

HARVARD LAW RECORD

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25 CENTS



Erich Merrill

Some of the thousands of runners in Monday's Boston Marathon keeping up the pace along Beacon St., just past "Heartbreak Hill."

Students Suspend Studies For 86th Boston Marathon

By Brad Hudson

Monday's 86th running of the Boston Marathon attracted runners from across the nation and around the world. Among the almost 8,000 official entrants and several thousand unofficial runners were many HLS students. The RECORD talked with several of these students as they swapped stories, compared times and massaged stiff muscles after the race.

Make Way!

"Make way for the thousands behind you." As Marshall Schmitt, 2L, crossed the finish line, he heard a voice over the P.A. system urging

the runners who had finished to clear the path for the many runners approaching the finish.

Schmitt, a veteran of seven previous marathons, ran the race as an official entrant. To enter the marathon, a runner must have completed a certified marathon during the previous year in less than two hours, 50 minutes. Schmitt qualified by running in last year's Boston Marathon.

Schmitt had an official time of 2:45 in Monday's marathon, but he said he actually ran the race in 2:43 — because of the crowds at the start, he didn't reach the starting line until two minutes after the gun had sounded.

(Continued on Page 8)

LEC Discusses New Curriculum

By Mary Tarduno

Students made specific proposals and discussed the Law School curriculum with faculty members at an open meeting of the Legal Education Committee on April 14. The meeting was part of the committee's new approach to curriculum planning — an approach focusing on what the curriculum ought to be rather than one leaving course offerings open to the vagaries of schedule making and appointments.

At the two-hour meeting, students proposed that HLS improve its environmental law program and add courses on nonstrategic arms control. Students and faculty members also discussed the first-year curriculum and the use of small 1L sections. Discussion of these latter topics was roughly based on discussion memoranda prepared by Committee members and available to all interested students. Furthermore, students had an opportunity to put ideas and topics on the agenda before the meeting.

Toward Advance Planning

The Legal Education Committee is an HLS faculty committee with three student representatives appointed by the Law School Council. The Committee has been responsible in the past for implementation of the 4-1-4 calendar, experimentation with small 1L Contracts sections and changes in grading policy.

Committee Chairman William
(Continued on Page 14)

Law Students Seek Tenure for Women

By Michael Medina

Approximately 100 HLS students signed a petition threatening to withhold contributions from HLS's alumni endowment fund after graduation unless more women are appointed to the faculty. The petition, which also called specifically for the tenuring of Asst. Prof. Elizabeth Bartholet, was recently presented to Dean James Vorenberg and the HLS Appointments

Committee, according to Chris Littleton, 3L, managing editor of the *Women's Law Journal*.

Littleton and Ruth Bourquin, 3L, the chairperson of the Women's Law Association, circulated the petitions "after hearing" that Bartholet would probably not be given tenure. "We had heard that the debate over Bartholet [by the Appointments Committee] was negative, or at least divided" said Littleton. "We were very surprised

since the tenuring of long-time HLS faculty is usually almost automatic."

About 20 students met with Vorenberg earlier this term to express their concerns about the appointment of women faculty members. Littleton also reported that a number of students wrote letters to Vorenberg and the Appointments Committee urging that Bartholet and other women be appointed and offered tenure at HLS. Prof. Martha Field is currently the only woman HLS professor with tenure. Visiting Prof. Lea Brilmayer, who taught here in the fall, was expected by many people to be offered tenure, but she has accepted a tenured position at Yale where she has been a visiting professor this spring.

Many male students also support Bartholet and want more women hired by HLS, Littleton noted. "There's a general problem of a lack of communication between the faculty and the students about how and when tenure decisions are made," she said. "We wanted to let the faculty know that students want to see women faculty members hired and promoted."



Alumni Readers

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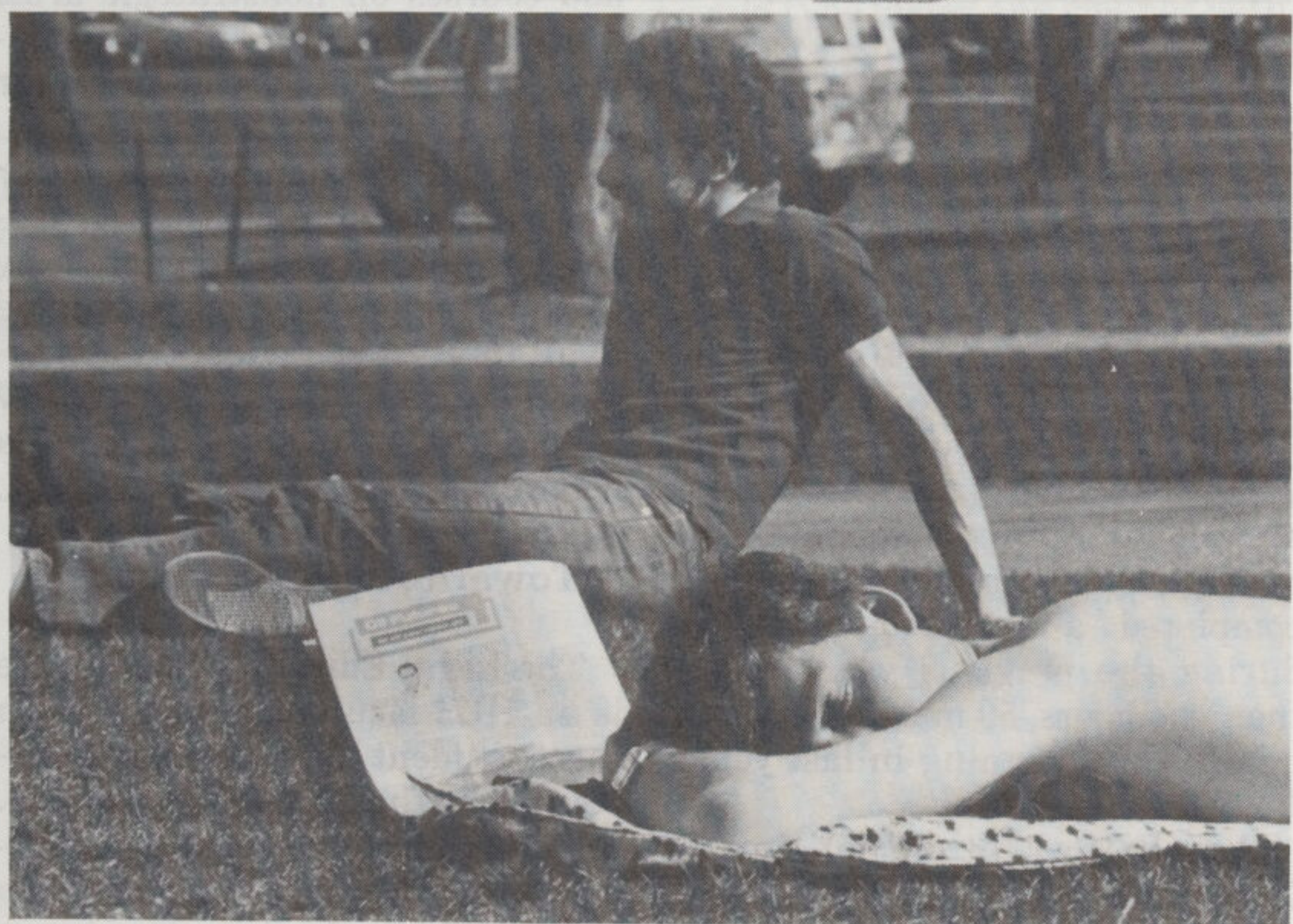
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Thank you for your cooperation.

