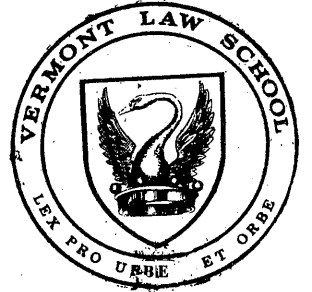


Vermont Law School FORUM

Vol. IV ISSUE 10



April 13, 1979

Radiation Torts

By Tom Trunzo

What is more of a nuisance than cement dust on the Boomer family lawn? What is more tenuous than the proximate cause difficulty in *Palsgraf*? What is more negligent than unsafely designed fuel tanks on a widely marketed automobile? What is more difficult to trace than the chain of custody of exploding soda bottles? What is as much a homicide as putting a loaded gun to a baby's head and pulling the trigger thirty years later? The answer is radiation.

As a lawyer you may be called upon to litigate tort claims including wrongful death actions resulting from exposure to radiation from nuclear power plants among other sources. The following is a brief discussion of current problems of isolating radiation as a cause of injury.

The passage of alpha, beta, or gamma radiation through living tissue, except in massive doses, is subtle in its effects. The radiation can disrupt molecules in living cells, affecting the cell's biochemical behavior. Instead of playing its accustomed role in metabolic activity breaking down appropriate substances, building up others, the system goes awry. Some substances may no longer be broken down, but are allowed to accumulate; others may be created in error, further disturbing the system's biochemistry.

Clearly, massive doses of radiation can simply overwhelm a living system with so much primary damage that it is incapable of recovery. But much more insidious harm can be done even by a single alpha particle, beta particle, or gamma ray, although it may take years or decades to develop. Its final manifestation may be totally unrecognizable as radiation damage, not only because of the timelag, but also because the pathological outcome may result from a very long train of cumulative biological consequences triggered by a random jolt to a minute but sensitive part of the human body.

Radiation effects can be described as acute or latent depending on whether they show up within a matter of weeks of the radiation exposure, or only perhaps years afterwards. The effects can be further classified as "somatic" and "genetic." A "somatic" radiation effect shows up in the organism which has been exposed. A "genetic" effect shows up in the off-spring or later descendants. Acute effects are fairly easy to identify as radiation injuries; latent somatic effects may be much harder and genetic effects may not be identifiable at all.

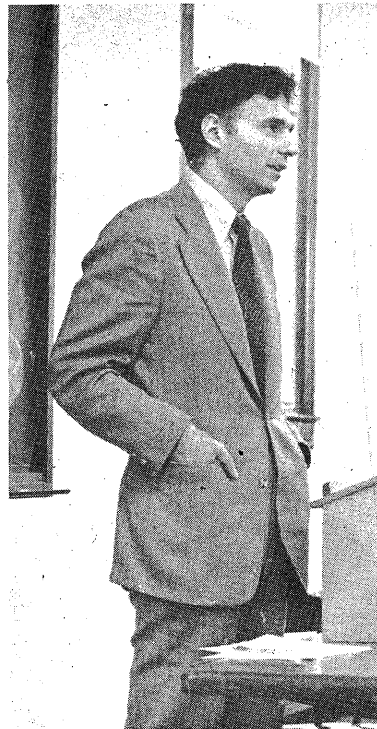
Acute radiation injury causes damage to the tissues which form red blood cells; very high doses may also damage the stomach and intestines and extreme doses, the central nervous system. But smaller doses usually entail a longer sequence of biological consequences. Leukemia may be induced five years

or more after the exposure; other cancers may not show up until as much as 20 years after the exposure. Cataracts may form on the eye; there may be skin damage. Fertility may be impaired. At the level of virtual undetectability is "non-specific aging" or "radiation life-shortening," whose basis is very obscure. These are all somatic effects.

Even a single gamma ray can cause damage to a reproductive cell, to a gene or chromosome. If the damaged cell then participates in the formation of an offspring, the effect of the damage appears in the offspring or possibly only in later generations. Where the damage is sufficiently serious the offspring may not survive. If it does survive to reproduce, the so-called "mutation" may slowly become a widespread feature of the descendant population.

Everyone is, of course, exposed to natural, background radiation which we can live with. This does not mean that it is harmless, merely that whatever harm it does allows us to exist without discernible ill-effects. This natural background radiation is taken as a base-line for setting standards governing "Maximum Permissible Doses" (MPD) for the exposure of humans to man-made radiation. A great deal of controversy has arisen whether even the MPD set by the government for those occupationally exposed and for the general public is really less than a "safe" level. Both sides to the debate are currently arguing without extensive supporting data. As was previously mentioned, however, there is basis for believing that even a single alpha particle, etc. may precipitate consequential damage to an organism or to its descendants. Those in support of further development of nuclear power who appreciate the consequences of radiation exposure argue that the benefits derived from this form of power generation outweigh whatever adverse health effects result. This type of cost-weighting has previously appeared in questions on whether the trucking industry should retro-fit tractor-trailers with lowered guard bumpers to prevent a statistically pre-determined number of fatalities from rear end collisions with cars. It has also appeared in evi-

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Ralph Nader addressed a full house at VLS on Friday, March 30. For one student's reaction to Nader's speech, see the letter's column on page 2.

Law Review

DRAWS 23 COMPETITORS

Last Monday, twenty-three first year students delivered memos addressed to the fictitious Judge "Emma Bovary" at the Pierce House in hopes of winning a spot on next year's Law Review staff. Two weeks earlier about half the class, 55 students, had picked up the competition problem. If all goes as planned, seven, or maybe even eleven, students will receive invitations to the Vermont Law Review (VLR) staff sometime this summer on the basis of that writing. Five other students will receive invitations on the basis of second-semester grades alone.

For many members of the class of '81, the write-on was the first non-obligatory writing at VLS, and the first which did not involve the entire class. Many students expressed a favorable opinion of the quality of the problem, which concerned an Equal Protection challenge to the non-hiring of a black resident-alien. Said one student, "It was a treat compared to my moot-court problem". Research was restricted to students' Constitutional Law textbook and to eleven recent cases put on reserve in the library. Second year students

Continued on pg. 5

Stetson Elected President

The elections are finally over and the new officers of the Student Bar Association have been chosen. Both the election held on April 4, and the run-off one week later were made by heavy voter turn out.

