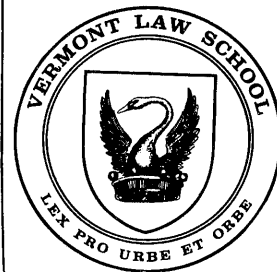


# Vermont Law School FORUM

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## Guaranteed Student Loans Face Reduction

By Bev Griffin

Established by the Higher Education Act of 1965, the Guaranteed Student Loan program was viewed as a revolutionary innovation for financing higher education, and as a boon to students and educational institutions staggered by the exorbitant costs of learning.

Now, after fourteen years of operation, the federal loan program is in jeopardy due to its unexpected

success. Administration officials under both Carter and Reagan have targeted the loan program for drastic cuts, stating the program is too big a drain on federal funds, even though the loans themselves come mainly from commercial banks and other private lenders.

Each loan made by a private lender requires several federal commitments including interest subsidies for

borrowers, special allowances to lenders, administrative fees to state guarantee agencies, and in the event of a default federal government payment of the principle. With the annual volume of new loans tripling in the past three years to \$4.8 billion, and estimated borrowing in 1981 and 1982 to exceed \$18.8 billion, the loan programs costs to the federal government have

become virtually uncontrollable. The more interest rates go up the more people look to the federal loan programs for assistance, and the more the government is forced to spend to support the loans.

According to the Congressional Budget Office, special allowances paid to encourage banks to make loans could cost the government \$400 for every \$1000 borrowed in fiscal 1982. It has also been estimated that the total federal cost is about 79½ cents on the dollar. For many banks, loans in the past were unappealing but now federal support and financial incentives have made the loan program so attractive to investors that several of the nations leading financial institutions have become major participants. According to Douglas Seipelt, president of the National Council of Higher Education Loan Programs, banks in many cases find the program more profitable than mortgage loans.

One official says, "An awful lot of institutions have made an awful lot of judgments about tuition and other costs based on the assumption that the loan program will be there. If you cut the program in terms of the amount of money that's actually going to kids, there's going to be real trouble in higher education." Institutions that rely heavily on tuition for their income

are relying mainly on money from the guaranteed loans. If the loans were to end suddenly "the private schools of this country would go down the tubes in droves," says Seipelt.

Guaranteed loans are under attack for their high cost, however some analysts feel the loans are more in tune with conservatives in Congress and the Reagan Administration than are other forms of student aid. Loans impose a certain "rigor" that grant programs do not, says Leonard Schaeffer, executive vice-president of the federal government's Student Loan Marketing Association. Students borrowing for a college education are accepting a responsibility to pay it back, rather than accepting a government "handout."

Students at VLS should contact their congress people and explain their reliance on the Guaranteed Student Loan Programs. The political atmosphere at this time could prove beneficial to the loan program, but students have to get involved and get on the phone.

*From an article in the Chronicle of Higher Education, Feb. 2, 1981, Vol. XXI, No. 21.*

## Federal Civil Rights Committee Summarizes 1980 Developments in Vermont

### FEDERAL CIVIL RIGHTS COMMITTEE SUMMARIZES 1980 DEVELOPMENTS IN VERMONT

Against a national backdrop of rising racial violence and eroding public support for government action to promote equal rights, the year 1980 saw modest progress in Vermont, despite several disappointments.

That is the picture presented in "Civil Rights Developments in Vermont, 1980," a nine-page report issued by the Vermont advisory Committee to the U.S. Commission on Civil Rights. The report emphasizes legal, policy, and institutional developments affecting minorities, women, the aged, and the handicapped. It also recounts the activities of the Vermont Advisory Committee, which is chaired by former Governor Philip H. Hoff.

Preparation of the annual report was the first activity of the newly-rechartered Committee. Louis Nunez, Staff Director of the Civil Rights Commission, recently announced the appointment of 13 Vermont residents to two-year terms on the panel that assists the Commission in factfinding activities and disseminating information about civil rights.

The Advisory Committee's report is offered as a service to

policy-makers, opinion leaders, and the interested public at a time when government efforts to address many civil rights problems are being reassessed. It ties the year's civil rights developments into a single, succinct package.

Among the items of progress the report notes are improved protection for victims of domestic violence and higher levels of activity by such agencies as the Vermont Office on Aging and the Governor's Commission on the Status of Women.

On the other side, the report cites the legislature's failure to pass a bill to prohibit age and handicap discrimination in employment; cuts in Federal funds for bilingual education programs in the State; and such long-standing conditions as the absence of women from the ranks of municipal officials and the inaccessibility of town meeting sites and polling places to the handicapped.

"Civil Rights Developments in Vermont, 1980" is available from the New England Regional Office to the U.S. Commission on Civil Rights, 55 Summer Street, 8th Floor, Boston, MA 02110 (617/223-4671), as are similar reports for other New England states.

The U.S. Commission on Civil Rights is an independent, factfinding agency of the Federal Govern-

ment. It investigates issues related to discrimination or denial of equal protection of the laws because of race, color, religion, national origin, age, sex, and handicap. The Vermont Advisory Committee is one of 51 such bodies composed of private citizens who advise the Commission on civil rights developments in their respective states.

## And now - Judge Van Dusen

by Peter Weinbaum



Judge Van Dusen has accepted an invitation to teach the Conflict of Laws class that day. Professor Shreve has opened the class to the entire VLS community, while Professor Gilmore has graciously rescheduled Admiralty and made Quincy Wright available for the Judge's presentation at 10:00 a.m.

Judge Van Dusen invites students to become familiar with **Popkin v. Eastern Airlines** (also known as **In re Airplane Disaster at Logan Airport**), 204 F. Supp. 426 (E.D. Pa. 1962), **writ granted**, Barrack v. Van Dusen, 309 F.2d 953 (3rd Cir. 1962), rev'd, 376 U.S. 612 (1963). See also 236 F. Supp. 645 (E.D. Pa. 1964); 350 F.2d 806 (3rd Cir. 1965). The Judge sat on the district court bench in this case.

On Monday, March 2, 1981, Francis L. Van Dusen, Senior Circuit Judge of the United States Court of Appeals for the Third Circuit, will visit Vermont Law School.