HARVARD LAW RECORD



Photos by Adam Eisgrau

Springtime brings HLS students out of doors: In the top photo, John Simpson, 3L, Mark Regan and Paul Weitz, 2Ls, soak up the rays in a variety of attires. In the bottom photo, an unidentified student browns his back with the booklet in his hand open to a page with the title, "Oil Futures."

Friedan: Look for People, Not Roles

By Louis J. Hoffman

Survival is possible, even at the Law School. This was the message when Betty Friedan spoke here on April 13. Friedan, author, Kennedy School Fellow and feminist, talked to an audience of over 100 under the auspices of the Law School Forum. Although the speech was billed as a talk about equality and the law, Friedan decided to discuss the possibilities for living under equality between the sexes within HLS.

Friedan sees the "women's movement" not only as changing sex roles, but also as part of a far-reaching social movement. As women, with their special needs and goals, are accepted as people and gain access to an expanded set of roles, a needed restructuring of social environments such as the job and the home will take place. Such a "living equality" will allow society to form new and better forms of relationships.

Lawyers Can Be People, Too

The law is a field in which such restructuring could be useful. "The legal profession is structured in terms of the lives of men with wives to help out at home," Friedan noted. "Lawyers largely define themselves in terms of work. The pressure is towards the macho-lawyer." Women, with fewer role models and often other goals, may feel less secure. If a woman wants both a job and a family, she must be "super-mom on top of super-man" or face the no-win "must choose" situation. "There are a lot of tired superwomen out there," Friedan cautioned.

Male lawyers need the same enlargement of freedom from restrictive role-definitions, Friedan believes. Men question the "job is everything" attitude but may have more socially-defined roles than women. But "facing these feelings is not easy, so men retreat easily into work and studies." Getting in touch with personal truths is important, she said, and lawyers must achieve this despite the rhetoric of the Law School, the firms, or even the feminists.

Restructuring can take the form of a greater emphasis on family, but new forms of family are important also. Any "network of mutual caring and support" would help lawyers expand horizons. Friedan also pointed to a few specific problems, such as the inflexibility and length of working hours and the lack of child care. But both sexes need to work together to achieve more cooperation and less competition.

Quivering in their Scales

Even in the law, Friedan sees the "macho mystique" as being quietly broken, because it is destructive to both sexes. However, at HLS, she believes men are still "square pegs in square holes," and old habits die hard. As an example, she pointed to the Armadillo Club "that some Neanderthal men have started." Friedan said the group's symbol, an "armored animal, like the dinosaur," is especially appropriate, because she sees the group as a defense mechanism for men who "are not sure they can survive in a world in which women are people." The club is a "last, desperate cry for help," she said, "but a little

TLC might make them secure enough to get rid of the armor." Friedan described the mentality of the Armadillos as, "We must go find some dummies. . . . But it's not going to be easy for Armadillos to find Armadilletes, even at Wellesley. They're people there too." She also commented, "I saw HLS as an advanced place. I was horrified. With all the problems with the world," and she listed some major ones, "we need Armadillos as well? And what does it do for men? Isolate them."

Friedan sees the social movement as proceeding in two stages. The first is one of role expansion, and the second is one of solving the practical questions which arise because of economics, as well as ideas. She stated that the Law School is still in the first stage, but that it is time for people to work together to begin to solve the problems that arise as it becomes increasingly common to see roles filled by members of the female sex.



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Ad Board Works in Mysterious Ways

By Erich Merrill

The first part of this story about the Ad Board concentrated on the structure of the Board and the procedures it follows. This second and last installment inquires into the character of the board and how it promulgates rules, explores some Board history, and presents the thoughts of past and present Board members about the body.—Ed.

