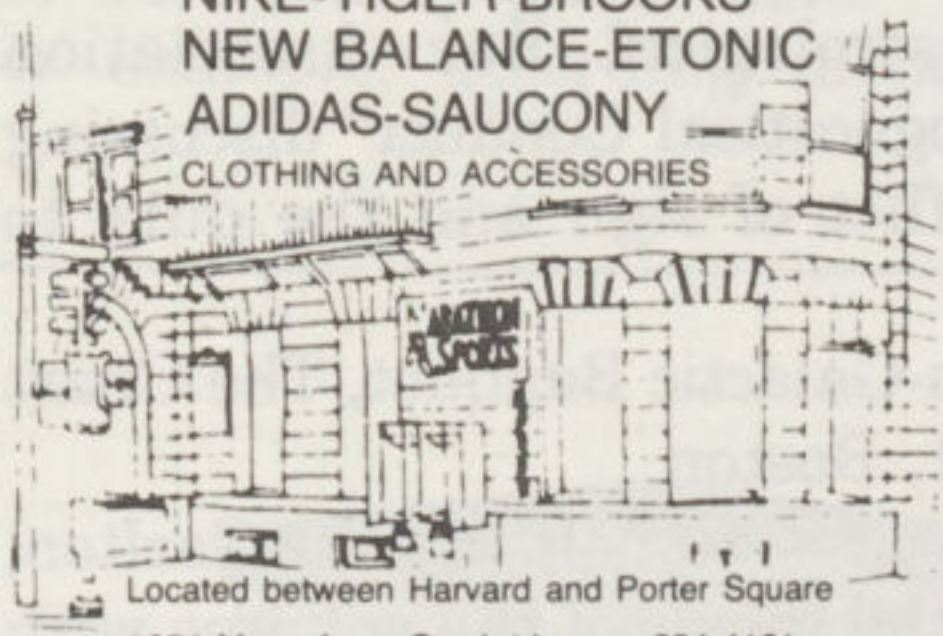
Nearly one-half of the faculty agreed to pose for pictures to be considered for the calendar. Former Dean Albert Sacks, for instance, sits atop the World Tree in Bermuda shorts in his photo.

After all the pictures were taken, the white male faculty members and their spouses assembled for a wine and cheese party at the Law School to look over the proofs. Vorenberg has consulted with several faculty members and plans to announce the top 12 soon.

The dean's plans for the calendar were almost spoiled two weeks ago when intruders from the faculty's left wing burst into Vorenberg's office and stole what they apparently believed were negatives to photographs to be used in the calendar. It was found, however, that the only negatives that were stolen were of pictures of Vermont foliage, taken by the dean last fall. — M.T.I.

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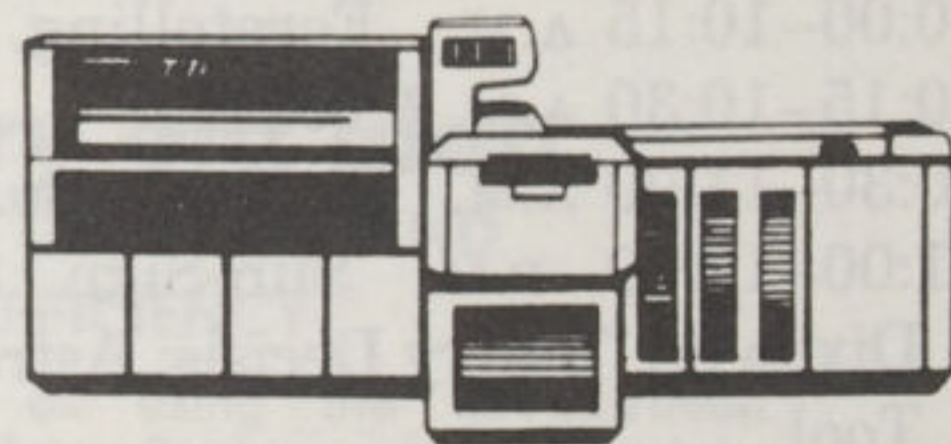
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PROGRAM OF EVENTS

Friday, April 8

- 7:00-9:00 P.M. Registration and Sign Swapping.
- 9:00-12:00 A.M. Cocktail party featuring Planetary Punch.
- 12:00-4:00 A.M. Informal Stargazing at the World Tree. Plenary Planetary Session.

Saturday, April 7

- 8:00-9:30 A.M. Coffee and black-hole doughnuts.
- 9:30-10:00 A.M. Opening predictions with Carl Sagan: "Billions and Billions of Lawyers".
- 10:00-10:15 A.M. Foretelling.
- 10:15-10:30 A.M. Telling.
- 10:30-11:00 A.M. Told you so.
- 11:00-12:00 P.M. Sun-Sign Speaker, Jeanne Dixon on "Starry Decisis: Astrology as a Judicial Tool."
- 12:00-2:00 P.M. Lunch: Daka delights, featuring Scorpion Stew, Crab Cancèr, Capricorn, Tuna à la Taurus, Pisces pie, Fortune cookies.
- 2:00-3:00 P.M. "Life on the Cusp: Poverty Law in the '80s," a panel discussion with Charles Fried, Hal Scott, Phil Areeda and Rupert Murdoch.
- 3:00-4:00 P.M. "Mooning and the First Amendment: Turning the Other Cheek" with Cal LePygian.
- 4:00-5:00 P.M. "Cogito Virgo Sum," a dialogue with Roberto Unger.



- 5:00-6:00 P.M. "Matches Not Made in Heaven: The Proposed Astrological Bar Association (ABA) Code of Prognostical Conduct" discussing lawyer-client conflict of sign and the duty to withdraw.
- 7:30-9:30 P.M. Gala-Galactic Banquet, The Chart House Restaurant, Boston.
- 10:00-???????? The Crystal Ball. Spiritz-Carlton, Boston. Dance to the music of the spheres with such superstars and luminaries as: Earth, Wind and Fire, Jefferson Starship, Roy Orbison, Ringo Starr, The Big Dipper and Liza Moonelli. Don't miss the "Name that Rune" contest and the grand prize drawing for a copy of Ms. Dershowitz' astronomical bestseller, *My Sun The Lawyer*. Constellation prizes will also be awarded.