Accompanying the Judge will be one of his law clerks — Gail Nichols (VLS '80). Both he and Gail will be available in the Non-smoking Lounge from 11:30 - 12:15 to discuss federal judicial clerkships and answer questions. Clerk has agreed to remain available through the lunch hour to talk about her own experience as a clerk for the Third Circuit.

A special thank you goes to Professor Kellogg for making the Judge's visit possible.

## From the Editors

# Across the Street

*The South Royalton Legal Clinic has lost its federal funding. The effect of this will be a cut back in the program by nearly half. Instead of two lawyers and about twenty students, there will be just one lawyer and eight to ten students. This will have an effect on the amount of legal services available to the poor and an effect on Vermont Law School. The question becomes whether maintenance of the legal clinic at full staff is worthwhile for Vermont Law School. (As of yet, no other source of funds to keep the legal clinic alive has been found.)*

*The South Royalton Legal Clinic is a six credit course. At present twenty students are enrolled each semester (and an even larger number are closed out). Thus the S. Royalton Clinic accounts for 240 credit hours per year or nearly a full year's credit for ten students. After the cut-back the clinic will offer credit equal to half that amount or a full year credit for five students. The difference is full tuition for five students or \$22,000 ±. The cost to keep the clinic at full power will be an additional \$50,000 ±. Why should the law school even consider putting out \$50,000 for a \$22,000 return?*

*For a few good reasons. Through the clinic the Law School supplies a needed community service. Not only are legal services provided to the needy, the Law School improves its relation with the surrounding communities. This is an important consideration in small-town, rural Vermont.*

*The South Royalton Legal Clinic is a unique opportunity for the student of law to gain practical experience. It is one of the most sought after courses at the school. While it entails a good deal of time and effort, past students have nothing but praise for the program. Cutting this program would not only hurt present students, but may dissuade future students from attending VLS.*

*Whether the law school can afford to keep the clinic at full power is uncertain. We are sure, however, that it won't bother trying unless it receives enough cries of protest. If you would like to keep the South Royalton Legal Clinic at full power, let the Dean and the administration know.*

### VERMONT LAW SCHOOL FORUM

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The FORUM is published by the efforts of VLS students as a community service. All letters to the Editor should be sent to: VLS FORUM, Vermont Law School, South Royalton, Vermont 05068. The opinions expressed in the editorials are those of the editors. The opinions expressed in articles or cartoons are those of the individual writers or artists.

## Letters to the Editor

### What Ails the Clinic?

**To the Vermont Law School Community:**

Last year, the South Royalton Legal Clinic was funded in part by Vermont Law School (about \$30,000) and the rest through federal funding (about \$46,000). There will be no federal funding next year. Next year's proposed budget, presented to the faculty last week and slated for approval by the trustees March 6, boosts the Clinic budget by \$22,000, totalling \$52,000.

This boost is the largest percentage raise for any department of VLS, yet it is obvious that the Clinic will be severely cut back next year. In practical terms, this means that the Clinic will be run by one supervising attorney, instead of two, staffed by one secretary, instead of one plus a half-day secretary, and will be able to accommodate only ten students instead of eighteen or twenty per term. As a result, many students now planning to take the Clinic will not be able to due to lack of space.

Most VLS students are not aware of exactly what takes place across the street, viewing the Legal Clinic as having a similar sort of function as the Criminal Farm-out or Legislation, where one day a week is spent for some quick credits. The Legal Clinic's function is to serve — both the students and the community. Clients come to the Clinic because they have no place else to go. Many desperately need legal assistance. Students are assigned anywhere from three to five clients at a time, and are responsible for handling the case until the actual court appearance. "Handling" the case does not mean researching legal issues and writing memos; it means interviewing and possibly counseling the client, taking care of the correspondence in relation to the problem, writing and filing briefs — all supervised by one of the attorneys. In short, the student is the client's attorney for most purposes.

Students are now allowed to appear in federal courts in Vermont, so they may take federal cases from start to finish. Hearings on social security and Medicaid cases are also done by students. The types of cases range from bankruptcy to divorce, wills to disability. Learning to deal with the federal and state bureaucracy is an accomplishment in itself. Students get a far better understanding of regulations, statutes and the accompanying challenges when applying them to a real situation. These people are not hypotheticals; they are not simulations; they are people with problems and have come to the Clinic to solve them.

The Clinic, however, is not just an exercise in real world problem-solving. Weekly classes are held, conducted by the two attorneys, Elliot Burg and Tavian Mayer. The final responsibility rests with them, so they want to make sure the students know what they are doing. These classes include substantive overviews of relevant subjects (family law, social security) and guest speakers who share their special areas of expertise. What is not included in the course description is the amazing amount of learning that takes place through the give and take between students, supervisors and other students. Elliot and Tavian spend hours with each student, discussing the arguments and strategies of the individual cases.

I have heard people point out that this is the kind of training you could get in a simulation course, or that you could simply wait until the real world. Yet, what is law school, but to teach people how to be lawyers? I am not advocating a lawyer-factory — substantive courses are important, especially first-year

when you are learning to "think like a lawyer." However, students of many law schools feel at a loss as they begin their first jobs. What does a complaint look like? What do I do if this client's problem isn't covered in the case law?

The South Royalton Legal Clinic serves several purposes: an education to VLS students that is hard to duplicate, and aid to people from St. Johnsbury to Bellows Falls who would not be able to get legal help otherwise. Efforts are now being made to raise money to keep the Clinic at its present level of operation. Should anyone have any ideas as to sources for funds, please contact either of us.

David Sachs '81  
Lisa Kaeser '81

### They

Dear Editors:

John Lennon was gunned down on the streets of New York City, home of the most restrictive gun laws in the nation, a veritable model for the handgun prohibitionists. He was slaughtered by a miscreant who violated a multitude of gun laws, local, state and federal. If John Lennon had been carrying his own weapon at the time and by chance had successfully repelled his attacker with it, the laws of New York would require that he be placed in jail for a minimum of one year, the result of a new gun law passed in N.Y. state not too long before his demise.

What makes John Lennon's death any more tragic than the thousands of people who are slaughtered every year in a city like New York? The poor and rich alike who the police refuse to or simply cannot protect?