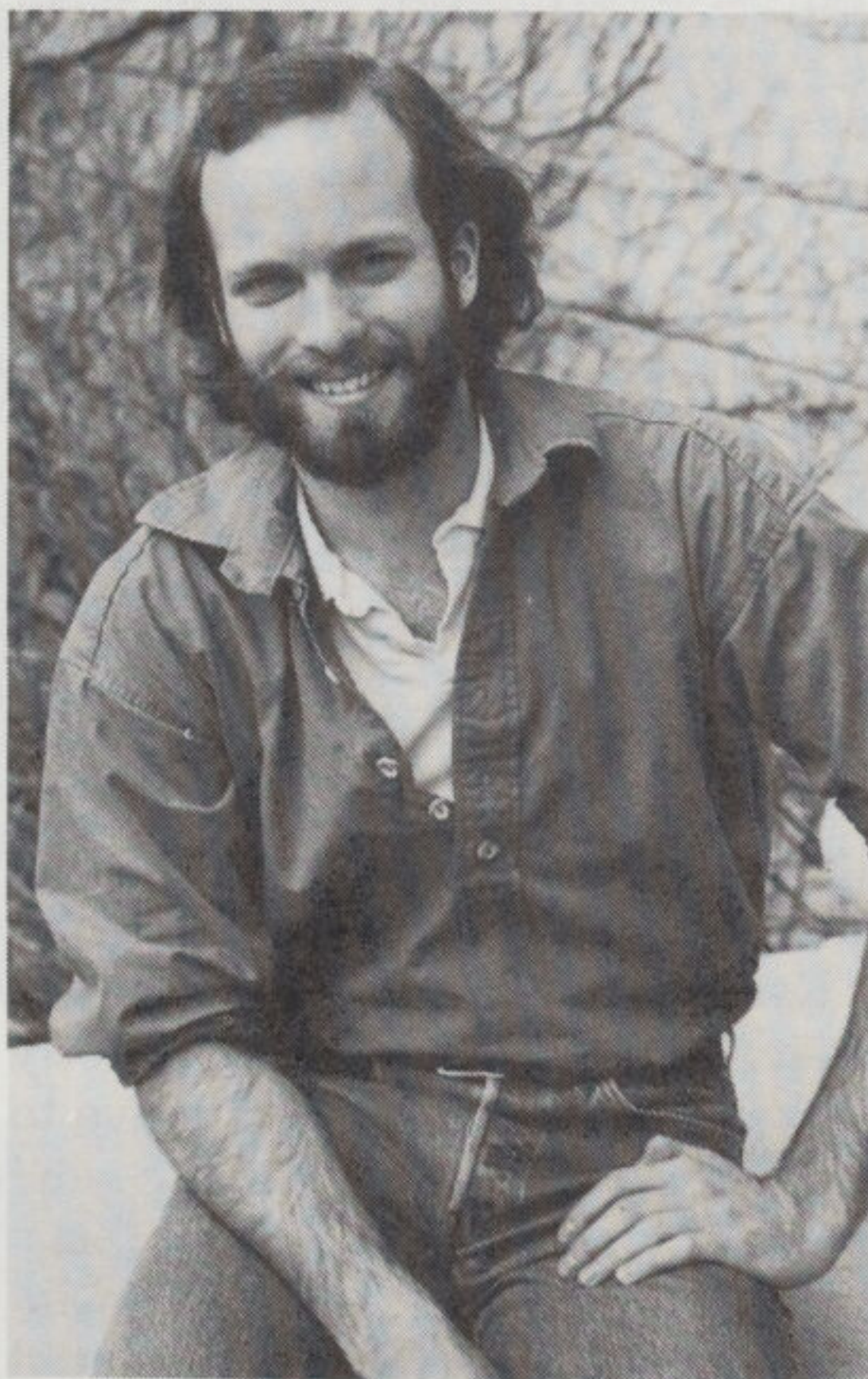
Perhaps the main reason many students find the Ad Board mysterious or secretive is that the Board does not issue any comprehensive "Rules to Live by at HLS" which students can use as a guide to the law which the Board administers. Instead, in the area of dispensation (exceptions to academic rules), the Board's decisions often are adopted through other offices of the School. "A lot of the rules we make end up being policies of the registrar's office," said Chris Caldwell, 3L member of the Board. "To that extent they are never promulgated in any official way as the work of the Board."

In the disciplinary area, the Board gives students notice of rules it makes by publishing the decisions of recent disciplinary proceedings in the *Adviser*. One such announcement read: "Student B, who was anxious about an upcoming examination, induced C (not a student) to call the Registrar on the morning of the exam to tell her that B had been called out of town because of sickness in B's family and hence would not be able to take the examination at the scheduled time. Subsequent inquiries revealed that [this was false, and B took the exam late in the day.] The Administrative Board concluded that B had unjustifiably lied to the Registrar, . . . but was impressed by B's remorse about this unfortunate episode and by the fact that the conduct in question appeared to be clearly aberrational. Accordingly, B was issued a letter of reprimand, a copy of which was placed in the student's file."

The Board is not always so le-

nient. A check of *Advisers* from the spring of 1980 revealed announcements about misrepresentations on resumes and financial aid applications. Though one student was sent a letter of reprimand, three others were suspended.

Even when there is no formal disciplinary case before it, the Board sometimes uses the *Adviser* to announce rules students may not know about. Earlier this year, a student was brought before the Board for loaning his ID to a friend. Accord-



Eric Lindblom, 1L

E.M.

ing to Caldwell, "The student's attitude was 'I didn't know anything was wrong with this.' We didn't want to take formal action without some pronouncement that this conduct was unacceptable. When another case came up later, there was no notice problem because we had run an announcement in the *Adviser*."

Board members seemed quite comfortable with the Board's "common law" method of proceeding in disciplinary cases. Prof. Richard Parker, acting chairman of the Board, noted that while the method might sometimes present notice problems, no other method was practical, since the Board handles a wide range of cases. "Any set of

guidelines would have to have a catch-all provision which would swallow up any rule-like provisions." Asst. Dean Stephen Bernardi, former member of the Board, thought published rules were not only unnecessary, but undesirable. "I am uneasy and a bit patronized with the idea that Harvard Law School should have a criminal code. That just strikes a discordant note." He felt that students know what is expected of them: "Students don't have to be told."