Sunday, April 6

- ????-12:00 P.M. Optional universal weight training for errant celestial bodies. Spheres especially welcome.
- 12:00-2:00 P.M. Closing remarks by Ralph Nadir, "The Ascendancy of Consumer Protection: The Zenith Case."

Academics Answer To Astrological Urges

(Continued from Page 1)

times," ventured Prof. Charles Fried. "The so-called reformists here are just as bull-headed, if not more so, than those members of the faculty they accuse of being the goats in our little game."

"Honestly, I don't see any likely convergence of opinion on the really fundamental questions at Harvard," forecast Duncan Kennedy. "I think we'll be discussing the future until eternity comes."

Predictable Splits

Judging from the RECORD's own research, Kennedy may well be right. After Miguel Rodriguez's story (RECORD, March 2) revealed the depth of the faculty split, the RECORD engaged in some investigative reporting to discover the roots of the dissension. We cast natal charts for all the power-brokers on the faculty and supplemented this general knowledge of their astrological propensities with horary charts before every significant faculty vote. It is amazing how many splits were totally predictable.

For example, according to our

scientific calculations, Duncan Kennedy's ideological "dreaminess" as a Pisces is bound to conflict with Prof. Clark Byse's predilection for pragmatism and order, true Virgo that he is. "No wonder they haven't spoken to each other in four years," observed one RECORD member.

Similarly, recent Appointments Committee activity (or absence thereof) makes perfect sense as seen from the stars' perspective. Al Warren is a Taurus. He just hates "impulsive" decision-making. Any sudden change in routine totally freaks a Taurus out.

You don't have to be a wizard to understand Frank Michelman's frustration. Those Gemini can be very restless, vascillating between extremes. Conversely, Aries and Sagittarians are perfect temperamental matches, according to our charts. We think this explains the "chumminess" of Hal Scott and Charlie Fried. Of course, it is no accident that Dean Vorenberg is a Capricorn. They never do anything until they're sure they'll win in the end; paralysis just becomes a way of life.

We found that Virgos like Prof. Alan Dershowitz often make

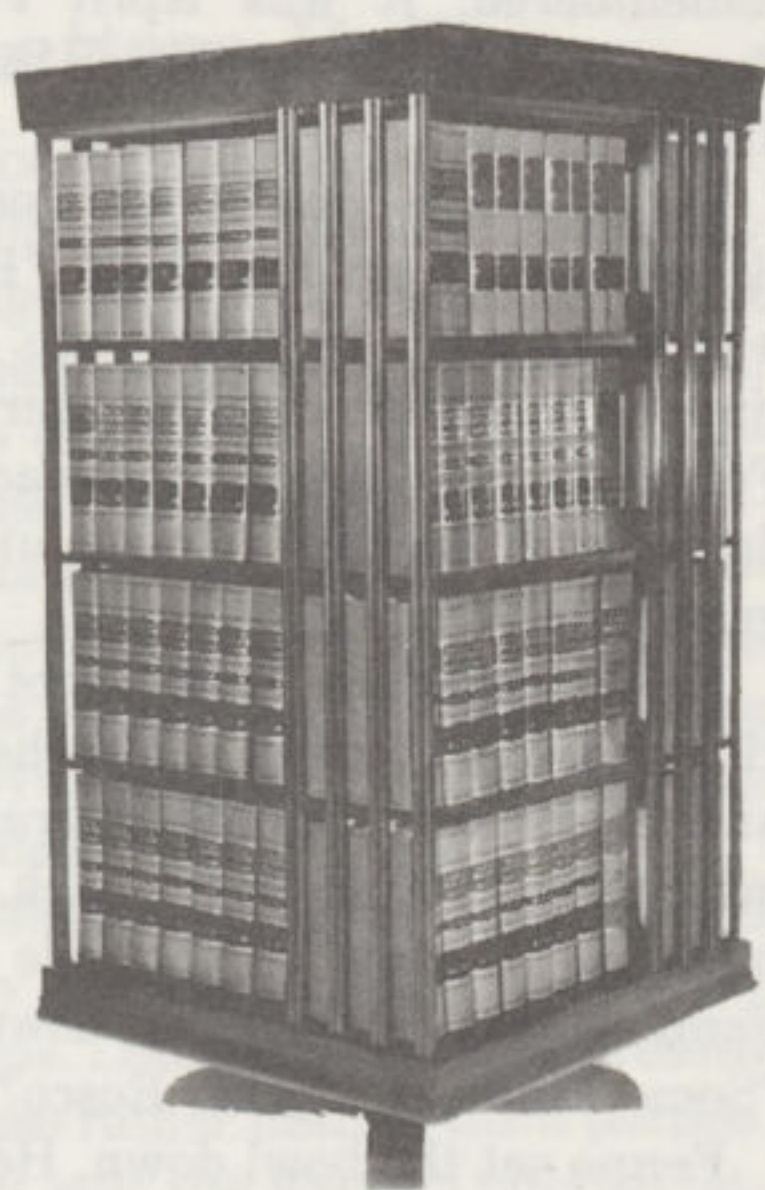
mountains out of molehills, and that the inflexibility of Aquarians like Prof. Phil Areeda often shows up when others least expect it. (Remember that little speech at the beginning of each semester about flunking 3Ls?)

Interstellar Note

But apparently the RECORD is not the first to discover the correlations among the stars of the faculty members. In fact, word is out that Robert Fram, newly elected President of the *Harvard Law Review* is writing a note on the subject to appear in the next issue. Tentatively titled "Personality and Interstellar Cusp Convergence: The Inevitable Ascendance of Critical Legal Astrology", the note will delve deeply into the psyches of numerous members of the faculty and the mysteries of decision-making at HLS.

The RECORD feels that correlations like those above are instructive, but we must admit that they often reveal rather sensitive information. There's more dirt in the stars than anybody here realizes.

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Spittin' Mad

The Hark looks like a dump. It makes me sick. There's paper strewn from one end to the other. The Kennedy School provides their students with fluffy chairs on which to sit, but the Law School furnishes the Hark with ugly blue sofas that are as filthy as sin. Some consideration for the students, huh?