The Presidency was captured by David Stetson with 94 votes in a hotly contested run-off with Phil Leber. Brian Dempsey (unopposed) will take over as Vice-President, Shauna Lynch (unopposed) will

assume the office of Secretary, and Mike Sweeney unopposed will take the post of Treasurer.

Student Trustees elected in the run off elections were Gail Killefer for the Class of 1980, and Dinah Yessne for the Class of 1981. The Representatives for the Class of 1980 are Larry Hickey, Ralph Dawson, Robert Washburn, and

Continued on pg. 2

Dickey-Lincoln Update

The Army Corps of Engineers is now in the process of completing various engineering and environmental studies on the Dickey-Lincoln School Hydroelectric Project in northern Maine before considering the final implementation of the federally-financed water resource project.

The proposed dams and resulting destruction of 57 miles of freeflowing river has generated much controversy due to the irreversible environmental impact to the area and the permanent loss of the last true wilderness canoeing area in the Northeast.

The dam at Dickey would be nearly two miles in length and have a maximum height of over 300 feet above the streambed. The reservoir it would create is expected to impound 7.7 million acre feet (2,500 billion gallons) of water.

In addition to the inundation of about 100,000 acres of woodlands, there would be an adverse impact on trout spawning areas and deer yards. Further, the fluctuations of water level would be as great as a 40-foot draw down, creating a "bathtub ring" of extensive mud-flats.

The first in-depth study of the project conducted in 1961 at a cost of \$3 million concluded that the project was "not economically feasible. Three years later a report was submitted that the project could be viewed favorably by applying different use-concepts of power.

The Corps has estimated the total cost of the project to be \$744.7 million at October 1978 prices while critics have put the price tag at over \$1 billion taking inflation and the eight year construction period into account. The Corps has computed the project cost on an annual basis reflecting amortization of the investment and annual operation and maintenance expenses over a 100-year project life. It also expects to retain use of a 3 1/4% interest rate in its economic analysis although critics have said that such a rate bears no relationship to the real world.

The Corps has set out what it

calls the projected benefits of the project in its recent environmental impact statement. The power generated will be 3 1/2 hours of peak power each day for use in distant urban areas where there may be a reduced delivery of total power generated due to transmission line losses. The flood control benefits are based on projected savings due to the partial elimination of floods in largely uninhabited areas. Local employment opportunities, according to Corps studies, would increase even though fewer than half of the work force would come from the ranks of the local unemployed. The Corps also notes that it has used tentative wholesale rates of \$56 per kilowatt hour for capacity and about 2 cents per kilowatt hour for volume computations in the feasibility study in order to measure expected return on the total investment.

The Corps says the dam construction is competitive with using gas turbine generation to supply the same amounts of electricity. Critics of the Corps' analysis insist that peak load management and conservation efforts could provide a greater return. It is notable that during a public hearing on the Dickey-Lincoln transmission lines last May in Montpelier, the representative of the Department of Energy, in response to a question on why the amounts spent on construction might not be better used for home insulation, responded that the savings would be minimal "since very few homes were heated by electricity."

The current status of the project is uncertain although it has conceivably been given added attention due to the impending fuel crisis. Former Maine Governor Longely was opposed to the project. His successor, Joseph E. Brennan, however, has expressed conditional support pending review of the final impact statement.

Interested students who may want to participate in the expected litigation as intervenors when the project is given the final go-ahead are requested to make contact with the Environmental Action Group.

Nuclear Balancing

As if there hasn't been enough frightening news about abuses in the nuclear industry, the following information shows how the Nuclear Regulatory Commission set a radiation exposure/effluent standard by weighing economic interests against people's lives.

Until late last year 10 CFR §20.1 (c) required nuclear plant operators to make "every reasonable effort to maintain radiation exposures and releases of radioactive materials in effluents to unrestricted areas as low as is reasonably achievable. The term 'as low as is reasonably achievable' takes into account the state of technology and the economics of making improvements in relation to benefits to the public health and safety and other societal and socioeconomic considerations, and in relation to the utilization of atomic energy in the public interest.

On November 9, 1978, the NRC published a revised standard in the Federal Register (43 FR 52202). The phrase "as low as is reasonably achievable" was changed to "as far below the limits specified in this section as practicable." The weighing criteria was unchanged.

We hope that the NRC regulations and nuclear energy policy will come under closer scrutiny by decision-makers. As law students who appreciate the significance of these standards and who understand the effects of laws and regulations on people's lives, we have a special responsibility to inform ourselves about the many aspects of atomic energy and to express our concerns to the decision-makers. This is a great opportunity for us all.

THE VLS FORUM

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The community newspaper of Vermont Law School is published fortnightly. Subscriptions are available at a cost of \$10 per year or \$6 per semester.

Opinions expressed in this newspaper reflect the subjective opinions of the authors and are intended to stimulate the academic community rather than represent a survey of campus sentiment or school policy.

Letters to the Editor are accepted if submitted, typed and double spaced. Letters must be signed, although names will be withheld upon request.

All articles, other than editorials, are heartily accepted.

Elections

cont. from pg. 1

Phil Mancini. The Class of 1981 chose as its Representatives Larry Burke, Shelley Hill, John Speer and Jack Zanehaft. The Judiciary Board is composed of Dot Helling, Scott Cameron, Greg Romano, Duke Eaton, and Steve Judd.

The new SBA Board of Governors is effective immediately, and the first meeting is scheduled for April 12, at noon.

The Town Liason Representative is Robert Jackson, and Rich Mott was chosen to serve on the Faculty Hiring Committee. Peter Bolding and Fran Constantine were elected to the Curriculum Committee, and Sue Fowler and Lisa Kaeser were selected for the Admissions Committee. Ruth Littner was chosen for the Library Committee, as was Chris Tangredi in a stunning upset victory over Ed Hughes.

Letters

Nader Lecture

To the Editor:

It has been said (I don't know by whom) that the novels of Thomas Hardy are best described as the village atheist talking to the village idiot. Ralph Nader's speech of Friday, March 30, 1979, struck me as the village Luddite soliciting funds from the village idiot.

This man has been called a crusader, and he is of course. Have you looked at the Crusades lately? Or at the Crusaders?

Impressions.

Big corporations are greedy, rapacious, ruthless, immoral, stupid, and carcinogenic. Law firms that have them as clients are also (by extension) g, r, i, s, and e. Such corporations probably should not have lawyers, they are properly reserved for those whose interests are the same as that of "the public". Certainly, idealistic young lawyers such as the people in the audience should not "sell themselves cheaply" by working for such firms. They should form their own law firms or offices and undercut the existing firms and offices by charging their clients as little as possible and should send as much as they can spare of that little to the Equal Justice Foundation.