Parker pointed out that in some of the more controversial areas the Board does have written policies which it follows. The Board has written rules of disciplinary procedure, and is working on a revision of its written guidelines to follow in late exam cases.

While students may know little about the Board today, the problem appears to have been much more acute 15 years ago. "When I first got on the Board, there were no student members," said Prof. Andrew Kaufman, who was appointed to the Board in 1967, and remained there until the mid-70s. Sometime between 1967 and Bernardi's appointment to the Board in July of 1969, students began to participate in Board meetings, though Bernardi described their participation as "informal at first." He said that a later vote of the faculty ratified the students' participation, creating the three student positions on the Board.

The late 60s was a time of change for the Board in other ways. Kaufman said that one function of the Board had been to consider all financial aid applications. But within his first two years on the Board, Kaufman said, this function became so time consuming that the Financial Aid Committee was formed, and the Board turned its attention solely to dispensation and discipline.

Also in the late 60s, according to Kaufman, the Board decided to announce its decisions in the *Adviser*, to let students know by what

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Members Air Views from the Inside

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rules they were expected to play.

A parallel development was the move by Prof. Nesson, then a member of the Board, to write down the procedures followed by the Board in disciplinary hearings, said Bernardi. "The written rules arose out of two cases involving disciplinary matters where the student litigated the matter at great length. While I felt, and I think everyone on the Board felt, that the student had been treated fairly, there arose out of the experience a feeling that leaving procedural rules to a common law system was not a good idea. While it didn't change things much, the reduction to writing was a healthy step toward giving students advance notice."

While in the early 70s the Board handled quite a large number of disciplinary cases, that is no longer the case today. Caldwell said there were no disciplinary cases at all last year, and only one has come before the Board this year.

Discipline has been displaced by problems with late exams, however. Caldwell said that cases involving late exams, which are not generally disciplinary cases, "have consumed an enormous amount of the Board's time, maybe as much as one-fourth."

Members' Assessment

Conversations with most Board members reveal that they feel it performs a vital function in the School, and performs it well. Prof. David Herwitz, who is currently on the Board, depicts the body as a buffer allowing students and administration to work well with each other. "It is a buffer between 1700 people, not to mention 1700 law students, and the administration. It's really the oil in the machinery."

Ruth Fitch, 2L member, portrayed the Board similarly. "The Board connects students to the administration and faculty, and does so in a non-threatening way. The members of the Board take their

role of helping students very seriously. That pleases me a lot."

Several members of the Board echoed Fitch's sentiments that the Board takes its job seriously and watches out for students. Registrar Sue Robinson, member of the Board, said the Board makes a "concerted effort to go round and round to eliminate the possibility of someone being treated unfairly." Caldwell characterized the Board as "friendly but formal." "Although we have to consider cases and precedents and have lots of discretion, in my three years on the Board it has uniformly been invoked in student's favor. I think students uniformly get a fair shake."

Eric Lindblom, 1L member, said there are no voting blocks on the Board dividing faculty and students. "In my application I said that I had dealt with people who were my senior in age and stature. It turned out that hasn't mattered at all, because the Board is ex-

tremely democratic. I'm completely comfortable on the Board. I know the other members are listening to what I'm saying, and they expect me to do likewise. The votes are hardly ever down faculty-student lines."

Demands and Rewards

Perhaps because members take the job seriously, they find working on the Board a real drain on their energies. "The meetings are etched on my memory," said Kaufman. "They were time consuming, and emotionally very wearing. We were working with people's lives, and that's difficult."

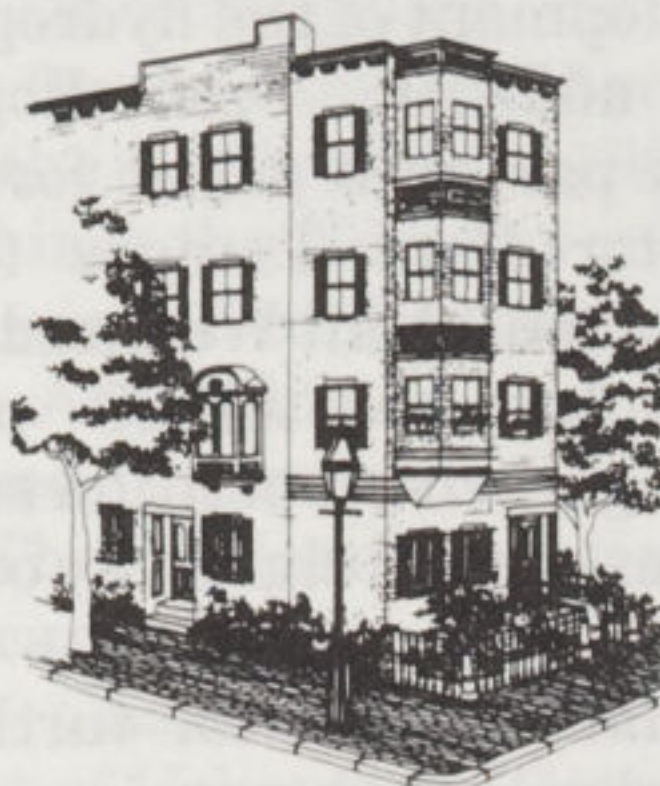
The job is not without its rewards, however. Said Lindblom, "I already feel I've done some good things for students. It's fun — you're working with a good group of people. The great thing about it is, you get a free lunch."

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Neier Speaks on Rights Policy Reversal

By Andrea Hartman

Changes in foreign policy announced last year by the Reagan administration have provoked groups opposing the changes to unite. The pressure they brought to bear has now forced the administration to modify its position. That was the message delivered by Aryeh Neier, the current vice-chairman of the Helsinki Watch and the Americas Watch, and former executive director of the American Civil Liberties Union, when he spoke at the Law School on April 19.