And speaking of students, I'm sick and tired of all those people who sit in those tables in the Hark. If they're not asking you to sign up for a bar review course, they're begging you to buy a class ring or to sign some petition. Leave me alone already.

And speaking of petitions, students here are always griping. I don't know what they want. Sure, the courses bore you to death. And granted, the weather in New England is miserable. And alright, the teachers here grow nauseous just looking at students (not to suggest that the teachers look at students an awful lot here; after all, most of the time they're holed up in their offices writing some treatise or counting out their \$600,000 fee they earned by winning that last little case before the Supreme Court). But give me a break. Most of the students here are going to earn big bucks when they get out of here.

And all this fuss about how boring and obnoxious and inaccessible and inconsiderate and domineering and socially backward the faculty is here is just about to make me sick. Have you tried to conduct a business meeting with a law student lately? Why, get six law students together in a room and you can spend an hour and a half discussing the correct procedure for shutting the door! I tell ya, I'm spittin' mad!

And have you taken a good look at the fashion around this place lately? I feel like strangling Bill Andrews with one of his bow-ties! And Clark Byse's plaid pants are so loud you want to ask him to turn down the volume. And as far as Mort Horwitz and Duncan Kennedy are concerned, *don't* get me started!

And I'm tired of hearing about *Law Review*. I'd much rather be an editor of *People* magazine.

And above all, I'm tired of writing editorials about the need for more minority faculty hiring. So why don't you give me a break, all you folks on the faculty, and stop pretending that you've cornered the market on egotism!

THE PEOPLE'S LAW RECORD

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Risé J. Peters, Kenneth J. Rutman, Jorge J. Seall-Sasiain, Mike

J. Seigel, Susan J. Smith, Sandra J. Yamate

MINISTER OF ILLUSIONS..... Risé J. Peters

DOCUMENTORS OF THE REVOLUTION: Andy J. Alter, Haig J.

Bagerdjian, Peter Lebold J. Cohen, Paul J. Cramer, Adam J.

Eisgrau, Stuart J. Levi, Ed J. Lopez, Mike J. Lyon, Michael J.

Malamut, Ruben J. Perlmutter, Lon J. Povich, Sandra J. Yamate

Fenno

Fenno always wanted someone to love and someone to love him. But he'd never had much success.

Although he really liked his classmates in high school, they never really liked him. It was always "Oh God! There's Fenno! Get me outta here!" In college it was more of the same, except they added "before I vomit."

So Fenno spent a lot of time alone, or with his most reliable date, his mother.

Law school was worse. First, his mother wasn't there, which really bummed Fenno out. Everyone except Fenno was always out having fun. And the Law School *women* were not girls. Fenno learned this when he called a classmate "a girl" at a TGIF. So he was wrong. But Fenno really thought it pretty immature to pour beer in his lap just because he wasn't familiar with the new terminology.

So he bought a goldfish, a boy goldfish, Rosco. Fenno thought having a woman goldfish around would just be too demoralizing.

Searching for the perfect friend, Fenno rejected stories about teddy bears being the best because they never talked back and you never had to clean up after them. Fenno felt goldfish were the best. You never knew what a teddy was thinking. (Fenno didn't really believe teddys could think, but if they could, you never knew.) They just sat there, eyes and legs gapped open.

But goldfish would swim to the side of the bowl and wink at you. They'd follow your finger up and down and around. And they never rejected you just because you weren't all that cute. Fenno decided Rosco would be his only friend. Of course, if the nice woman law student who always said "Hi" ever applied, he'd reconsider.

On Sunday, Fenno saw the nice woman law student in the Hark with friends. She waved. "Hi Fenno. Join us for dinner?" Fenno thought he'd have a heart attack. Then he remembered; it was April Fools. "Nah," Fenno said, hoping she'd ask him again. She didn't.

Fenno went back to his room and took Rosco down from the shelf. "Probably was a joke anyway," he told Rosco. Just like the time he was invited to that "birthday party." Fenno would never forget reaching the address and finding it was an abandoned graveyard.

Fenno looked up. Then he got really pissed. Here he was, pouring out his heart and soul, and Rosco was having a grand old time, swimming around on his back. The *least* he could do is come to the side of the bowl. Fenno moved his finger up, down and around. "Some kinda sick joke, Rosco?" he asked.

Fenno set the bowl down. He sat down on his bed. He thought about the woman law student and wondered if she really meant it when she invited him to dinner, and if she did, whether she would mind too much if they talked, only briefly, about dead goldfish.

Letters to the Comrades on the Record

Shocked

To the Editor:

We the undersigned members of the Law School community wish to see our names in print. We have nothing in particular to say; suffice it to note that we are shocked and dismayed.

Susan Keller, 1L, Bob Riggle, 3L, David Hoffman, 3L, Muhammad Kenyatta, 3L, Kaj Ahlburg, 3L, Frederick C. Foote, 1L, Glenn Morris, '83, Carl Oppedahl, '81, Stephanie Pollack, 2L, Donald Christopher Tyler, 3L, Louis W. D. Hoffman, Stephanie Y. Moore, 2L, Jorge Alers, 2L, Name Withheld by Request, 2L, Alan Dershowitz, Prof.

Way Off Base

To the Editor:

Professor Wolfman's letter criticizing the Harvard Society for Law and Public Policy for inviting Assistant Attorney General William Bradford Reynolds to eat at their dinner is way off base. Colorblind people have rights, too. We need to eat, just like everyone else.

And what's all this stuff about Reynolds not endorsing the Civil Rights laws? Why should we need him to endorse those laws? Why can't we just get people like Bill Cosby, Sally Struthers, or John Houseman to go on TV and do it? No one knows who Reynolds is, anyway.

Also, regarding Reynolds's position on the *Bob Jones* tax case, I disagree entirely with

Prof. Wolfman. That esteemed professor states that Reynolds "argued . . . that the IRS must grant tax exemptions to private schools whose basic admissions policies bar facts." What's so bad about that? It may be silly for a school to do such a thing, but that's their own business. After all, Harvard Law School's been doing it for years, and with no apparent ill effects. It doesn't make Reynolds a racist. Affirmative action does not yet extend to stupid people.