All those who still believe in nuclear power, tolerate nuclear power, operate nuclear power stations, or are otherwise employed in or by the nuclear power industry are also g, r, i, s, and c. This is true because they all know how expensive, dangerous, and immoral nuclear power is, and how safe, cheap, abundant, limitless, trustworthy, brave, honest, obedient, kind, clean, and reverent solar power is, and persist in their error, mostly because they think to make more money that way.

Law schools are evil. Perhaps they are not quite g,r,r,i,s, and c, but they conspire with those who are, because they fail to teach their students of the crimes against humanity of those who are g, r, r, i, s, and c.

I was told by a fellow student (after Nader left) that Nader is not before a court when he makes such speeches as the one of March 30, and should not be held to the same rules of evidence or ethical argument that would apply in court.

That he was not there to describe the virtues of his opponents or to air all sides of the issues, but to advance his own position and his own cause. That his adolescent Marxist Tarzan-talk (my phrase, not the other student's) and his imputation of base motives (indeed his utter, complete, absolute, unconditional, uncompromising, inability to so much as consider the possibility of the good faith or innocent motives of an adversary) are intended to "high light" his points and to bring out the basic underlying truth of his position, and need not be taken seriously or literally. Finally, that an audience of "college kids" should expect no better.

Reactions:

Isn't one Andrew Young enough for any country?

Are we really still "college kids"?

Shouldn't even "college kids" be able to expect better from a speaker? Better than a choice between conscious propaganda or honest fanaticism by a spokesman for a cause to obtain converts or money for that cause?

Isn't the kind of price competition that he enjoins on us open to the grossest abuse? Might not this be why the American Bar Association opposed advertising for lawyers for so long?

Is the nuclear power debate really closed beyond all appeal? Are there no arguments in its favor that one can make with intellectual honesty and a straight face? Who says so?

Is it really the act of an idealist to whine about how American law schools have not been indoctrinating their students according to that "idealist's" specifications?

Speaking of indoctrination, are we to believe that Harvard Law School is so good at the kind of indoctrination it practices that only Ralph Nader was able to avoid it? Is the nation to be saved by Nader alone among living lawyers?

If it was not he alone who escaped alive to tell us, is such indoctrination so much to be feared?

Frankly, I was astonished that the author of *Unsafe At Any Speed* managed to get into Harvard Law School, let alone graduate from it.

In conclusion I offer this paraphrase from C.S. Lewis. It concerns my advice for you should you encounter a man who plans to do all manner of great and wondrous things with your money. Keep one hand on your wallet, "your eyes on (him) and feel for your hatchet." But doubtless this advice is g, r, i, s, and c. And e.)

Signed,
Christopher M. Johnson

ALUMNI

Attention Alumni:

VLS will celebrate its annual spring weekend on the fourth, fifth, and sixth of May. There will be a dance Friday night, tentatively scheduled at the South Royalton High School Multi-purpose Room from 8 till eleven, BYOB, and with a one dollar admission charge.

Saturday there will be a picnic on the athletic field behind the high school. Beer and food will be offered along with spectacular sporting events throughout the day. Sunday from one till four will feature a jazz concert in the gazebo on the green in South Royalton. From six till seven thirty there will be an open house and hors d'oeuvres served at the law school, followed by a movie in the third floor auditorium.

VLS alumni are hereby invited and encouraged to share this weekend with us.

THANKS

To the Editor:

Dear Sirs:

We would like to express our gratitude to all of the first year students who were present at the recent VLS intramural basketball championship game. Your support was greatly appreciated, and did much to undermine the theory that '81 is a suspect class.

Doc Donohue, David Dunn
Steve Parody, Jack Phillips,
John Speer, Bill Kakoullis,
Harvey Barlow, Bill Chase,
Tim Owen.

Rumors

Attention 3rd year students: Once again professor Shreve will conduct a get-together of persons who have taken the Bar exams and those who are about to. This will take place in the third floor auditorium on April 18 at noon. Interested persons bring a lunch and questions.

Dear Editor:

It is late in the year and people are getting a little tired of being here. The gripes are starting to ripen. I have some, and I have collected some from others, and the following is an unedited list of things that might be done to improve life around the old school house.

1. The walks to the parking lots should be paved or be made out of wood. As they are, the mudways are a mess much of the year.

2. There should be a light in the parking lot at night. One is always stumbling around when leaving the library late at night.

3. The announcement case should be moved around the corner, so as to face the activities mail boxes, or be moved to some other open area. People reading what is posted interfere with those leaving class, those going into class, and those trying to go through the stairwell door.

4. The ventilation in the loft of the main library is terrible. In the winter people open windows to get fresh, cooler air, letting the heat out at the same time. In the spring, even opening a window does not generate enough circulation.

5. Transcripts look like they come from a real cheap operation. This is not very impressive in applying for a job. A good IBM or DEC word processing typewriter would help.

6. Billing is bad. If one is expected to pay weekly, monthly, or whatever, one should receive a weekly, monthly or whatever bill. It is always a surprise to be billed at the end of the term, "Pay up now, all of it, at once or be expelled". Again a small business machine might help. A DEC machine leases for about \$300 per month.

7. The soda machine should issue cans, not cups. Deposits could be reclaimed at the library or somewhere else.

8. There should be no delay in putting out newspapers and magazines. The library staff are either sleeping or reading them cover to cover first.

9. For three winters the plowing has been incomplete. The idea is to remove all the snow from the parking areas and the walks, and do it in such a way that it can be done again the next time it snows. Once the snow builds up on the edge of an area, the game is lost.

10. Is it the school's intention to always leave the dumpsters in such a prominent spot?

11. The restroom in the basement periodically stinks or is flooded, or didn't you notice? How often is it stocked with paper towels?

12. Why don't the school clocks tell the correct time? Why isn't there a clock on the first floor? Why aren't there clocks in the classrooms?

13. Doesn't anyone ever clean the bulletin boards? Upstairs too.

14. The mailboxes in the nook should be moved elsewhere. One person at a time is the limit at accessing them. They are also part of the 'jam zone'.

15. Where are you supposed to put your books in the restrooms, or are you supposed to hold them? How can you hold your books and wash your hands?