According to Neier, the Reagan administration started out with a clear position — that of repudiating human rights as a significant factor in foreign policy. Indicative of this position was Secretary of State Alexander Haig's assertion

that a concern for terrorism would replace a concern for human rights in conducting foreign policy, and President Reagan's nomination of Ernest Lefever for the position of Assistant Secretary for Human Rights.

Unexpected Victory

The first significant defeat the Reagan administration suffered was the Senate Foreign Relation Committee's rejection of Lefever, which could not have been anticipated by even the most fervant human rights advocates. "They did not think of themselves as having the kind of clout that would be necessary to oppose a President's nomination," noted Neier.

Neier believes that the constituency which formed to oppose Lefever's nomination has continued to assert itself, and that members

of Congress have called the administration to task for its positions concerning human rights.

Stated Neier, "The Reagan administration continues to find itself under fire on human rights grounds, and has very slowly woken up to something. Having been so vociferous at the outset in repudiating the idea that human rights ought to figure significantly in U.S. foreign policy, it has created a constituency for human rights internationally that did not exist previously. It has mobilized opposition to its own policies that never would have been mobilized if it had not been so outspoken in asserting that it was not going to be concerned with international human rights."

Pressure Succeeds

Neier believes that this constit-
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Galbraith Caps ARAC Symposium

By Gabe Shawn Vargès

Observing that "the ashes of communism and capitalism will look the same," Prof. Emeritus John Kenneth Galbraith warned students at HLS last Friday that the United States must not allow "nuclear theologians" to determine its national security policies. Galbraith's comments were made in a speech sponsored by the Arms Reduction Action Committee (ARAC), a new HLS group promoting arms control. The speech was part of a week long series of workshops, panel discussions, films and lectures held at HLS by ARAC to coincide with nationwide efforts to increase awareness of the arms race and nuclear war.

After discussing the economic consequences of a nuclear war, Galbraith addressed the special responsibilities which lawyers have for helping prevent such a war. "There will be no constitutional liberties after the first nuclear exchange," he contended. "You as

lawyers are sworn to uphold the Constitution, so stopping war must be your first concern." Galbraith urged the audience to speak out and to become involved directly in nuclear war issues, and to tap those sources particularly accessible to law students and lawyers.

Besides the Galbraith speech, other events held at HLS by ARAC included a panel discussion on reducing the risks of nuclear war and a showing of *The Day After Trinity*, a film about J. Robert Oppenheimer, one of the scientists involved in the development of the hydrogen bomb. In addition, Prof. Roger Fisher took part in a public forum with Senator Paul Tsongas (D.-Mass.) at Faneuil Hall Wednesday, where members of ARAC presented Tsongas with a petition supporting arms control signed by over 300 HLS students.

ARAC plans to sponsor further arms control events this spring and next fall. The various anti-nuclear war events at Harvard over the past week, as well as those in the



Adam Eisgrau

Prof. Emeritus John Kenneth Galbraith

Boston area, have drawn the attention of local and national press and were featured on "ABC News Nightline" Thursday night.



Gauchos' Falkland Gamble: The Latest Line

David Quinto

Special to the RECORD

The RECORD received this dispatch from its Latin American correspondent who has been covering the action from the strife-torn beaches of South America. — Ed.

April 20, 1982: As a powerful British flotilla moves to regain control of the Falkland Islands in "The Battle of the South Atlantic," an important qualifying event for "The Battle of World Supremacy," it is interesting to reflect on the ramifications of the daring move by the Argentine side.

Argentina, the "Dagger Aimed at the Heart of Antarctica," regained the initiative in its seesaw series with Britain and shocked the bookies with its sharp, underhanded thrust to the Falklands. Britain, you will recall, took the first battle in the series, capturing Buenos Aires in 1806. Argentina prevented Britain from doubling by repulsing a British attempt to capture Buenos Aires again in 1807. Britain successfully guaranteed Uruguay's independence from Argentina in 1835, and upped its record to 3-0-1 by blockading Buenos Aires from 1845-47 (causing the overthrow of the dictator, Rosas). The British, incidentally, got no credit for capturing the Falklands from the Argentine squad defending the Falklands in 1833 because the Gauchos were still recovering from a thrashing inflicted by a tough touring team from the U.S.S. Lexington.

For the past few decades, however, Argentina has threatened repeatedly and Britain has frequently had to counter by interposing a fleet fleet between Argentina and the goal. Britain's respect for Argentina's fast break is reflected in the fact that it has employed a similar defensive tactic using just one ship to defend British Honduras/Belize from the Gua-

temalans (hence the name of the maneuver: "swatting Guats").

Swilling a Brahma Chopp *bem gelada* at Ipanema last week, I reflected on the importance of the match to both sides: Britain must win to maintain its standing in the NATO division and the chance to compete against the U.S.S.R.; Argentina, by going for broke, can scramble the South American standings. Argentina has forced Britain onto offense, stretched the British line and opposed the Brits with superior air and land strength. Britain is, however, a 5-3 favorite because of its superior skill and tactics.

Dark Horse Penguins

The "dark horse" in this contest, I noted from Mar del Plata, is the Antarctic champion, the Penguins. They are highly experienced in amphibious landings and can penetrate a submarine defensive net with ease. Still, they are said to lack modern arms (having just "wings" or "flippers"). I was, however, glad to be a noncombatant as I watched 10,000 or more storm ashore near Trelew, Argentina last month.

Chilean officials told me over fresh sea food cocktails at Viña del Mar recently that their club was not at top form in its indecisive 1881 clash with Argentina over the Strait of Magellan, its 1899 struggle for the Puna de Atacama region in the north and its 1902 offensive against the Gauchos in Patagonia. The latter conflict was also galling for Argentina in that Britain refereed the match.