Charles Fried,
Billy Carter Professor
of Littellaprudence

Unconvincing

To the Editor:

Regarding Prof. Fried's letter above. That's *speak* at dinner, *enforce* the Civil Rights laws, and "racist admissions policies [that] bar blacks."

Fried's letter is wholly unconvincing. I stick by what I said before. I'd trust my leftovers to Reynolds, but not the Civil Rights laws. I sincerely hope that this wraps up the matter.

Bernard Wolfman,
Fussy Professor of Law

Thanks

To the Editor:

Thank you for clearing that up, Bernie. Never mind.

Emily Littella, w '37

Watt's Wrong?

To the Editor:

We're sick and tired of people attacking the HLS Forum for not providing a platform for those pinko lesbian feminists to air their hackneyed views. We think they should invite more males. Where's the beef, Forum?

We don't mind them inviting some women. But the Forum has asked its share. After all, they invited such notables as Jane Fonda, Katherine Hepburn, Brooke Shields, Meryl Streep, Joan Rivers, Barbara Walters, Bo Derek, Koo Stark, and Raquel Welch. Unfortunately, they all said they had to wash their hair that night. And they *did* get Zsa Zsa Gabor to accept.

Besides, what's wrong with their male invitees? The list of notables includes such

interesting male luminaries as William Bradford Reynolds, John Cameron Swayze, Alan G. Rothfeld, '68, Larry "Bud" Melman, John Taylor Warner, Adlai Stevenson, III, Buzz Aldrich, Carl Oppedahl, '81, Reuben Askew, and Prince William.

Next thing you know, they'll want the Forum to do a panel show with a black, a girl, two jews, and a Cripple.

James Watt, '23
Santa Barbara, Cal.

Troubled

To the Editor:

We are outraged and appalled but, above all, we are ashamed by your stewardship of the *RECORD* this semester.

At a moment's notice, you are more than happy to stir up trouble inside the Harvard community. Don't you realize that being accepted at Harvard is the greatest blessing of your life?

We are most particularly troubled by the lack of respect you and your fellow writers display for your professors. These faculty members are your elders. They have labored for years to reach a level of expertise that qualifies them to impart valuable knowledge and insights to the students at Harvard Law School. It is bad enough that you have to live among those heathens in the North; you, however, were raised in the South, where people have a few manners. It is distressing that you appear to have lost them.

Little did we know that we were raising a little Karl Marx. When we lifted you on to the rocking horse you loved so much, how could we have known that we were carrying a baby Lenin in our arms? And when your little sister suggested that we give you a nickname, perhaps we should have acceded to her wishes and called you "Ché."

We want you to know we still love you, but your contrary attitudes force us to take actions we do not really want to take. Henceforth, we are canceling your subscriptions to *Boy's Life*, *National Review* and *Tiger Beat*. Furthermore, we expect you to return immediately the Sony Walkman and electric toothbrush we gave you for Christmas.

This hurts us far more than it hurts you. We hope these steps are sufficient to entice you to give up your childish flirtation with communism and realize that the American way is the only road to freedom, happiness and nightly MTV.

Please call home soon. And by the way, Granny says to tell you "Drop dead, Red."

Love,
Mom and Dad,
Sheffield, Ala.