16. There should be an annual welcoming party or dinner for the new students and their families. The faculty, administration and people from the town could introduce themselves. The objective would be to make the students feel that they are a welcome part of a community, and not just money spewing rats to be run through the maze.

17. Why not run school from April to December and forget about winter, or open a branch in St. Thomas?

Yours truly,
Bill Meyer

POETRY

Song of Debevoise

“Ode To My Brothers and Sisters In Hammurabi: Boondocks Chapter”

by Gideon Barbarosa
Shortfellow

by
**One Who Hopes He Will Make It Out of Here Carrying
His Shield, Not On It**

OR
**Verses Found Carved Into the Bark of a Sugar Mpale Beside
the Corpse of a Young Man Who Cut His Wrists With the
Spiral Binding From a Gilbert's Outline.**

By the shores of Rio Blanco,
By the Great Car-Munching River
Chief of Tribe of Hammurabi,
Built this new wigwam for shysters.
Built he here in land of boondocks,
Here in mountains Green and rugged.
Here in land of Tribe Stumpjumpus.
Land of snow and ice and skiing,
Land where people in the springtime,
Tap and boil sap that rises,
(state to south send sap to Senate).

Used he here this ancient schoolhouse,
Built he big wigwam for lawbooks.
Put he room in wigwam basement,
Stocked with coffee and with pingpong.
Built then classrooms, put long desks in,
Made of finest wood formica,
With blue bucket seats that swivel.

Boards for tacking up of birchbark.
Board for those who love the forest,
And its creatures (more than people).
Board for squaws who say that braves are
Always trying to oppress them.
Board for those of Guild of Lawyers.
Those who say that Tribe of Cubans,
and of Chinese have it better,
Better there than here we have it.
Board for buying and for selling,
and for getting local wigwams,
and for getting out of boondocks,
For a day (New York or Boston).
One with lock for special birchbark,
(special birchbark readum-weapum).

After Big Chief built his wigwam,
Called he then to Tribe Flatlandus,
Called to braves and squaws in college:
“Come and learn and be a shyster.
Learn of tort and crime and lawsuit.
Learn of ‘thinking like a lawyer’,
Learn a lawyer’s special ethics,
(afterwards make plenty wampum).”
Brave of Tribe Flatlandus heard him.
Heard in town of bean and “peace march”.
Heard he of the school’s high standards.
Heard good things of this new wigwam.
Brave came up to land of boondocks,
Looked at Big Chief’s brand new wigwam,
Looked at shamans, looked at students.
Saw was better than the other,
Other shyster’s school that took him.
So this brave of Tribe Flatlandus,
Came he then to land of boondocks.
Came to town by Rio Blanco.
To this school by Rio Blanco.

Came to classes then and wondered.
Wondered why the tort-law shaman,
(this one young with little mustache)
Had such vicious reputation.
Why the braves of upper classes,
Say he eats young braves for breakfast.
Wondered why the crime-law shaman,
Wore such war shirt and such leggings
(colors never went together).
Wondered why the treaty shaman,
Spoke as though we could not hear him,
If his voice split not the rafters.

Brave from land of Tribe Flatlandus.
Heard when Big Chief taught of ethics.
Knew he then why other people,
Say such things of tribe of shysters:
“Bows and arrows, shoot for wampum.
Tongues not fork-ed, many branch-ed.”

Heard he bearded Texan shaman’s,
Lectures of the birchbark writings.
Writings of wigwam and wampum,
So that when the aged shyster,
Goes to Great Eternal Courtroom,
Squaw and papoose get his wampum,
And wigwam, not Great White Peanut.

Brave heard then of cops and robbers.
Heard from fork-ed nam-ed shaman,
He-Who-Stands-Like-Stork-To-Lecture.
Heard of junkies forced to vomit,
Heard of searches and of seizures,

Search of braves and squaws and wigwams.
Search by looking into windows,
Search by sniffing out the pot fumes,
Search of ears at rest and moving,
Always, ever, ask the question:
“Did they think it would be private?”
Heard of how to use informers,
When to listen and believe them,
When to use them as a reason,
When one gets a special birchbark,
Used for search of robber’s wigwam.
Brave heard what to do with “suspect”.
Heard what questions cop can ask him,
Heard of things cops have to tell him,
Ere they ask him any questions.
Heard that when the cops don’t tell him
that he doesn’t have to answer,
All his answers are as nothing.

Welcome are they in a courtroom,
As a bullchip in a bucket
Of the finest firewater.
Heard of fruit of tree of poison,
When the cops arrest a robber
And they tell him not of lawyers,
Can they then arrest another?
Robber of whom first one told them?

Brave heard all these things in classroom,
He-Who-Stands-Like-Stork had told him.
Then he studied for the final,
Went through text and notes and outlines,
Crammed like hell and took the final.
Gave back what the shaman taught him.
Waited now to see the birchbark,
Special birchbark readum-weepum.
Saw the extra-special birchbark,
Telling braves of Chief’s decision.

Due to things the braves were saying,
That the fork-ed nam-ed shaman,
Took his questions, did not make them,
Took his questions down verbatim,
Took them from the tin-can-outline,
Tin-can-outline in the bookstore.
Known was this to braves in law school,
Known before the test was given,
Read they then the tin-can-outline,
Found the questions and the answers.
He-Who-Stands-Like-Stork-To-Lecture,
Let the braves leave the exam room,
During test to fill their lungs up,
Maybe then they saw the questions,
Answers too; so said the grapevine.
Due to this the crime-law shaman,
Cut the crime examination,
Cut objective section from it.
Now that part would count for nothing,
Now that grapevine stink has stained it.

But Big Chief by Rio Blanco,
In this very special birchbark,
Even though the tainted questions,
Said the shaman, count for nothing,
So that no brave profit from this,
Test is marked on pass-fail basis.

Brave from land of Tribe Flatlandus,
Found this birchbark in his mailbox,
Read this birchbark from his mailbox.
First he heard of all this trouble,

First he heard of Sum and Substance,
First he heard of tainted questions.
To brave from land of Tribe Flatlandus,
This was just another law test.

Crused then brave of Tribe Flatlandus,
Cursed he then the crime-law shaman,
Could not keep the questions secret.
Cursed he then the brave who saw them,
Brave who could not keep his mouth shut.
Cursed he then the Chief’s decision,
To mark the test on pass-fail basis,
When the questions that were tainted,
by that time were gone already.