I propose that Lennon's death is different in that it provides still another band wagon for the handgun prohibitionists to jump on and call for still more stringent gun laws.

We saw this same reaction when on a Dallas street President Kennedy, a life member of the National Rifle Association was assassinated. Robert J. Kukla in his book Gun Control relates "After Pres. Kennedy's assassination the curtain jerkily raised on the most strange and shrieking spectacle in all American history. Every instrument available to the news media was assembled and pointed in a single ideological direction. And never before in history has public attention, followed by concern and then hate, been so successfully moved from the murderer and his motivation, to the weapon which he employed ... It was as if we could no longer recall even the name of Cain, but identified and deplored the stone he used; no Brutus, but his knife; no Booth, but his derringer."

The editors seem to find our moral fiber is somehow becoming undone because the "world did not explode" for some of us and the clamor for gun control did not continue long enough to place yet another restrictive gun law on the books. I suggest to the editors that the reaction they ask for and the products of such emotionalism and ignorance have caused the honest citizens of this country enough trouble. The best example of which are the extensive senate committee hearings on civil liberty abuses visited on honest citizens by the Bureau of Alcohol, Tobacco and Firearms in their quest to enforce the vague provisions of the Omnibus Crime Control Act of 1968.

People are at last coming to the realization that we cannot legislate for the mad man or the professional killer or anyone bent on destruction. People are tired of being required to put up with registration

when the criminal is exempt from registration and cannot be brought upon charges of failure to comply with registration requirements. For a criminal to register his gun would be violative of his fifth amendment right against self-incrimination. Haynes V. United States, 309 U.S. 85. For instance, in Chicago the legislature had dodged the constitutional question by simply excluding criminals and other gun prohibited classes from the registration requirement. Who is registration really directed at? And to what end?

The editors' ill informed position regarding the second amendment is aptly illustrated by the dependence on an English historian, a subject of the Crown, to interpret the Constitution of the U.S. I'd rather rely on legislative history (a number of the states at the constitutional convention had guarantees concerning the individuals right to "keep and bear" arms) and the statements of our founding fathers:

The ultimate authority ... resides in the people alone (under our Constitution, due to) the advantage of being armed which the Americans possess over the people of almost every other nation - James Madison.

Guard with jealous attention the public liberty. Suspect everyone who approaches that jewel. Unfortunately nothing will preserve it but downright force. Whenever you give up that force you are ruined ... The great object is that every man be armed ... Everyone who is able may have a gun. - Patrick Henry.

... and what country can preserve the spirit of resistance. Let them take arms. - Thomas Jefferson.

And I take my warning from history least we are condemned to repeat it: "Among the many misdeeds of the British rule in India, history will look upon the Act depriving a whole nation of arms, As the blackest." - Mahatma Gandhi.

The most foolish mistake we could possibly make would be to allow the subject races to possess arms. History shows that all conquerors who have allowed their subject races to carry arms have prepared their own downfall by doing so. - Adolph Hitler.

For a contemporary German commentary on Hitler's Firearms Act of 1937: (No civilian is to have a firearm without a permit and these will not be issued to persons) suspected of acting against the state. For Jews (too) this permission will not be granted. Those people who do not require permission to purchase or carry weapons (include the whole S.S. and S.A. (storm troopers), including the Death's Head group (and officers of the Hitler Jugend).)

Paul Mollica '82

### Stuck To

In Response:

Have you ever felt strongly about an issue, so strongly that the mere mention of it drives your emotions into an intense fervor? Does Kent State, freedom of speech, Vietnam or abortion arouse any passions? What about gun control? For me hot blood rushes and my heart pounds. Why? A family member was killed by a handgun before his 25th birthday, when his police partner and friend accidentally shot him in the head at a wedding reception.

Like Martin Luther King, John Kennedy and John Lennon his death was a result of a gun inflicted wound, the cause of death received notoriety, and no gun legislation

(continued on page 4)

# Environmental Report

By Paul Stewart

On February 12, the ALI-ABA Committee on Continuing Professional Education commenced the 11th Annual Course of Study on Environmental Law in Washington, D.C. The program, which was developed in 1971 to help educate practicing attorneys in various fields of environmental law, attracted an attendance of over 500 persons.

The main focus of this year's program centered on the dramatic developments seen in the field of hazardous wastes and toxics regulation. James A. Rogers, Esq., of Washington, D.C., presented a summary of the recently enacted Solid Waste Disposal Act Amendments of 1980. In particular, he noted that the addition of Sec. 3013 to the Resource Conservation and Recovery Act (RCRA) gave broad comprehensive powers to the EPA administrator to investigate and study the hazards associated with existing and abandoned hazardous waste sites (previously untouched by RCRA).

Mr. Rogers also referred to the increased scope of the emergency power provisions of RCRA. According to the 1980 amendment, a complainant is required to show only that "handling of hazardous wastes may present an imminent and substantial endangerment."

Also mentioned were the EPA's revised regs for handling of hazardous wastes, and the addition of Sec. 3012 of the 1980 amendments, which require each state to establish a hazardous waste inventory covering storage and disposal of hazardous wastes at any time.

The program also attracted comments on the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, aka "Superfund." The act, in essence, calls for the raising of a \$1.6 billion fund to compensate persons or property injured by the release of hazardous substances. Financing is intended to be derived primarily from taxes on crude oil, petroleum products, and other listed hazardous substances.

The Superfund legislation includes several innovative features such as the development of a National Hazardous Substances Response Plan and employee protection against firing or discriminatory treatment caused by providing information with respect to enforcement of the act. It is also likely to attract extensive litigation in the 1980's on such issues as standards of liability, burdens of proving causation and injury, and insurance coverage and limitations, to name just a few.

Clean Air Act developments, a

regular source of interest at the program, included discussion of recommendations to be incorporated in the proposed amendments to the Clean Air Act.

Also present at the conference were Nicholas Lost, General Counsel for the Council on Environmental Quality, who discussed recent Court of Appeals decisions involving the role of the courts in the NEPA process, and Dr. Samuel Epstein of The University of Illinois Medical Center, who addressed problems associated with expert testimony at environmental proceedings. Early consultation with experts, Dr. Epstein advised, can not only affect the outcome of litigation, but might also persuade a party to withdraw from the litigation or to accept liability.