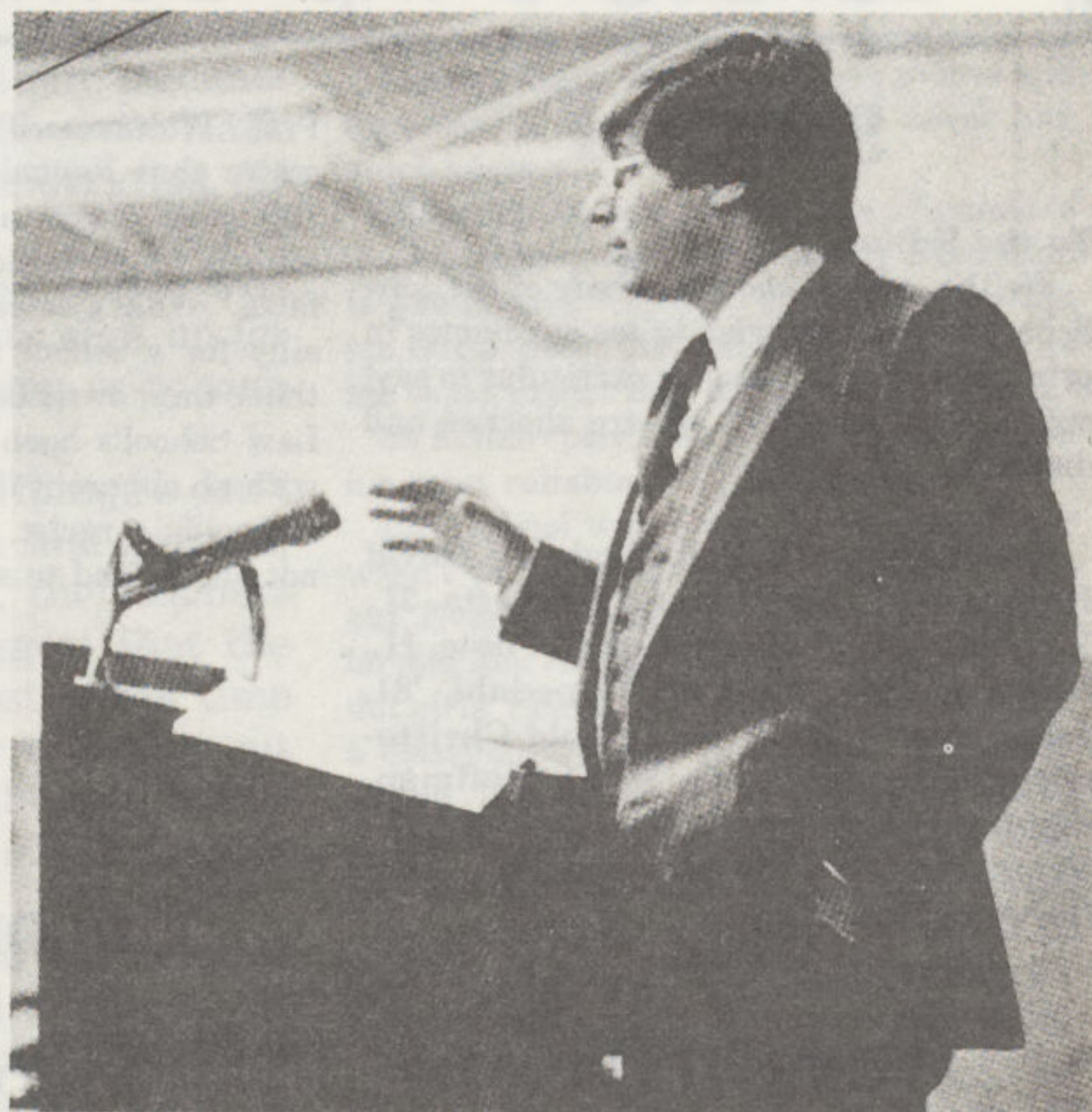
Letters Policy

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 ideological purity. We encourage letters on any approved subject, and particularly concerning subjects that are central to the People's Revolution. Correct letters are more likely to be printed. In no event will we print individual letters from running capitalist dogs.

Letters should be typed and must be received by 2:00 P.M. on the Tuesday before the issue. Letters should be addressed to the People rather than to third parties. In no event will the *RECORD* publish letters by writers who have not identified themselves with the revolution. Organizations should identify the specific comrade responsible for approving the letter.

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Evidence Of RECORD's Genesis Unearthed

By Adam Eisgrau
and Ernie Cicconi

It's not uncommon for commercial construction crews to occasionally unearth artifacts of striking archaeological significance, but papyrus scrolls in the middle of Harvard Square? "We was tidyin' up a little down dere, you know how people is always throwin' gahbudge down the hole, and we found dese funny lookin' rolled up tings," explained crew foreman Rocco Mole. "Dem bald guys wit duh funny little glasses over at duh Peabody just about blew a gut!"

They weren't the only ones excited by the find. The RECORD now has extraordinary but conclusive proof of its claim to the title, "America's Oldest Law School Newspaper." Remarkably, the scrolls unearthed appear to be ancient copies of the RECORD penned centuries ago by Law School scribes.

Scrolls Scrapped

After weeks of diligent transcription work by staff Cambridgologists at the Peabody Museum, a fascinating picture of Law School life in the reign of Vorenbergses III has emerged. "Our previous knowledge of Harvard students of the 11th century B.C.E. evidences a remarkable correlation with that of current denizens as regards habitual behavior pertaining to the disposal of detritus, that is to say gahbudge,"



Risé Peters

The Harvard T-stop archaeological dig recently revealed provocative new facts about America's Favorite Law School Newspaper.

expostulated Dr. Diligent Fahrquart IV. "Apparently, students of that day treated the RECORD much the way they treated the 'Learn Phoenician' handbills passed out in the Square of yesteryear; they tossed them away."

The headlines of that day tell the story best: "Israelite Law Student Association Mannafests Hostility Towards Shavuot Graduation," "MBTA Plans New Route for Nile," "Giza Bar Review Bows to Pharaoh," "Corporate 'Exodus' Urged: Leftists Sea Red," "Tribe Lost: Plans Appeal to 'Higher Authority'," and "Moses Pushes 'No Hassle Pass'."

RECORD Editor in Chief Michael "The Czar" Isbell was delighted with the discovery of the scrolls. In the wake of a recent item in the *Penn Forum* that dared question the RECORD's chronologic preeminence, Isbell chuckled, "So much for bull-rushes to judgment! Those guys can just go pound sand."

While academically enthused about the scrolls' discovery, Dean Vorenberg was personally somewhat disappointed. "I can't understand why Daddy and Mummy never told me about that part of the family tree," he mused.

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On Friday, April 13, members of the Admissions Committee of The Harvard Club of New York City will be in Cambridge at the Harvard Faculty Club at 20 Quincy Street and at Aldrich Hall Middle Floor, Room 111 at the Business School between 11:00 A.M. and 5:30 P.M. to make it easy and convenient for Faculty, University Officers and graduates to become a member of the Club.

Graduates of the Class of 1984 will be proposed, seconded and interviewed in one step for membership in the club. Requirements for supporting letters, etc., are waived for this event for 1984 graduates. Information about the club will be available and Committee Members will try to answer any questions you may have concerning membership.

The Harvard Club of New York City can be a most comfortable and convenient amenity that will make New York more enjoyable. It offers a central location in the Grand Central area, with spacious dining rooms, bedrooms, bar, lounge, library and extensive sports facilities.

If you cannot be in Cambridge on April 13 and are interested in membership, please write or call Ms. Thelma Leventhal, Secretary to the Admissions Committee, Harvard Club of New York City and request information for regular membership procedure, rates and brochures.

DATE: Friday, April 13, 1984

**PLACES: Aldrich Hall
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20 Quincy Street**

TIME: 11:00 A.M. to 5:30 P.M. (No appointment necessary)

Harvard Club of New York City

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Housewife Given Short Shrift

(Continued from Page 1)

another attempt to attack a great bastion of legal scholarship." Followers of the case method view the charges against Langdell as "preposterous." Said one internationally renowned legal historian, "No woman of the Civil War era could have developed such a brilliant plan. Women didn't even *like* law in those days."

Indeed, it is established that Shrift was a homemaker with little formal education. Her husband was Laurence Shrift who, in 1869-70, was a floundering law student at HLS. According to the letters, Mrs. Shrift developed her method early in 1870 in an effort to help her husband through law school.

Early in Mr. Shrift's law school career, Mrs. Shrift had developed the habit of reading all of her husband's lawbooks during late night and early morning hours when he and their seven children were asleep. It appears that she and her husband also frequently discussed "the law" while she was doing the dishes, dusting the house, washing the clothes, mopping the floors, making the beds, tending the children and having the children and he was reading his lawbooks.