But the brave from Tribe Flatlandus,
Thought he then of silver lining,
Thought the brave “I could be worse off,
Chief and fork-ed nam-ed shaman,
Might have made us take test over.
That test again? I couldn’t face it.”

For the brave from Tribe Flatlandus,
Life goes on by Rio Blanco.
He studies now the Three Eternals,
Law to deal with squaw and papoose,
Getting of and getting rid of.
Law of land of Great White Peanut.
Dipping ever in your pocket.
And of law of Tribe of Bureaus,
Giving other Tribes their orders,
Orders long on many subjects,
To all braves, Tribe Starsandstripes.
(This the hand of Great White Peanut,
In our pocket, this it pays for.)

Now this brave of Tribe Flatlandus,
Hopes he’s going to pass these courses,
And the others coming after,
That he’ll take in moons to follow.

So that when the time comes for it,
He will join Tribe Hammurabi.

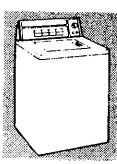
So that Big Chief by Rio Blanco,
Giving him his law school sheepskin,
Will say to brave of Tribe Flatlandus:

“Here is proof of all your learning,
Tort and tax and crime and lawsuit,
Ethics, ‘thinking like a lawyer’,
Law of marriage and of family,
Law of wills and corporation,
Law of town and state and nation,
Law of every situation,
Of Beginning, Middle, Ending.
All these things that we have taught you,
All will know that you have learned them,
When they read these worthy writings,
On this sheepskin here before you.

It is yours, to you I give it,
You have won it,
Take it,
Keep it.”

Have you discovered the distinctive Junior and Misses clothing, briefcases, belts & buckles, modern jewelry in gold, silver, gold-filled and vermeil at...

WELCH
Brothers
Laundromat



Plumbing, Heating
Electrical Supplies

True Value
HARDWARE STORES

“On the Square”
South Royalton
VERMONT

What’s New At
ZONKA’S II?
ENTERTAINMENT

Vt. Rock Co.
PLAYING THIS FRIDAY &
SATURDAY AT ZONKA’S II
Best of Rock - old & new
and Disco, too.

Come In and Have Fun
ON THE GREEN IN SO. ROYALTON

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jewelry · clothing
etceteras

Main Street Hanover
Located directly above the Dartmouth Bookstore
Hours: 10 a.m. - 5 p.m.

Basketball Hoax a Hoax

by Duke Eaton

The most recent issue of the FORUM generated considerable controversy from all segments of the VLS community. The center of complaint seemed to focus on the alleged hoax perpetrated upon the students by the VLS basketball team. It was reported that many, if not all, of the impressive statistics contained in a recent issue of the FORUM were in fact fake, and that the basketball team had not actually participated in the Springfield tournament.

In the interest of good journalism I took it upon myself to get to the bottom of the tournament controversy. A week of tracking down various stories have led to the uncovering of some heretofore unreported facts.

Initially reports streamed into the FORUM office that the team had never actually left So. Royalton, but instead had spent the entire weekend in a drunken stupor (except for chaperone Steve Allenby) half-way between Steve Judd's house and the Joseph Smith Memorial. Although several empty cases of Iron City were discovered at the alleged cite, this story turned out to be nothing more than and idle (if not malicious) rumor. The beer was finally traced to Royalton Cub Scout Pack 220 which recently held a group retreat in the area. Cubmaster J.B. "Pop" Topp said "Hell, we go up there and get blown out every couple of weeks."

Undaunted by initial failure, we tried to trace the teams path from the time they left VLS until their return two days later. Realizing that this task would be too much for just one person associate editor Steve Freihofner assigned Hal Kokes and Bill the Agway Man to join me getting to the bottom of the matter. "Kokes seemed like the logical one to put on a hoax and Bill has a knack of running into Ed Hughes" said Freihofner, explaining the choice.

When telephone calls to the gym where the tournament was held proved unsuccessful and it was

learned that Allenby's phone had been disconnected, it was decided that a junket to Springfield was warranted. Despite the ten hour trip (Agway truck had a governor on it) we arrived in Springfield and began the arduous job of fact finding.

It would be far too time consuming to go over each and every detail unearthed in our search. Nevertheless, the truth should be known. This, as closely as we can tell, is what actually happened that fateful weekend in February.

FRIDAY

2 p.m. team cuts tax class.
2 p.m. team leaves Zonkas, goes to Freck's to buy beer.
3 p.m. team leaves Judd's house.
4 p.m. team goes to Bob's Shell to buy beer.
4:10 p.m. team goes back to Judd's house (Hughes forgot sneakers).
4:30 p.m. team goes back to school (Cameron forgot headband)
5 p.m. team goes back to school (team forgot Millard).
5:45 p.m. - arrive McDonald's West Lebanon (Dempsey had Big Mac attack).
6 p.m. - buy more beer.
6:30 - stop to buy sandwiches, gum and soda (for Allenby).

7 p.m. pit stop.
7:37 - buy more beer.
7:51 - pit stop
7:59 - pit stop.
8:04 - Allenby suggests that he drive.
8:11 - buy more beer.
8:28 - Judd suggests Allenby drive, he does.
8:35 - team leaves White River Junction.

9:19 - Pit stop, Koch hurt (fell while being chased by Hughes).
10:07 - Cameron realizes he is not at Zonkas or anywhere else in South Royalton.

10:40 - more beer, Dempsey buys Richard's Wild Irish Rose.
10:52 pit stop (Dempsey sick).
11:36 - team arrives Springfield.

SATURDAY

1 a.m. - 8 a.m. - team sleeps in
10 a.m. - VLS wins first game (Allenby star)
2 p.m. - VLS wins second game
8 p.m. - VLS loses third game, decides to stay overnight
11:58 - Cops give Hughes warning (disorderly conduct.)

SUNDAY

1 am - 8 a.m. - sleep - rest area I-91
9 a.m. - Team attends church
10:30 - get Hughes out of jail.
10:50 - start home
12:02 p.m. - Saxe drives (Judd busy figuring our statistics)
1:30 p.m. - arrive So. Royalton
2:17 p.m. - Judd finalizes statistics.

Energy Conference At Vt. Law School

Vermont's Energy Future will be the subject of a conference presented Wednesday, April 25 from 2:30 to 9 p.m. at the Vermont Law School in South Royalton.