Other topics receiving attention included a seminar on environmental litigation, and developments in the laws of Noise Control, Energy and Water Quality.

The ALI-ABA course of study in Environmental Law has proven to be an effective forum for clarification and discussion of novel environmental laws, regulations and problems. There can be little doubt that this program will continue to receive great attention in the future as the number and complexity of environmental laws continue to expand.

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Dinners served 6 - 9 Mon. thru Sat.  
(Sorry we're closed Wednesday nights)

## Library News

by Les Peat

The VLS library staff has recently made arrangements with the Circulation Services Department of Baker Library at Dartmouth College for improved access to the Baker collection by Vermont Law School students. Baker has issued a stack access card to the Vermont Law School Library. This card will be kept in my office and may be charged out for 24 hours at a time by individual students who need to do research at Baker. Ordinarily, the student requesting the card should be prepared to show that the proposed research bears some relation to his or her academic program at the law school, and to give at least a rough idea of the type of material sought. The latter requirement serves two purposes. First, it will provide a check against unnecessary trips to Hanover for material which is in fact available here. Second, it will help us to develop an intelligent collection development policy in law-related areas if we know what sorts of things students are seeking, and in fact we may ask a follow-up question regarding the materials actually used when the card is returned.

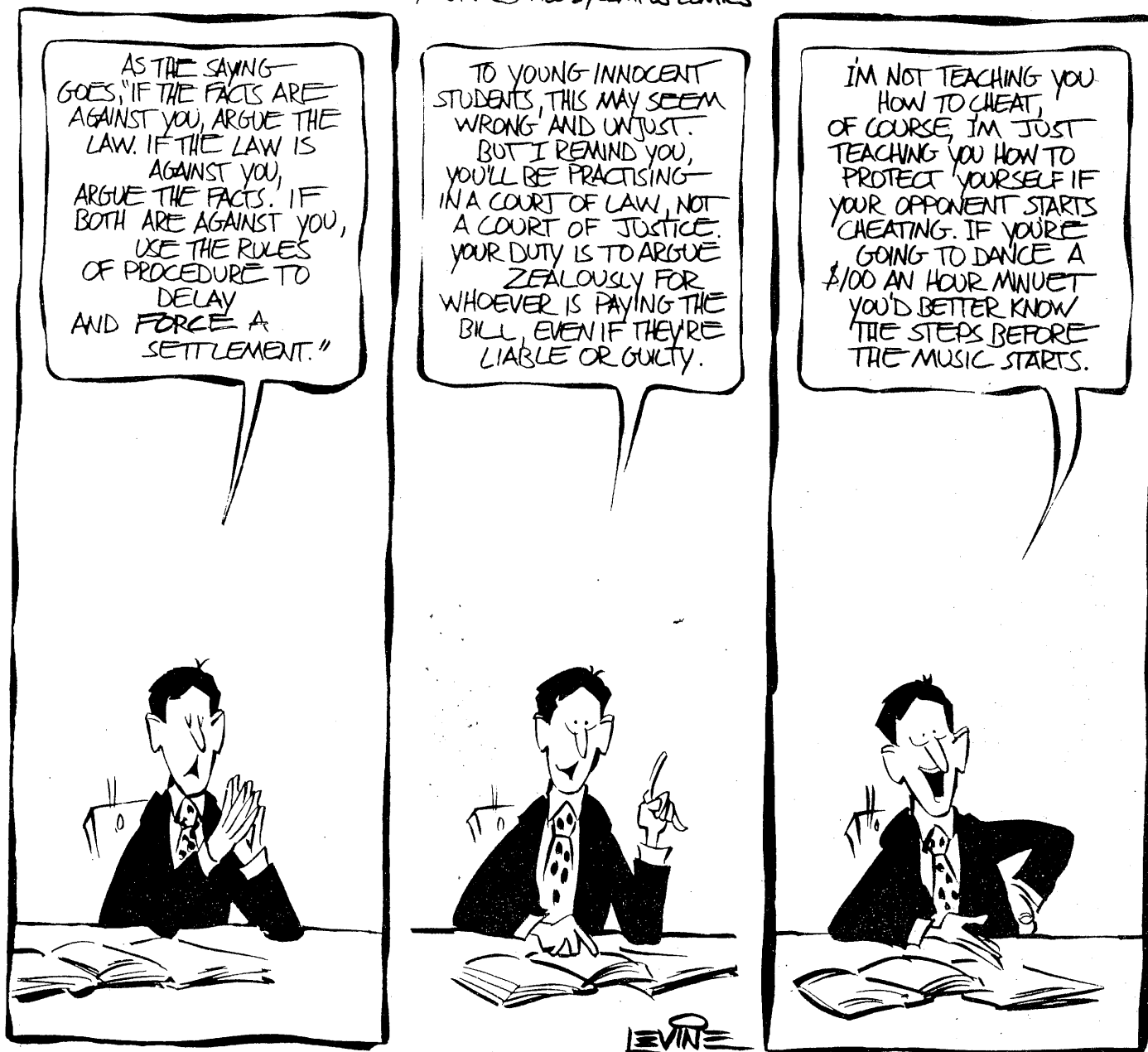
The card does not carry borrowing privileges, but there is a Xerox machine in the Baker stacks, and any large work needed for an extended period of time will usually be obtainable on inter-library loan. The VLS library will be responsible for the conduct of card users, who will be guests of Dartmouth and should conduct themselves accordingly. (I hasten to add that we do not anticipate any problems in this regard.)

In a related development, it will henceforth also be possible for the student research assistants of VLS faculty members who have guest borrowing privilege at Dartmouth to use the faculty member's card to gain access to the stacks and to borrow books in the faculty member's name. The research assistant must, however, have a letter of introduction from the faculty member to do this.

## GAG ORDERS

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BY KELLY AND LEVINE



## Letters

(continued from page 2)

could have prevented it.

Since, I just lost some of you I'll concede that you have a good argument that gun legislation might have prevented the above deaths no matter how unpersuasive it might be.

Why do I feel so strongly that an individual has the right to own guns? That's difficult to explain especially to those raised in densely populated areas who have only been exposed to guns in a negative way — that guns kill. The newspapers don't let you forget that.