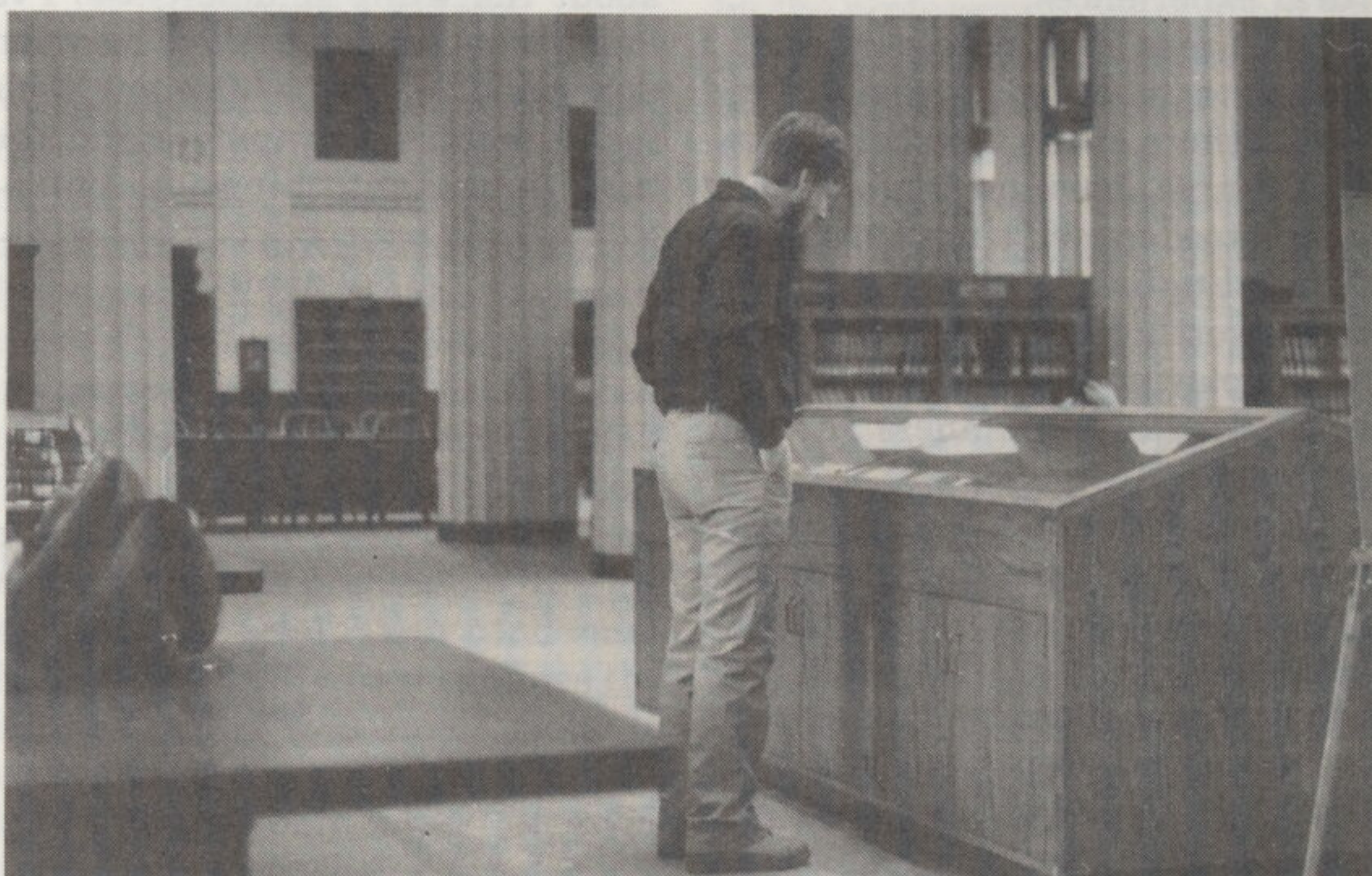
One of her letters of 1870 relates her last ditch effort to steer her husband (and her family) away from failure's gaping chasm: "Only one mode occurred to me which seemed to hold out any reasonable prospect of success; and that was, to make a series of cases, carefully selected from the books of reports, the subject alike of study and instruction."

Amazingly similar language is found in Langdell's preface to the first edition of *Selection of Cases on the Law of Contracts* (1871), the first (?) casebook. Considering how he could best accomplish his teaching goals, Langdell writes, "Only one mode occurred to me which seemed to hold out any reasonable prospect of success; and that was, to make a series of cases, carefully selected from the books of reports, the subjects alike of study and instruction."

Langdell, who was a New York practitioner before assuming the deanship, notes in the preface that it was chiefly through his "experience as a learner" that the idea of questioning students about cases formed in his mind.

On the contrary, Shrift's letters suggest the concept of questioning

has not won many supporters. The suggestion that scholar Shrift developed the method, even contemporaneously with Langdell, has had the amazing effect of uniting liberal and conservative members of the Harvard faculty who find too devastating the suggestion that their formal legal training may have been



Risé Peters

Shawn Shrift, 2L, looks with pride at an exhibit of his great-great-grandmother's letters in Langdell Hall.

her husband about cases occurred to her as she watched her children "attempting to teach the family dog to fetch, jump through a hoop and bark on command."

These conflicting accounts of the case method's origin have fueled the debate over the integrity of the case method as a teaching device, a debate which began at Harvard in 1870 when President Charles Eliot gave his blessings to Dean Langdell's "scientific" approach to the study of law.

Also discovered in the library were what appeared to be pages from the diary of Laurence Shrift. In those 1870 writings, Shrift praises his partner as "a wonderful wife, mother, and scholar" and says that Harvard Law would profit greatly from having many such women on its faculty.

It has been suggested that Shrift and Langdell might *both* have developed the case method independently but around the same time. Yet, this "middle-ground" position

totally unnecessary.

The implications of the discovery could be startling if it is indeed found that Langdell was not the original author of the method — and even more startling if it is found that Shrift indeed was. The discovery has already inspired a book to uncover the heretofore neglected contributions of women, in the home and elsewhere, to the successes (and the sanity) of "the great men" of the Law School.