Sponsored by the Environmental Activist Group of the Vermont Law School, the conference will include workshops on five different energy issues.

Nuclear power will be studied, beginning at 2:30 p.m., with Chuck Sheketoff, member, Vt. Public Interest Research Group. At the same time, Darby Bradley of the Vt. Natural Resources Council will lead a workshop in wood energy.

Hydro power will be the subject of a 3:45 p.m. workshop, led by Rob Howland, hydro researcher for the Vt. Public Service Board. Also at 3:45 p.m., Kim Kirby of Solar Alternatives, Brattleboro, and Arnold Wallenstein of the Northeastern Solar Energy Center, Cambridge, Mass., will lead a discussion on solar energy.

The social impact of energy policies will be discussed at 6:30 p.m., with Ron Albee, director, Vermont Dept. of Energy, and Bernard B. Johnson, assistant director, Vt. State Planning Commission.

Library Renovation

by Victoria Weber

The renovated library annex is now open and completes the second of four planned phases of library expansion. The first phase was the enlargement of the balconies and the glassing in of the circulation area. The third phase will be a connecting link between the two portions of the library. This will include an office for the Law Librarian and a Serials Office

The fourth phase will be a condensed 3 or 4 level stack area to be built into the northwest corner of the annex between the rolling stacks ell and the pathway down to the parking lot. The link between the buildings will be built as soon as funds can be raised; the fourth phase, which we estimate will give us a capacity of 120,000 volumes, will not be executed for some time.

Until a Librarian's Office is built in the connecting link, the room across from the circulation desk will serve as the Librarian's Office. The room in the northeast corner of the second floor of the annex is now a student conference room. It may be reserved by study groups or any other student group by signing up on the sheets outside the conference room door.

Please do not leave personal or library books, coats or other personal belongings in the conference room. Also, the library rule of no smoking, eating or drinking applies to the conference room as well as to the rest of the library. This includes a ban on smoking in the Xerox room or in the stairwells. Unfortunately we are not allowed to use the fireplace due to insurance regulations.

At this time the annex is mostly a study area, with carrels and tables on both floors. There will be some stacks added later on which will

house the Vermont Collection and environmental materials on the second floor, and government documents and microform materials and readers on the first floor.

The law school has recently been designated a Federal Depository and we will gradually be adding more federal publications. This spring we will also begin receiving all Congressional publications on microfilm, starting with the 96th Congress. The rolling stacks will continue to house superseded and historical materials and some early state law reports.

Since there are greater distances to cover in the expanded library, we ask that anyone taking library materials into the annex return them to the wooden shelves by the card catalog to be shelved as soon as they are done using them.

The annex also contains a Technical Services Office where books are cataloged and made ready to be put on the shelves, and a Receiving Room. The Receiving Room is where mail is sorted and checked in

and is doubling for the time being as an office for the Serials Librarian. The Kardex, which records our holdings of all serially received titles (law reviews, law reports, pocket parts, revised volumes and editions, etc.) has been moved to this office, and is still available to anyone who wishes to check on the status of the library's holdings.

Within a few weeks, the unbound law reviews will be placed behind the circulation desk. They will be available for use in the library on a system similar to reserve books. We hope that this system will discourage unauthorized "borrowing" of law review issues and therefore make these timely materials more available to everyone.

A panel discussion entitled "Planning Vermont's Energy Future" will begin at 7:30 p.m. Included on the panel will be Senator Chester Scott (R) Windsor County; Richard Saudek, chairman, Vt. Public Service Board; David Firestone,

professor of environmental law, Vt. Law School, and Scott Nielson, professor of environmental studies, Goddard College.

For further information and reservations for the buffet dinner, call 763-8303, ext. 67.

Town Liaison Report

At the town Selectmen's meeting Tuesday night, I learned something interesting. This is a matter we should consider. Each year the people of this state "celebrate" what they call "green up day"; a day when thousands across the state get out into the open air and pick up all those beer cans and other forms of junk that we spend the rest of the year scattering over the landscape. (Who says there is no perpetual motion!)

The Selectmen asked if the school would get behind this project and help. I think it sounds like a good thing. I told them I would run it by you-all to find out what response there might be. What do you think? Drop a note in my box or otherwise let me know if you would be willing to help. **Green Up Day** will be May 5th - and it will happen whether or not we help.

Now, we would not expect any of you theoretical environmentalogians to pitch-in - you no doubt have better things to do than to help clean up our own local countryside (how parochial!). But the rest of us ought to consider this. Involvement will demand a price - remember, Mary 5th in "prime time" - but it won't take that much time.

Think it over and let me know if you might be able to help. The Selectmen need to know right away.

The Selectmen have authorized the impounding of unlicensed dogs, effective immediately. The ordinance providing this was passed last fall and gave a grace period which was extended to April 1st.

Those of you who have not yet gotten licenses for your dogs should do so immediately. The fine is ten dollars and a license costs only four. Let us try to be good neighbors. Obeying the town ordinance and licensing our dogs is a small gesture, but it will be greatly appreciated by the town.

I learned a few other curious facts at the meeting. The Selectmen have approved a liquor license for the South Royalton House. And being nosy, I thought I'd find out just what information they ask for in a liquor license application. Very interesting... Among other things, I learned that the South Royalton House is supposed to open on May 1st. Congratulations to the "innkeeper". I guess this year's graduation will be celebrated in style.

Finally, those of you searching for something to spend your extra coin on should pay attention. With the authorization of the selectmen, three local properties are going to be sold for back taxes soon. There could be some bargains. Who knows, your house may be one of them. I'll never tell.

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Law Review

(Continued from pg. 1)

had drafted the problem. By a not wholly unintentional coincidence, the subject matter of the problem corresponded closely to that of Mr. Teachout's Constitutional Law class during the two weeks of the competition. The rules for the write-on, however, prohibited discussing the law review problem with anyone. This led to some not so oblique references to the Law Review problem in discussions which, on their face, were about Mr. Teachout's class. Dan Grossman '80, coordinator of the competition, expressed a belief that this coincidence did not introduce an element of unfairness since the "class work was equal to all" and would, as he put it, "come out in the wash."

CURIOS FEATURE

A curious feature of the write-on is that the class of '80 editorial board, who will be grading the entries, reserved the right to take more than the announced five on grades alone, and consequently, the right to take fewer than the announced seven from the write-on group. This uncertainty was a source of anxiety to some participants in the writing competition. Grossman sought to allay those fears by emphasizing that the second-year board has set for itself "a goal to take as many as possible from the write-on". He added, "It would have been a lot easier to just ask Imogen (Kellogg, registrar) for a list of grades, but we believe the time spent on this competition will be time well spent".