Through no fault of your own, unless you are closed minded, many of you have never been exposed to guns in a positive way and I assume many never will. Despite your lack of understanding guns are valued in many ways. In an historical sense guns are studied and collected. In a related way guns can be a hobby such as building and shooting replicas of firearms which played a central role in the founding and survival of our country like the flintlock. There are many sports utilizing firearms such as the Olympic events of marksmanship and the biathlon, skeet, hunting, and casual target shooting.

Perhaps I would not be obsessed with the idea of loosing a hobby or sport, firearms mean more to me than that. Historically, firearms have meant security from the usurpation of authority by an out of control government. This was reflected in England's Bill of Rights of 1689. This concern crossed the Atlantic as can be seen by reading the Federalist papers which of course is a primary source in determining the intent of our Constitution. Individual ownership and possession of firearms was of the utmost importance, being a vital tool of our frontiersman, providing self-sufficiency and personnel protection from animals, roving gangs and Indians. I am certainly not trying to say these conditions exist today as a compelling reason to have guns, but in fact these conditions existed when our country began and when our constitution was written.

"A well regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed" U.S. Constitution Amendment II.

The editors claim this Amendment is to be read as a single line. No matter how you read it, its history does not change. Our Supreme Court has not been willing to subvert the import of the Amendment by judicial gloss. The most note worthy case is *U.S. v. Miller*, 307 V.S. 174 (1939). A second amendment challenge was made against the National Firearms Act, 25 V.S.C. 1132 (1034). This act imposed licensing requirements and taxes on the interstate traffic of a limited class of weapons and attachments, such as silencers. The weapons under the jurisdiction of the act were notoriously used for criminal purposes. The court went no further than to hold that this class of weapons had no relation to the Second Amendment and thus could be regulated.

Even if one does not read the Second Amendment as explicitly giving the individual the right to keep and bear arms, which it does, it implicitly states it. At the time it was written no funds to arm a militia existed, in fact many states by law required citizens to arm themselves. The Constitution was giving the states the right to have a militia, if the right was not given to the individual than states would not be capable of having a militia. It was a strong concern and the framers were certainly not giving an empty right.

"They (the framers) were reluctant to ratify the Constitution without further assurances; and thus we find in the Bill of Rights Amendment II and III, specifically authorizing a decentralized militia, guaranteeing the right of the people to keep and bear arms..." Chief

Justice Warren, *The Bill of Rights and the Military*, 37 NYUL Rev. 181 at 185.

The editors cite Alistair Cooke for a proposition that our Constitution, our Supreme Court, and our history does not support.

Gun legislation like Kent State, Vietnam, freedom of speech and abortion gets my blood boiling—since individual liberty is at stake. To be consistent with our theory of criminal law why don't we severely punish those that commit crimes, while leaving those that do not free to enjoy their lives without government intrusion.

In short there is another side to the gun control issue, one which the editor denies. To suggest that our school not even provide a forum for discussion is beyond belief. As the editor so aptly put it, I will stick to my guns as long as I am alive and believe in those ideals our country was founded on.

Gary A. Medvigy '81

## Their

To the editors:

I feel compelled to respond to the Forum editorial concerning the upcoming lecture to be given by Richard Gardiner of the National Rifle Association. While I believe the editors were merely mistaken in assuming this lecture will be SBA-funded, their questioning of "the soundness of providing a forum for this association" is disturbing. Whether one accepts or rejects the concept of gun control or the principles of the NRA is of no interest to me. It is, however, my firm belief that VLS students should be able to invite speakers, however controversial they or their preachings may be, in an effort to familiarize themselves and their fellow students with issues of current concern.

Regardless of the subject matter of Mr. Gardiner's talk, the Forum editors are to be condemned for passing judgment on the propriety of allowing a given lecturer to speak at VLS. In a school which prides itself on promoting freedom and independence of thought, a lecture series that can provide our community with speakers of diverse beliefs is an essential asset. This freedom shall become meaningless if students feel restrained from inviting a particular speaker because his or her views may not be palatable to fellow students. The issues to be addressed by Mr. Gardiner are certainly of no less importance, nor of more controversy, than those dealt with by other VLS speakers such as Ralph Nader. Let's give our continued support to those who make the effort to bring lecturers to our school, and leave the choice of accepting or rejecting particular viewpoints up to us as individuals.

Tim Martin '81

## Guns!

Dear Forum,

In response to your editorial concerning our N.R.A. guest speaker, let me offer a few thoughts. I gather, with some surprise and amusement, that anyone who wants to speak before the V.L.S. community as a hired gun from the N.R.A. is in a different category than every other speaker.

Gun control legislation, like sterilization, birth control, or similarly controversial areas, strikes a reactive (explosive?) nerve in even the most complacent person. Yes, one can almost imagine a law student asserting and defending a controversial position in respect to issues like these. The importance of creating the open forum for the discussion of these areas can unfortunately be overshadowed by the emotion and hostility they often evoke.

An editorial that, by expressing the personal sentiments of the author, attempts to sway public opinion? Sure, that's what everybody knows they're supposed to do. But an editorial that questions the propriety of allowing someone to express their views on a controversial subject in the first place? Hey, C'mon. A Speaker Screening Committee would serve the implicit goals of the editorial by allowing only the "right" speakers to exercise what's left of their First Amendment privileges. This would be done in the best interests of the student body, of course.

Eric Parker

## Valentine's Thanks

To the Editor:

I would like to publicly thank the following persons for their assistance in making the Valentine's Day Dance a success:

Steve Kunzman, Bill Massey, John Fitzgerald, John Levitt, Tom Murphy, Terry Haines, Steve Kantor, Jody Ruhle, and the members of the Phi Delta Phi.

Ron Peles

## Play it Straight

To the Editors:

Unethical conduct in evidence at VLS? Potential lawyers displaying behavior that begs the issues of moral turpitude, professional responsibility and personal integrity? Is this more than rumor and innuenda?

Each of the 350 students at VLS is a person - a person with real feelings and real fears, ambitions, or greed. Each student anticipates getting through law school and finding employment. Accomplishing that end leads to things which effect not only the student's relationship with one's self, but with others as well.