The Chileans mentioned a plan to capture three islands in the Beagle Channel near the Argentine port of Ushuaia on Tierra del Fuego, but at that moment some sea animal took off around my plate when I squirted it with lemon juice and

I excused myself before questioning the Chileans further.

The Argentina-Chile clash promises to be the most interesting. In 1978, the U.S. Ambassador to Argentina estimated that the Gauchos had the resources to go at it in earnest for four days while the Chilenos had just three days' supplies. This may not matter as each is poised at the other's jugular: Argentina can follow José de San Martín's route from Mendoza over the Andes and into Santiago — barring traffic jams it takes six hours — and Chile can advance from Puerto Montt to capture the Argentine chocolate industry at Bariloche, then race across Patagonia to cut between Buenos Aires and its power supplies and naval base. Argentina has adopted the "continental style" (and even has a Harrod's) whereas Chile has long admired the American way (even naming one of its cities "Llanquihue," pronounced "Yankee way"). The "never say die" Chilean players, like the Paraguayans, will fight to the death.

Following a Britain-Argentina match, look for Chile to be a 7-4 favorite, gaining a TKO in three days. And, if Chile allows Britain to use its base at Punta Arenas, Britain becomes a prohibitive 11-1 favorite to KO Argentina in two days.

No Beans About Lima

The plucky Chileans pitted two wooden ships against Perú's two heaviest ironclads in 1879 during "The War of the Pacific" and pulled ahead on points as each side sank one of the other's ships. Later in the first period of that tiff, Chile sank the remainder of Perú's fleet and captured Bolivia's seaport of Antofagasta. In the second period, 1880, the Chilenos attacked vig-

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HLS Runners Challenge, Conquer Marathon

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"The key strategy for any success was dousing yourself with water," advised Bill Maher, 1L. Maher, who clocked in at 2:44, revealed his strategy: aim for the people holding out cups of water, and pour as many as possible over your head.

Although Maher had qualified to run in Monday's race in last year's marathon, he didn't decide to enter until March. He then trained by running 40 "hard" miles per week. The longest distance he had run in training for Monday's race was only eight miles.

For Maher, "the fun part of the whole thing is meeting the other runners." He recalled meeting runners from Oregon and Italy, and a women's champion from Australia.

A Lot of Drinking

"It was necessary to drink a hell of a lot," commented David Millon, 2L, who like many of the runners commented on the heat. While the 65-70° temperatures were perfect for the thousands of spectators crowding the route, it was less than ideal for the runners.

Millon ran as one of the numerous unofficial participants. He finished his first marathon at 3:22.

"Running is relaxing in general, but marathoning isn't," observed Peter Levine, 2L. Monday's marathon, which he ran in 2:54, was also his first. He had attended Harvard as an undergraduate, he ex-

plained, and "being in Boston for six years, I had to do it once."

Besides the pain, Levine emphasized the excitement of hearing the crowd cheer the runners on. "For the last 10 miles, the crowds were five or six deep — a constant roar for everyone."

"Not a lot went through my mind — I was just waiting for the race to end." Bob Pauw, 2L, another first timer, finished the race in 3:40. Like many others, he was attracted by the marathon's reputation as a big running event. "I always thought it would be fun."

Is This the End?

"I thought, 'My God, am I going to die?'" remembered Scott Pink, 2L. After finishing the race in just under three hours, he said he walked around for about 20 minutes, feeling bad and unable to drink anything. When he finally went to the aid station, the volunteers made him lie down and hooked him up to an I.V. unit. His temperature had fallen to 90°, and his blood pressure was 84/40.

Pink reported his two highlights of the race. The first was running past the Wellesley women. At that point, the screaming students lining the course reduced it to the width of two runners. Pink's other highlight occurred at around mile 23, where he'd slowed to a walk to loosen up the cramps in his legs.

But when he heard a voice from the crowd yell, "Run, Scott!", he was able to resume his earlier pace.

"It was a good way to get out of law school — to take a break," noted Iris Sokolow, 2L, who ran the race with Phil Barnett, a fellow 2L. Although they were unofficial entries in the event, they had trained for a year prior to the race. Both finished in 3:49.

Like Pink, Sokolow suffered from dehydration following the race. Barnett accompanied her to the aid station, and compared the sight to "the hospital scene in *Gone with the Wind*." He described seeing runners shivering from dehydration and screaming from the pain of cramps.

Both were extremely complimentary of the staff at the aid station. "They were right there and were very concerned," said Sokolow. "I wanted to thank them — maybe give them a donation."

All of the runners were enthusiastic about the experience. Most stressed the excitement and support they received from the crowd, which cheered all of the runners, not just the popular frontrunners.

But after the excitement of the race ends, the lost fluids are restored and the crowd heads for home, what does the marathoner do? Maher described his personal victory celebration: "I walked up Beacon Hill to a friend's house, took a hot bath and ate fried vegetables." The end to a perfect day.



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Rights Reversal

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uency has forced the Reagan administration to change its foreign policy. Last November, the State Department issued a new position paper which declared that human rights is at the core of United States foreign policy. Reagan appointed Elliott Abrams as Assistant Secretary for Human Rights, and the bureau began to function again. In December, Reagan signed the Foreign Assistance Act, which requires the compliance of several countries with certain human rights conditions before being sent aid and arms. Neier said that while the administration's policies cannot be termed good, the administration is at least being required to respect human rights.

Concerning the role of law in foreign policy, Neier commented that though there is no mechanism for the enforcement of laws intended to promote international human rights, their existence plays an important role. They constitute valuable tools for rallying public opinion, and for giving members of Congress a basis for their criticisms of the executive branch.

As to where hope lies for improving human rights, Neier observed: "I think the hope for the future is with citizens' organizations. I don't believe that the government, or intergovernmental organizations, can be trusted to protect these rights. They will always have other concerns which will loom larger than human rights concerns, and they have to be the targets for citizen pressure."