FEEDBACK

No one will know until summer whether the review has found its experiment with a writing competition to be a success, or whether the board has found the group as 23 papers, identified only by social security numbers, to be of large enough size or high enough quality from which to take the seven to 11 originally planned. Those who handed in a paper will get no feedback other than an acceptance or a rejection. There will be no model memo circulated and no grade or ranking given. Each paper will be read by four different board members and based on the consensus of opinions from this first reading, the board will make an initial cut. The papers will then be reread for the final rankings on which the selection will be based. Grossman reports that the first readings have already begun, but that no final decisions will be hammered out until after exams.

BREAK WITH THE PAST

In the past four years of its existence the Vermont Law Review has selected its staff on grades alone, filling an occasional vacancy with an invitational writing competition in the fall of second-year. This is the first year in which VLS will select the bulk of its staff through a write-on open to the entire class. But as noted VLR has hedged its bet, and will still take the top five in grades.

The double system has a dual purpose. The new write-on is an appropriate way to select the bulk of the staff, says one VLR staffer, because, "The review is a publication. It will rise or fall on the quality of its writing, and grades do not necessarily indicate writing ability". The remaining spots will be filled on grades alone because, "Grade selection is the traditional criterion. It's only fair to those who may have worked all year on grades

to get on law review; it fits employers' expectations; and frankly, Vermont Law Review is to new to make a complete break with it".

The new system is also significantly different than the previously used supplemental and invitational writing competition in fall of second year. That method forced certain students into an all-or-nothing choice between a chance for Law Review and a place on the Moot Court Advisory Board. By insuring that students hear definitely from both organizations over the summer, the new system is designed to avoid such a forced choice. As to why the competition was open to the entire class, Grossman explains that he expects some correlation between grades and write-on performance. "Those selected will probably be between sixth and 50th on grades". Even so, the only grade criterion for write-on selectees is that they be in good academic standing. Grades will not be consulted as a tie-breaker.

The 1979-80 Board of Editors for the "Vermont Law Review" was chosen this week. Daniel Grossman was elected Editor-in-Chief, and Robert Fletcher was chosen as Managing Editor. Named Articles Editors were Pamela Axtell and Michael Kessler. Dennis Johnson will be Business Manager. James Coffrin, Michael Collins, Thomas Clancy, Gail Nichols, Ronald Westgate, and Davidson Williams were selected to be Note Editors.

TORTS

cont. from pg. 1

dence in the case of early Pinto crashes where it was found that although a statistically pre-determined number of persons would be killed or injured, the costs of paying off such claims would be less than the cost of redesigning the fuel tank.

As far as government standards for the routine releases of radioactivity from nuclear facilities is concerned different countries take different approaches. In England, standards are set for each point source of the radioactive emission by determining where the radioisotope travels after escape, how it may become concentrated (as in the food chain), and how it might affect ultimate human consumers. There, for the ultimate does to be kept within limits set by the International Commission of Radiological Protection (ICRP), the English government will accordingly restrict the amount of the original discharge.

In the United States, however, standards are set on a nationwide basis. Every particular radioisotope is assigned a Maximum Permissible Concentration in air (MPCa) or in water (MPCw). No effluent discharged from a nuclear facility can exceed this concentration at the site boundary. (This standard fails to address the problem of radioactivity concentrating later in the food chain, for example.) The original standards that the government set were attacked by several experts in the field of radiation biology who determined that those standards would result in approximately 24,000 additional cases of cancer in the United States each year. As a result of the controversy the AEC (now the NRC), set more stringent standards presumably resulting in fewer incidents of cancer from "permitted" releases. There will still be problems, however, with unauthorized or unreported releases of radioactivity since, at least until the incident at Three Mile Island, nuclear plants have been self-policing.

There will be many problems if you try to get a case of radioactive contamination to the jury. Local residents in the area of a plant may be among the class of those to whom the plant operator or the NRC owes a duty of care. Certain consequences may be foreseeable. Medical and loss of income damages will be evident. But how can you prove proximate cause? And even if you do, maybe the statutory limit of liability for nuclear accidents (Price-Anderson Act) of \$560 million will be totally exhausted after paying for a damaged reactor.

(Factual information on the above found in Patterson, Nuclear Power, Penguin, 1976; Union of Concerned Scientists, Risks of Nuclear Power Reactors, 1977; Bronson, "Radiation Exposure Hazard," Wall Street Journal, July 11, 1978, p. 48.)



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Environmental Rights Contested in Mock Trial

by Dave Dunn

Camel's Hump, the last 4000-foot undeveloped mountain in Vermont, was to be the site of an alpine slide, unless the proposed development could be declared in violation of a recent state constitutional amendment which guarantees Vermont the right to preserve its essential natural features without limitation.

He cautioned against leaving the courts to decide important environmental questions under constitutional authority, as legislatures and other administrative bodies are better equipped to examine and determine the different needs of the community and the environment.

This was the hypothetical case formulated by Dr. Richard Brooks of the Environmental Law Center and presented, in a mock trial, to a jury of nearly 100 this past Monday evening in "The Case of the Mangled Mountain." Arguing before the audience (acting as jury) and Judge N. Lawrence Niles of Woodstock, were Alexander M. Meiklejohn of Woodstock for the plaintiff environmentalists and Professor Peter Teachout of VLS for the developers. Each presented and cross-examined three witnesses.

An air of informality was present throughout the trial, except in relation to the issues involved. Advocates, judge, and jury were acutely aware of the potential problems that Vermont as a state might soon be facing. After closing arguments by counsel and instructions to the jury, the audience divided into nine juries, deliberating for 40 minutes on specific questions posed by the Court. Listening in on any jury, one could tell why juries are picked from the community, not from the bar. After discussions, the "verdicts" of each jury were presented, accompanied by majority and minority votes and reasons for the decisions. The final result: far from unanimously on any point, the reaction of the audience was that Vermont was entitled to a constitutional right to a decent environment.