Evidenced by the increased number of reputed incidents of cheating each semester, it could be inferred the present method of "you are on your honor," or the SBA Code of Conduct which has no clout, are not working. The observer of unethical behavior is forced to either act or consciously ignore the incident with consequences affecting both the observed student and the observer. The observer must ask: "Should I report the student for cheating?" "What effect will my report have on my relationship with that student, and with others?" "What will happen if I make the report?" "What about the instructor who also has no guidelines for action once the report is received? Or the observer may conclude: "Hey, we only have to be honest on our own, that person is only hurting himself anyway."

Whatever your intuitive feelings are regarding the frequency or seriousness of cheating, there are still some factual situations which challenge the efficacy of the present Code of Conduct. Take a minute and mull over these hypotheticals:

a) A visiting professor of business law places his past exams on reserve, omitting sections of short-answer questions. A student of ambition, and some ingenuity, writes the visiting professor's former institution to retrieve a copy of the deleted portions of the exam. Only that student has access to the deleted exam questions and is able to thoroughly prepare the omitted questions of which many are included on the exam at VLS. (That student, in our opinion, probably

did not cheat in the traditional sense of the word; however, the professor made a serious mistake either by not anticipating the ingenuity of his students or by reusing an old exam.)

b) A professor of procedure announces prior to an exam that hornbooks and commercial outlines are not to be used during the exam; however, after the exam begins, a student leafs through Gilberts a number of times to get a judicial test on "reasonable suspicion" recorded accurately. You observe this activity closely throughout the exam. Are you compelled to report the violation?, to whom?. Once you make the report; has your responsibility ended? More importantly, what happens when the professor decides to drop the issue without talking to the violator, merely because he is too busy with other matters to be bothered? Even more onerously, what could the professor do even if he/she wanted to pursue disciplinary action?

c) Prior to class you receive a note simply stating, "If you volunteer an answer in class again, I'll rip your lungs out!" The note's author is discovered, who do you complain to, or what can be done?

d) In a similar vein, a complaint is lodged with a school administrator that you dominate class discussion, (although without objection from the class professor.) The administrator politely but sternly recommends you keep a lower, less vocal, profile in class. Does it matter that this action is contrary to the Rights of Expression in article 5 of the Code of Conduct?

There are other hypotheticals such as finding an outline for a closed-book exam tucked in a newspaper on the floor of your favorite stall, or the artful dodger who has pilfered your Conflicts book, the one with your notes and outlines in the margin; or the apprehensive first year who "borrows" from a brief written by a second year student. These are easier cases to decide in distinguishing the cheater from the unethical but otherwise innocent, from the totally innocent. Yet you are left with a serious question: If these instances really occur, what should or must be done?

Whether the Student Judiciary Board can be looked to for guidance and assistance is open to question. Nothing requires a student to report cheating to the Judiciary Board; and because the administration is not a co-participant in settling controversies or enforcing Board decisions, any hearing on cheating conducted by the Board is meaningless.

So, you still want to do something about that student who takes an academic edge contrary to the Code of Conduct? If you go to the professor do not be too optimistic; there are no clear rules for how this should be handled. The "institution" can take action—but who is the "institution" and what procedures must be followed? If the answers lie in the present Code of Conduct, the answers provided are surreptitious at best. Nothing in the Code indicates the faculty or administration are bound by the Code of Conduct, substantively or procedurally. There is no established system of appeal.

The problem exists on all levels at VLS—the students who tolerate cheating, and dishonesty, the faculty who refuses to confront the cheater or dishonest student, and the administration and Board of Trustees who have failed to create a simple, fair system for evaluating questionable acts and enforcing sufficient sanctions. Incidents can not be reported if there is no body delegated with the responsibility and authority to receive such complaints. Professors can not maintain the intellectual integrity of their classes without the support of the administration. Finally, the administration can not hope to promote the integrity of the profession or of VLS unless willing to support a system of self-regulation at this institution.

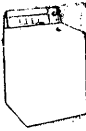
There is a theory about legal

ethics which simply stated is, "Ethics aren't important as long as you don't get caught." That bit of advice may be appealing to the Machavellian who merely wants to get by and graduate; but cheating and dishonesty affects all of us—not just our grades, but our personal and professional standards as well. When dishonesty is uncovered, but you don't know where to turn for assistance, it is not the time to adhere to the words of our distinguished Dean: When you go home at night, have three martinis instead of two. —Rather, support the compilation of an Honor Code for VLS.

Bonnie Helm  
Lon McClintock

*It is the policy of the Forum to publish all letters received provided the writer identifies himself. Names will be withheld upon request.*

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# SBA - What's Happening?

By Bonnie Helm

The Davis House! A nice place to visit, but who would want to live there? So let's tear it down and use the location for racquet ball courts and weightroom. Administration agrees, so if you are interested in determining the necessary expenditures and investigating for possible grants, contact me right away.

Are you one of the mishappen students who has been charged a xerox fee for a class in which you are enrolled? Have you bitched about it in the right places but gotten nowhere? Well, hang in there — SBA will try to get a statement of policy about this situation from the administration within the next week or so. Accountability for the charge is certainly not too much to ask of our fearless leaders, wouldn't you agree?

Hats off to the many students who were so willing to give time and effort during reading period, exam week, and Christmas vacation to interview potential instructors for VLS. Lisa Jacobowicz and Kitley Covill did a great job of organizing students for the SBA-Faculty Hiring Committee. Three instructors were hired; and members of this committee express their appreciation to the faculty and administra-

tion who took the student input seriously — and in one specific case, changed their choice as a result of that input!

"Corvair Ron" Peles did a great job of providing a special event on Valentine's Day at the SoRoHo. Phi Delta Phi planned the event at the same time SBA did — therefore, we shared in the expense, but PDP certainly did all the work. Thank you.

Do you belong to an organization that is sponsored by SBA, planned to do something last semester, but didn't? As warned during the Budget Hearings, you have probably had your funds cut back. The funds you requested for second semester will still be available, however, anything planned for, but not used first semester, has been returned to the SBA General Fund. If you have any questions, see Larry Burke, Treasurer, '81.