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Gauchos Blitz Brits

(Continued from Page 7)

orously, gaining the Peruvian states of Arica and Tacna, and capturing Lima. Chile then employed a stall offense for two years as the hapless Peruvians failed to regain their capital.

Perú protested the outcome (the Chileans returned only Lima) and in 1929 an American commissioner awarded Tacna to Perú. Nevertheless, Perú felt that Chile's refusal to conduct a referendum in Arica to ask the inhabitants where they wanted the border to be was a substantial infraction. Perú would like to regain Arica, an important resort, and Bolivia would like to regain Antofagasta, if not the Atacama guano deposits that it lost, as well.

Perú has been under military dictatorship for 12 of the last 14 years and is well-armed. Their team, Los Soldados, scored big triumphs over Los Guerrilleros in 1965, when the insurgents published the location of their headquarters in a newspaper, and over La Policía in 1974, when an armored division blasted the Miraflores police station. Following a Chile-Argentina match-up, Perú is a 3-2 favorite. However, if aided by Bolivia, it becomes a 3-2 underdog.

A Disappearing Country

"Enormous" Ecuador, I was told over a pisco punch in Guayaquil, used to have a land area of 400,000 square miles. As recently as 1940, it had 180,000 square miles. In 1941, Perú took 75,000 of them away. That hurt because it had given 27,000 to Brazil in 1904 and 65,000 to Colombia in 1916 in the hope of fostering team work to head off the expected Peruvian surge. Ecuador ratified Perú's scorecard in the 1942 Protocol of Río de Janeiro but since 1954 has made periodic attempts to gain back its ground lost to Perú. Following a Perú-Chile tussle, the Ecuador "Chiquitas" face even odds against Perú.

Among other bouts to watch are

Venezuela over Guyana (15-1) as the Petroleros go for the 54,000 square miles lost in an 1895 arbitration when Britain bribed the New York arbiter; Paraguay (5-2) over Bolivia as the "Barefoot Army" avenges its 1935 mistake of winning the 3/4 of the Chaco without oil; Colombia against Venezuela (even odds) as the Narcotraficantes battle for rights to offshore oil in the Gulf of Venezuela; and Brazil over Argentina (50-1) as the Cariocas pre-empt Argentina's attempt to develop an atomic offense.

Next week: Argentina battles the Penguins over a 447,000 square mile claim to Antarctica.

Sports Quiz

NOTE: This week's Sports Quiz deals with athletes who have nicknames the same as various types of weapons.

1. One of the most prolific scorers in the history of professional hockey, this former member of the Montreal Canadiens was the first player ever to score 50 goals in a season. Who is the man and what is his nickname?
2. A college star at LSU, this man played basketball as a pro for Atlanta, New Orleans and Boston during his career. Who is this man and what is his nickname?
3. Although somewhat smallish in size, this former major leaguer nevertheless packed a lot of power during his days as an outfielder for the Houston Astros and the New York Yankees. Who is this man and what is his nickname?
4. This athlete toiled as relief pitcher for the Cincinnati Reds and the New York Mets during the 1970s. Who is this man and what is his nickname?
5. A star defenseman for the Detroit Red Wings during their glory years of the 1950s, this man was known for his hard bodychecks. Who is this man and what is his nickname?

(Answers on Page 16)

Next Records
April 30
& May 7

Words of Wisdom

We've become accustomed to receiving all sorts of peculiar mail. But lately, our telephone calls have become more unusual.

Like last Monday. The Admissions Office referred a high school senior's call to our office. The caller explained that he had been accepted by several undergraduate colleges: Harvard, Yale, Penn and Brown. Could we tell him, he wondered, which of these institutions would provide him with the greatest chance of admission to the Harvard Law School?

Frankly, we are not sure of the answer to his question, but for what it is worth, we do have some pointers for pre-Ls heading off to college with their eyes on HLS.

Sign up for an introductory course in economic jargon. Nothing is more demoralizing than arriving at your first Torts class only to hear a fellow student discourse on foreign terms such as cost internalization, Pareto optimality and opportunity costs. It is best to be prepared.

Study Philosophy. A well-dropped reference to Leibniz's Monodology in conversations with professors is invaluable. If you can relate it to anything in the Law, you're half way to the *Law Review*. Practice pronouncing key names like Nozick.

A rigorous physical regimen must complement your intellectual development:

Learn to play squash.

Other skills require practice, too. Learn to hiss through your teeth. Chin-ups can prove helpful in lengthening arms for high-profile hand-waving.

Train for classes that use the Socratic method. Most 1Ls attend classes for weeks before realizing that every answer given in class is wrong. Prepare yourself for the experience of antagonistic professors and snickering classmates by purposefully volunteering foolish answers in your undergrad courses.

After every class, a lucky few succeed in cornering the professor to ask additional questions. To achieve the level of chutzpah necessary to dominate the professor's attention at these gatherings, we prescribe the following steps: First, practice monopolizing all conversations at parties — interrupting skills are a must. Second, cut in front of little old ladies in supermarket checkout lines. Driving in Boston can sharpen this aggressive instinct, too. Finally, running the high hurdles for your school's track team can help develop the tricky technique of vaulting over desks to reach the front of the class ahead of the crowd.

For those serious about enrolling, we have one final program. If this plan prevents you from taking a course you *must* have, cross-register for it at a nearby college.



HARVARD LAW RECORD

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Fenno

Fenno had shivered through the long wait for green grass and genuine sunshine. So even though the hapless Red Sox were barely playing .400 ball, it was clearly time to assemble a Law School expedition to the \$2 backbenches at Fenway.