Dr. Robert McGrath of the Department of Art at Dartmouth College was the first witness for the environmentalists. By a well organized slide presentation, he showed the long term psychological effects of misusing of natural landmarks. Incorporating 19th century and modern art into his discussion, he showed how man's treatment of the land influenced his basic ideas. Dr. Ian Worley of the University of Vermont was unable to attend because of the weather, but Dr. Bernard Gert, professor of philosophy at Dartmouth, filled in as expert witness on the biological effects of the proposed plan. Dr. Richard Sugarman of the University of Vermont closed the plaintiff's case with an assertion that the concept of natural rights was a valid one, and the right to a decent environment was a necessary, natural right.

An edited, one-hour videotape of portions of the trial and the jury deliberations is currently being prepared, and will be kept on file for public use at the Vermont Council on the Humanities and Public Issues, which provided funding in support of the program. In addition, a follow-up edited transcript of the proceedings will be sent to legislators and Vermont officials to notify them of the concerns voiced at the program. Both Dr. Brooks and Prof. Teachout were more than pleased with the presentation, and hope to see more such trials at VLS as an alternative to panel discussions. Although the presentation of a hypothetical case without a distinct factual background to a large, diverse jury is difficult, they feel the involvement of the audience and the feedback received is worth the effort.

Peter Teachout, in arguing for the defense, first presented Dr. Timothy Duggan of Dartmouth's Philosophy Department, who contended that natural rights did not exist, and were not applicable to the environment: Dr. Gerald Visiglio, visiting professor of economics at Dartmouth, testified to the social and economic balancing which is required in examining any proposed environmental changes. Dr. Brooks of the Environmental Law Center was the final witness.

The Environmental Law Center would like to express its appreciation to those students, faculty and staff who helped make our conference a success.

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Basketball Final:

First Year Team Captures Crown

Before an enthusiastic Tuesday night crowd, the VLS intramural basketball championship climaxed when team H, coached by Doc Donohue, defeated a talented squad led by Jerry Schaub by a score of 75-64. The game typified the intensity generated by both teams as they followed similar routes to the championship game.

Schaub's team reached the final by prevailing in a double-overtime pressure-cooker against Duke Eaton's Woodstock crew, 52-51. Schaub poured in 32 points as his team overcame an 8-point deficit with only three minutes left in regulation play to send the game into overtime. Schaub's free throws with four seconds to go sealed the victory.

THE GAME

The tension of the big game dissolved as Schaub scored the first six points. As the two teams settled into the game, the lead was stretched to 26-14. Then the Hooters began to "zone in" on the hoop from the perimeter and cut the lead to 8 points. The crucial play came at the end



In the other semi-final Donohue's team snapped a 13-game win skein put together over the past two years by the defending champions coached by Steve Allenby. The final score of 49-48 illustrated the stinginess of both defenses. The former champions jumped to a 22-14 lead late in the first half, but the "Hooters" refused to lay down and die and knotted the score at 24 by half-time. The surge by Team H continued in the second half, but was matched by Allenby's squad until Steve Parody sank two free throws for the winning margin. The

of the first half. With one second to play, Tim Owen grabbed an errant shot and was fouled. He calmly swished both ends of a one and one to bring the Hooters to within 6 points at the half, 34-28.

The second half produced a complete turnaround in the action. The key was an alteration by Team H in their 3-2 matchup zone which forced Team B out of their offensive pattern. This, combined with a ball-hawking full court press led by Disco Dunn, culminated when Steve Parody hit a jump shot for a 41-40 lead which was never re-

lenquished. Jack Phillips was instrumental in preserving and ultimately in stretching this lead by

hitting some big baskets and snaring numerous rebounds. Tim Owen made his presence felt on the defensive end of the court, rejecting several shots while helping Phillips dominate the boards.

Bill Koch, ignoring his ankle injury, entered the game and led a spirited charge by Team A. But with four minutes remaining in the

contest the champions clung to an 8 point lead. Schaub's team, desperate, was forced to foul in an attempt to gain possession and cut into the lead. This strategy was countered by cool shooting from the charity stripe by Phillips, Owne, and Parody. The vocal first

year crowd, smelling victory, thundered after each point. The score at the final buzzer confirmed their expectations. Jack Phillips led the scoring parade for the victors with 24 points, followed by Dunn with 19 and Parody with 16. Bill Koch led Team A with 15 points, with Jerry Schaub and Andy Jackson totaling in 13 points each.

Winning coach Doc Donohue had this to say about the contest: "When I looked up and saw we were losing by only six points at the half after playing poorly, I knew

victory was saved when Steve Allenby's 20 footer at the buzzer careened off the front of the rim.

we could win. We adjusted our 3-2 matchup by placing Parody in the middle and concentrated on double-teaming the ball wherever it was on the court. Consequently we began to control the tempo of the game and the momentum

shifted quickly in our favor. Shutting off Jerry offensively was the key and we succeeded in wearing him down, as he scored only one point in the second half. Over all it was a very heady team effort. Phillips and Disco played their best games of the year, as did Tim Owen. John Speer came off the bench to provide some heads up

defense and a key basket late in the game, and Steve Parody played his usual complete game. Of course the first year crowd served as a fine inspiration, and we hated to let them down."

Jerry Schaub commented that his team "controlled the tempo of the first half, but that the lack of team ball handling showed up

when Team H began to double team the ball. Dunn and Phillips created a mismatch under the boards and we couldn't get the ball low. Our inability to control the boards led to the second and third shots that killed us."

Commissioner Steve Judd noted that the game was a strategic one, and included a fine comeback by

Team H. "Dunn and Phillips were great off the boards", said Judd, "and Tim Owen played great 'D'". It was good to see all the fans at the contest, especially the enthusiasm generated by the first year class. I'm sorry we didn't charge." The

Commissioner was pleased with the way the basketball league went this season, but would like to see more student participation and to have the playoffs before spring break.

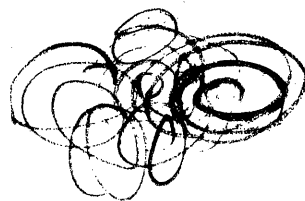
Classifieds

ATTENTION: Class of '81. If you do not intend to use the Dartmouth Bookstore discount coupon in your Orientation Handbook, please tear out page and leave in Forum mailbox so that it may be used.

TOM TRUMAN - Notary Public. Will notarize free of charge, (or for a cup of coffee, depending on when you catch me).

COMING SOON: Everything you'd ever want to know about the SBA, and more. New handbook soon to be on reserve in the library; limited number of copies will be available in the SBA office. Please form an orderly line.

Weather Map



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