In the meantime the Law School has called in handwriting experts, clairvoyants and historians (real and legal) to determine the authenticity of the letters. Flustered by all of the attention a library official commented, "We didn't *mean* to find anything. . . , "but he cheerfully added, "I'm sure the letters will be lost again next week when we continue moving the collections about."

(Susan Gilles, SJD, assisted in the preparation of this story.)

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Leisure Class Works To Fit In

By Michael Malamut

For a small but distinct minority of Harvard law students, enrolling here requires more than the standard degree of coping with new surroundings. These students must deal with an alien environment which often ignores their own cultural experiences.

"At times it is necessary that I translate in order to comprehend what others at the Law School say. I, of course, have no trouble being understood myself since I speak the King's English," said Elliot Dudley Farnsworth III, 2L, who grew up on the playing fields of Eton. "There is a sense of foreignness in their demeanor."

Farnsworth and others who were raised in countryclub surroundings are strangers to much of what happens at HLS. Their interests here are unrepresented by any student organization, except perhaps for the Astrology Club (which fosters satisfaction with people's present state much as did the medieval church) and to a certain extent Lincoln's Inn (which is, however, beyond the pale with its open membership policy). Their concerns and perspectives are often ignored in the classroom.

The idle rich at HLS believe that the teaching style here is grounded in mere middle class values and principles since, after all, the professions are based on the upper middle class idea that one can get ahead through achievement rather than solely by birth.

No figures are readily available on the number of HLS students who come from over-privileged backgrounds. It is probably beyond dispute, though, that these students make up only a fraction of the student population.

"I am prejudiced towards those who can converse adequately about squash, yachting, their ancestors' medieval titles, the islands and astrological signs," Farnsworth said. "I am prejudiced towards upper class, white Anglo-Saxon Protestant males from the Northeast who prepped and went on to Ivy League schools and belong to the same clubs

and summer on the same islands I do and are related to me at least distantly, especially because these are the people with whom I tend to be comfortable.

"I do not interact well with mere upper middle class WASPs, let alone anybody else. If there is one thing I've learned here, I've learned a lot about the white middle class. I've found a gap in perceptions between upper middle class whites and their social betters who understand the truly important things in life —

large portfolios and trust funds, pink and green clothing, duck boots, connections and freebased cocaine. That bothers me."

Total Horror

"The first week of class was a total horror," said Kingsfield Martindale Hubbell Jr. "I remember writing letters to my friends saying I was shocked at three things — the disrespect of the students to their betters, their constant striving to gain social position through (of

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Yacht Set Feels Adrift At HLS

all things!) academic achievement, and their concern with law as a means of promoting the status quo as opposed to its just basis as a means of promoting outright, all-white, male-might, uptight capitalist exploitation."

Perhaps the most obvious example of the gap in perceptions among those with different economic backgrounds at HLS is earning expectations.

"It's horrifying to hear people talk about taking jobs where they will make a mere \$900 a week and then imagining the horrible sacrifices they will have to undergo in order to maintain a meager existence at that level — no maids or butlers, indeed, to think, no servants at all. I wonder how they will get by!" Hubbell said.

Law school becomes an endurance contest for many leisure class students. The students who win are those who find ways of coping with the realities of HLS.

"Part of the coping means spending a lot of time away from the Law School," Farnsworth said. "Part of it is getting back home, wherever that may be — Monte Carlo, Paris, Palm Beach, or the city place on the Upper East Side, or the country place in the Berkshires, or the ski chalet at Megève, or the summer place on the Vineyard, or wherever else coke is plentiful and the grouse are running."

Going Home

Some students, however, find going home painful. "The family doesn't understand what I tell them about tax law," Hubbell said. "We haven't paid taxes in generations. My great-greatgrandfather incorporated the family estate so corporations don't interest them. They ask me why I went to law school and I can't make them understand that somebody has to understand the law in order to protect our interests; otherwise our trusts will be eaten up by lawyers', accountants' and managers' fees. But I look different, I act different, I wear different clothes. I never thought one

could wear a business suit to a social function! I'm used to black tie, white tie or bust. I've always worn a black or white tie to parties before, whether I wore anything else or not. People at home waver between being mildly amused and being downright aggressive."

Classless Classes

Uppercrust students are not only required to make personal adjustments to life at Harvard, but often must come to terms with course offerings which fail to take their particular intellectual aspirations into account. There are so few courses in trusts and estates, and they fail entirely to deal with the breaking of entails. Land Use Planning does not address the problem of turning servants' quarters into condominiums, and Family Law confines the idea of family to a small group of intimates as opposed to teaching one how to treat truly important relations such as bachelor great-uncle Charlie who discovered three South Pacific islands during the Spanish-American War and has held them

ever since as his personal domain.

"The faculty does not identify with those in tax havens in the Bahamas, with those whose domestic help is unionizing, with those who have nothing better to do than play polo and sun themselves on the freshly mopped decks of their world class yachts. There is no willingness by the professors to learn about life as it is experienced by the 0.00001% of the population that really counts," Farnsworth said.

Prof. Charles Fried replied, "These people just don't understand how hard I've been trying to join the privileged few. It's hard to sit around trying to think of ways to force ordinary boring legal theory to correspond to justifications for vast inequality."

Prof. Duncan Kennedy retorted: "I don't know what they're gabbing about; I manage to send my children to the best prep schools without worrying about contemporary legal issues. I am living proof that the Law School is willing to take on a few token members of the idle rich in order to show its commitment to equality."

Sports Quiz

Note: Enough is enough. Since we've all had our fill of cutesy questions about athletes who eat like birds, or who are different colors, or who play baseball, or whatever . . . here's a sports quiz that dares you to get one right. Just try. Go ahead, make my day.