So you've tried reading the SBA handbook, but quickly closed it saying to yourself, "This is really a bunch of crap." Well, SBA Board of Governors won't go so far as to say that, but we are definitely finding many inconsistencies, loopholes, and whole sections that just don't apply any longer. The

Resolutions Committee has again been charged with rewriting certain sections of the handbook:

1) Bills that have not been paid by organizations, and have subsequently been sent to SBA, will no longer be paid by SBA so willingly — the proposed resolution should effectively trounce on delinquent organizations;

2) Committees such as the library and curriculum committees will become specifically responsible and accountable to SBA, as will all SBA organizations in general; and

3) Elected representatives to SBA will have the responsibility for attending the SBA meetings a specific percentage of the time each semester or be subject to removal.

Any other suggestions should be made to Donna Hepler, '83, Joe Benning, '83, Virginia Farley ELC, and Bob Opel, '82.

How many times have you trudged through snow and ice, pushing your life to precarious limits, only to wait for your instructor to arrive? Next time, use discretion, but be aware academic regulations require only that you wait for ten (10) minutes for the instructor before you can legitimately find something else to do.

# Feed and Mead

by Fred & Marjorie Sculli

We had heard a lot about Annabelle's Restaurant, so we finally decided to try it for ourselves. Enough cannot be said about the atmosphere at Annabelle's. The dining area is divided into two sections, separated by a cozy bar warmed by a fireplace. One section has a "colonial inn" flavor with large wooden tables, dim lighting, and exposed beams. The "garden section," where we were seated, is a sunken area with glass-topped outdoor patio tables tastefully set with mixed pieces of old china and candles. We happened to get one of four tables in this section, entirely surrounded with windows and plants, offering a beautiful view of the clear sky overhead.

We started with satisfactory Bloody Mary's before ordering our meal. Appetizers included soup of the day, escargot bourguignonne, baked mushrooms, and shrimp tempura. These averaged \$3.50 (except the soup, which was \$1.50). Fred had the soup — a delicious combination of chick-peas in chicken broth with chopped spinach. The entrees, which change daily, ran from \$9.50 for chicken or sole to \$14.25 for rack of lamb. Marjorie ordered roast prime ribs of beef au jus while Fred had veal piccata — a sauteed milk-fed veal combined with white wine, capers and lemon. The large portion of prime rib was served very rare (as it should be). The veal was a very tasty, but rather small, dish. All entrees are served with homemade bread, salad of the day, and rice or potato. The bread was fresh, but since it was served as soon as we sat

down, it didn't stay warm throughout the meal. The salad included fresh lettuce, tomatoes, carrots, artichoke hearts, and olives. We had the Italian dressing, which was "vinegary" but good. Rice pilaf was served with our meal.

Annabelle's offers an extensive, reasonably priced (except French wines) wine list. Our bottle of Robert Mondavi Pinot Noir (\$12.00) was delightful. Our waitress was cordial and very efficient. Wine service was excellent — we never had to pour our own wine. Various desserts, including tort, cheesecake, mousse, and chocolate-dipped strawberries, were brought out on a sample tray. Desserts usually change every few days. Alas, we were too full to try some. We did, however, find room for Annabelle's special coffees, served with fresh whipped cream. Marjorie had a Dutch coffee (Vandermint liqueur) while Fred had an "Annabelle" (Frangelico hazel nut liqueur and Creme de Cacao). Both were delicious.

Annabelle's lounge is a great place to enjoy an after dinner drink and listen to the various sounds of local groups that appear weekly.

Annabelle's is open for dinner from 6:30 - 10:00 nightly, with a brunch offered on Sunday. Reservations are recommended and major credit cards are accepted. Annabelle's is located only 17 miles from VLS at the junction of Routes 100 and 107 in Stockbridge, Vt.

We recommend Annabelle's for a fine meal or a warm winter drink in a cozy atmosphere.

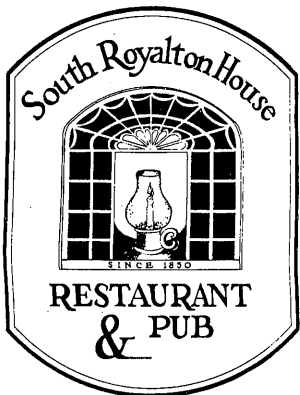
## news

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### COMMUNITY CALENDAR OF EVENTS

- Rutland Monday, 3/2 2:00 p.m. *"Misunderstood Animals"* program by the Vermont Institute of Natural Science. Meeting place, Rutland Free Library. Live animals. For more information, call 457-2779.
- Woodstock Thurs.-Sat. 3/5 to 3/7 *"Winter Teacher Workshop"* at the Vermont Institute of Natural Science. FULL.
- Gloucester, Mass. Saturday, 3/7 6:30 a.m. to 9:00 p.m. *"Massachusetts Coastal Birding"* with the Vermont Institute of Natural Science. Carpooling. Fee \$12 members, \$16 non-members. For more information, call 457-2779.



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# Meet You At The Savoy

by Philip K. Dodd

The choices open to central Vermont movie-goers expanded dramatically last month with the opening of The Savoy Theater in Montpelier. It is owned by movie-lovers Rick Winston and Gary Ireland, who helped run the Lightning Ridge Film Society in Montpelier before deciding to open their own repertory film house.

According to Winston, the theater will show older "classic films," both American and foreign, recent foreign movies, and lesser-known American movies that might not otherwise be screened in central Vermont. "There are a lot of good films that open in the major cities and get good reviews, but just never make it here," he said.

The theater has been received well, according to Ireland. "We're pleased, but I'm sure there are still people who don't know we exist," he said. The movies shown during the first month included "Get Out

Your Handkerchiefs," "Casablanca," "McCabe and Mrs. Miller," and "Aguirre, the Wrath of God."

The Savoy Theater is located at 26 Main Street in Montpelier, about halfway between Grand Union and the M.J. Friday's bar. During remodeling, Winston and Ireland discovered the building had housed a movie theater once before, from 1908 to 1914. The pair ended their search for an appropriate name when they learned that the earlier theater was called "The Savoy," a name chosen by its original owner, Salvatore Massucco, who came from the Savoie region of Italy.