1. This boxer, a product of superior breeding, scratched and clawed his way to the top of his field under the tutelage of Dr. and Mrs. R.C. Harris in 1951. Name this top dog who that year captured the Westminster Kennel Club "Best in Show" award.
2. This Texan put his best foot backward by taking an 8,000-mile transcontinental walk between Santa Monica, Calif. and Istanbul, Turkey from April 15, 1931 to Oct. 24, 1932. Name this possible relation to a former popular twelfth man on the N.Y. Knicks who wore special glasses in completing his mean feat of reverse pedestrianism.
3. At the national championships held over three nerve-shattering days in June, 1976

- at Great Adventure amusement park in Jackson, N.J., this fourteen-year-old phenom used an unorthodox style to outshoot a field of about 30 youngsters and put an end to what he called "the marbles dynasty in Pittsburgh." Name this Cumberland, Md. native who knuckled down to win the finale, 11 games to seven.
4. Throwing to the wind the platitude about the inherent value of proximity in her chosen sport, this superstar clanked home a record 95 percent ringers in one game in 1973. Name the pride of Getzville, N.Y. who continued to hit the mark in 1974, recording 42 consecutive ringers in one span that year.
5. The holder of the endurance record for staying in a cave, this Yugoslav hibernated in the Samar Cavern in the Svrlijig Mountains of northern Yugoslavia from June 24, 1969 to Sept. 30, 1970. Name this "spelun-king" who had to be carried out of the subterranean hollow he called home for 463 days.

(Answers on Page 19)

Profs' Writings To Become Interesting

(Continued from Page 5)

leases which will focus on the attitudes of bygone Latin American dictators toward specialized portions of the civil law. "*Election of Remedies to Equitativo* and *Libel and Slander to Lis Mota* are pretty dry," conceded Printit. He added, however, that they would complement the Cuban and South American adventure series planned for next year. "Let me tell ya, the galleys for *Garnishment to Habana* look terrific," he gushed, "and the one about gun running in the Honduras, *Sales to Salva Gardia*, is downright explosive."

Nor has ALB overlooked the lucrative Sci-Fi and How To portions of the market. Three titles, it is hoped, will eventually be launched at the intergalactic crowd. *Exemptions to Fireforce*, *Adulteration to*

Anhydrous, and *Mayhem to Monkeyland* will all be out next fall. "Mayhem really oughta grab the law student market," explained Printit. "It's all about how these strange pods which grow only on Wall Street turn altruistic law grads into mindless, merger-maddened zombies. Great stuff!"

Anything to Salvage?

On the "How To" score, an anonymous member of the faculty is currently working on *Salvage to Seduce* and Charles Nesson's guide to devastating cross-examination of hostile witnesses is almost ready for the press. Filled with personal anecdotes and examples drawn from his discussion of the Big Dan's rape trial with Ted Koppel, Nesson's *Witnesses to Woodpulp* is a must-read for budding litigators.

On the even seamier side, Dr. Alan Stone plans to focus on "an all-too-common paranoid delusional obsession of corporate lawyers." *Attachment to Bank Paper* promises to be a sensitive and thorough treatment of this "debilitating fetish," according to Dr. Stone.

The conversion of the library's antiquated *Corpus Juris* collection seems likely to succeed. For the first time in half a century, the handsome set will be recognized as more than just a prop for Raymond Burr's Perry Mason trailer. Perhaps most significantly for cost-conscious law students, the joint ALB-Langdell Library venture may help keep tuition down. With just a few new *CJ* volumes on the bestseller list HLS will be filling its pockets . . . instead of just its pocket parts.

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Not A Law Review Story

Names

(Continued from Page 2)

Fried and the former Arthur Miller are in bed together intellectually now becomes an accusation of incest."

Former Prof. Susan Estrich took a different tack. She asked to be called Rose in the future. "It's because I always wear red," she claimed. Sources close to Estrich, however, said that Rose's public statement was inaccurate. They claimed that the real reason for the name change was that she thought the new version was more chic.

✽

Sports Answers

1. Champion Bang Away of Sirrah Crest
2. Plennie L. Wingo
3. Jeff Rice
4. Ruth Hanger
5. Milutin Veljkovic

Dean To Upton: To The Elevator!

By Nara Cohen

After nearly a year, HLS Dean James Vorenberg has announced his response to Dean of Students Mary Upton's lone anti-administration vote. Last year, Upton defied the administration's position and cast the deciding vote in the Legal Education Committee to recommend that the faculty table the ill-fated resolution to allow professors to include class participation in calculating grades even in large courses.

Vorenberg ordered Upton to "do time" in the antique Langdell Library elevator. "The truly exquisite

part of the punishment," the dean explained, "is that Upton will have company. I intend to appoint a student to be her cellmate." Upton was unavailable for comment.

Bob Riggle, 3L, has already mounted a campaign to be asked to squeeze into the tiny cell with Upton. "I've been trying to get someone to listen to me for at least three years," Riggle stated, "and this seemed like the perfect captive audience." As a peace offering, Riggle said he has given Upton a single rose.

When asked what he hoped to accomplish during the meeting,

Riggle responded: "I hope to barricade fear and guilt and love and hate behind the facade of that historic elevator. I'll keep her there until she admits that service alone can rescue us from our mortal cages."

Vorenberg refused to specify the duration of Upton's stay. He stated he was considering appointing Jim McGillvray, Langdell library's night circulation desk supervisor, to act as Upton's rescuer. "But that might constitute cruel and unusual punishment," he said. "Peter Lebold Cohen says that that McGillvray character has a gruff and unsympathetic manner. I've been thinking of giving her a swig of coffee when she emerges."

The dean said he waited this long because he was searching for "a punishment that would fit the crime" but has a relatively poor imagination. "The recent fuss over the mechanical problems with that elevator inspired me," Vorenberg commented.



Risé Peters

Professors and students recently marched in Harvard Yard to demand that Dean Vorenberg release Dean of Students Mary Upton from the Langdell Library elevator in which she has been incarcerated.

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Weinberger

(Continued from Page 3)

wine, eating Brie and squealing, 'oo la la?'"

Harvard officials were ecstatic that Weinberger's potentially explosive visit this week turned out well. When asked after the secretary's departure if his invitation to Weinberger was not a bold gamble, Vorenberg said, "Oh, please, can we talk? I didn't know what might happen after his last visit. Those hateful hecklers were positively nasty."

Students who spoke to the RECORD following the speech said they were unsure why the second Weinberger speech went so smoothly, but one student said, "I think when the secret service man shot that kid in the third row right at the beginning of the speech, the crowd really started coming around to Weinberger's point of view."

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