Movies are screened at the Savoy nightly at 6:30 and either 8:30 or 8:45. A bargain matinee shows at 2 p.m. on Wednesdays, and on Saturdays and Sundays, there is a show at 4 or 4:15, depending on the length of the movie. Exact times and a schedule of movies can be

found by calling 229-0509. The regular ticket price is \$3.00.

The drive from South Royalton to Montpelier takes about 45 minutes in good weather. But it is best to arrive early in order to get good seats in the long, narrow, 150-seat theater. The theater was sold out the last two Saturday nights, according to Ireland.

The tentative schedule for the next two months is as follows: "Singin' in the Rain," now to Feb. 24; "My Brilliant Career," Feb. 25-March 3; "Rebecca," March 4-7; "Love and Death," March 8-10; "Stardust Memories," March 11-14; "Wise Blood," March 15-17; "It Happened One Night," March 18-21; "Padre Padrone," March 22-24; "Dr. Strangelove," March 25-28; "Adventures of Robin Hood," March 29-31; "Days of Heaven," April 1-7; and "Return of the Secaucus Seven," April 8-14.

## Who Can Remember the Valentine's Dance?

A group of unusually well-groomed law students and friends congregated last Saturday night at the South Royalton House to celebrate Valentine's Day. The party, sponsored by Phi Delta Phi and declared by its official historian to be "the social event of the year," brought out the good cheer of the crowd, kept going strong until closing, and according to several reports traveled across town to be continued elsewhere.

Professor of English, Emmett Creahan, fashionably attired in bowtie, delighted listeners with a discursus on *Moby Dick* and astounded onlookers with his acrobatic skill. Less than fashionably attired Paul "Neon" Finnerty also astounded his onlookers. Meanwhile, Bill "New-Wave" Kakoulis redefined semi-formal. Big-hearted Steve Kantor

and his entourage provided not only fine music but fine dancing. It was Pete McGee who first cut the rug, but he was soon upstaged by Tim "Slalom" McGrath. Not to be overlooked, Ken "Dancing Machine" Kreiling evidenced his skill with a variety of partners. Many others, including local townspeople and non-VLS guests, graced the event. Kevin "The Other Fraternity" Klamm also attended. Special thanks are due to Bill Massey and the Parkman Brothers for supplying the sound system, to Cathy Johnson and Jackie Murphy for decorating, to Ron Peles for his organizational skill and effort, and to innumerable others, including the South Royalton House staff and the SBA. The Phi Delta Phi Valentine's Dance is an event to be cherished and, with luck, repeated.

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# Scribs on Sports

By Mark Scribner

The emphasis on this week's article will be basketball, but first let me clear up some confusion deriving from the past edition of the Forum. If you'll remember, instead of my usual editorial, a rugby picture captioned "Scribs on Sports" headed the paper's last page. Several people approached me wishing to know if the student with his back to the camera was indeed yours truly. Though my vanity doth protest, I must admit I am not that photogenic fellow. The picture depicts a line-out, with the opposing scrums anxiously awaiting a throw-in from the "mystery man." I'm positive I never threw the ball into play this past fall, since I never had to endure the rigors of the scrum, much to my satisfaction. Who, then, is getting set to toss the ball into the air? Make a guess and place it in either my mailbox or the Forum's box within the next two weeks. The winner will receive, courtesy of me, a beer or drink of your choice (I'm a real big spender!). Good luck.

Now for a bit of controversy. As in past years, VLS is sending an All-Star team to Springfield, Massachusetts to compete in the annual law school basketball tournament. This year, however, there is some question as to whether we're indeed

sending an "All-Star" squad. Since I don't know all the facts, I'll keep names out of the story. It appears, though, that a few individuals, with the full acquiescence and participation of the VLS basketball commissioner, took it upon themselves to handpick a team, naturally including themselves. Granted, most of the players chosen deserve to be on the "elite" squad. The method in which they were chosen, however, must be condemned to insure that this procedure does not occur again.

The selections were made in total secrecy by a few self-appointed "basketball experts." Notwithstanding their talents, who the hell do they think they are, arbitrarily choosing which students would represent our law school! Were their egos so fragile that they had to insure themselves places on the team to avoid the possibility of being omitted? The "cloak and dagger" routine of covering up their selection procedure only exacerbates the farce. "But," the selectors will no doubt argue, "this was the easiest method to choose a team." Perhaps it was the easiest, but certainly not the fairest.

At the time of their "closet election," the selectors could not yet have seen all of the players in the VLS league perform. Moreover,

tradition suggests that the league's captains nominate or choose the players, a far more democratic procedure. Furthermore, a few of the players chosen played lousy in the league this year, yet were picked because they were "tall and would add muscle to the team." Real fair. Finally, whatever money is left from the \$110 collected from the league's teams no doubt will be used to defray the "All-Stars" costs, similar to last year. It just doesn't seem too ethical to utilize funds garnered from the same players who were denied the chance to even try out for the team.

There should have been a couple of try-out sessions for anyone who wished to "strut their stuff," similar to the try-outs for last fall's softball team which went to Boston. I'm sure a couple of non-playing coaches whom everyone respects could have been found to conduct the sessions, choose the team, and coached it in Springfield. The procedure would have been above-board, and the only casualties of the selections would have been honest disappointment and deflated egos. Instead, the integrity of the selectors and indeed the school is damaged for condoning the exclusionary selection procedure in a supposedly VLS student activity.

\*\*\*\*\*

## Brown Bag Lunches

The Faculty-Student Affairs Committee has scheduled the following brown bag lunches for the spring semester:

Thursday, Feb. 26, Prof. Dennis Honabach.

Thursday, March 5, Prof. Thomas Ross.

Thursday, March 19, Prof. Steven Dycus.

Thursday, April 16, Prof. Ralph Bischoff.

They will all be held in the non-smoking lounge from 12:15-1:15.

## PERSONALS

Thanks to Rick Savino and his Uncle Jim.

--The Parlour

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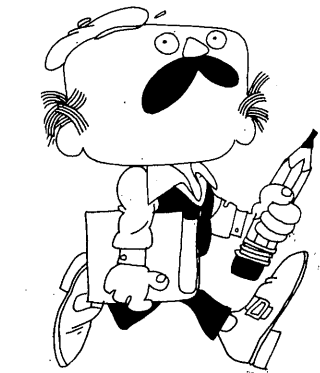
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