Fenno went looking for the 3L crowd that had helped him drink his way through winter. But not a single 3L could be found. The Harkness pub was bereft of outbound seniors. Fenno scoured Georgie's, O'Henry's, and every other gin joint and drinkers' dive within staggering distance of the Law School. Where were all the 3Ls?

Fenno felt dejected, so he burrowed into the deepest sub-basement of Langdell to his secret den amidst the Statutes of Swaziland. But the sanctum was breached as Fenno heard two familiar 3L voices wafting through the dust.

"I scored one last week for a hundred bucks," said one senior, *sotto voce*. "But you'll never find one now."

"I can't believe I let it go this late," hissed the other frantically. "I'll pay one-fifty or more if I have to. I'll never finish this paper without one." Fenno thought he sniffed a good deal, but it didn't sound like he could get in on it.

"Well," whispered the first 3L, "maybe you'll have to be your own typist."

Hearing this, Fenno slinked away. Now he recalled where all the 3Ls went in spring: into the very bowels of Langdell, to digest legal lore and spread it across countless sheets of bond. How depressing.

Still in the stacks, Fenno heard soft sobbing and followed it to its source. It was his old pal Lou.

"Fenno, what can I do? I promised myself I'd narrow down my topic while there was still snow on the ground. But that was a week ago. Now, halfway through 'Traffic Laws of the Falkland Islands,' the damn Argentines are making them drive on the right. Fenno, I'm ruined."

"Cheer up, Lou, maybe the Brits will invade." Skipping to another carrell, he found Laura seated before a towering stack of journals, pen in hand.

"Hey, Laura," Fenno said, "nothing's coming out. Would you like a pen with ink?"

"No thanks, Fenno. Please don't tell anyone, but I finished a week before my deadline. If anyone finds out, they'll crucify me. I know one guy who finished two weeks ago — even Maggie blacklisted him."

Fenno walked home through the bright April sunshine. He took Laura's message to heart. Back in his room, he bolted the door and reached into his bottom drawer. Out came his opus, "Cox, Lox and the Sox: Jewish Major-Leaguers and the First Amendment." It was Fenno's third year paper, circa 1971. One by one he tore each page in two. No one would ever know. . . .



HARVARD LAW RECORD

Letters to the Editor of the Record

Objections to PLO Presence

To the Editor:

The decision of the American Indian Law Students' Association (AILSAs) to invite a representative of the Palestine Liberation Organization to lecture on international law would be amusing were it not so obscene. That the PLO, a group which has achieved notoriety not through the use of international law but through the sensationalist killing of Jews both in Israel and abroad, should be called upon to discuss the use of international law to settle disputes and assert rights would, under some circumstances, be ironic at least, humorous at best, and most likely extremely offensive. What is most disturbing is not that the wolf is lecturing about the virtues of sheep, but that the whole situation points to a shameful fact: it is once again fashionable to embrace those who both promote and practice the hatred and killing of people because they are Jewish.

The American Indians have suffered enormous abuses. The AILSA has every reason to seek better ways of defending the remaining rights of its people. Yet it is disturbing to see the AILSA invite to campus a group which provides financial and military support to neo-Nazi groups in Europe for the express purpose of attacking Jews and Jewish institutions (as reported by the West German government last year); a group which deliberately attacks children because they are Jewish, whether they reside in Paris, Vienna, or Tel Aviv; a group which, along with the Soviet and Saudi governments, distributes massive quantities of virulently anti-Jewish literature on a worldwide scale; a group which, in short, actively

practices and promotes the hatred and persecution of people for the sole reason that they are Jewish.

This is not the first time that such a group has achieved institutional legitimacy and support, and this probably will not be the last time. However, this legitimacy does not provide an excuse for those who embrace such a group. The often-used excuse "I was just following orders" (when I led those Jews into the gas chambers, those blacks into slavery, those Indians onto the reservation . . .) has been replaced by the equally prevalent excuse that these Jew-haters and killers "are recognized by legitimate international institutions." It is sad that the AILSA, whose people have been the victim of exactly such an attitude, now accept the persecution of other groups along the same lines.

That the AILSA would invite the PLO regardless of the tactics and nature of the group is not (as asserted in a letter from the AILSA in the *RECORD*, April 16, 1982, p. 13) an indication of intellectual and political liberation and strength, but of intellectual indecency and insensitivity. The AILSA, if it has any decency, should look beyond mere appearances and recognize the PLO for what it is: a racist group which aligns itself with neo-Nazis and similar hate-groups in the persecution of people because they are Jewish. If the AILSA wishes to embrace such a group, and inviting the PLO to participate at a conference on the rights of "indigenous peoples" is to accept its purposes and tactics, so be it. (Let us not forget that Jews are indigenous to Palestine.) If this is the case, the AILSA should come right out and say so; hiding behind haughty assertions of freedom to act as one pleases is disgraceful and duplicitous.

It is equally disturbing that the Law School is providing funding for this racist group to appear on campus. Dean Mary Upton is quoted in the *Harvard Crimson* (April 16, 1982, p. 1) as saying that she did not know that the PLO would participate but that she would have provided Law School money for the event even had she known. If this is the case, every member of this Law School community should feel ill. Once again, Jews have been singled out as worthy of hatred. Can anyone realistically imagine that the Law School would provide money so that a representative of a white-supremacist group which advocated the expulsion by force of non-white immigrants from the United States could appear on campus? This would never happen because most minorities are (rightfully) protected from Law School support for hate-groups. By funding an appearance by the PLO on campus the Law School has told every Jewish member of this community that he or she will no longer receive the institutional

protection that the Law School extends to other persecuted minorities.

The AILSA will undoubtedly be irritated that its conference has been marred by the revulsion of Jewish and non-Jewish students at the participation of the PLO. I feel absolutely no sorrow at this situation; just as the American Indians have begun to assert their rights more vigorously, so too have the Jews. If the AILSA members wish to study law in a community which practices tolerance, they too will have to be tolerant of the historically-based sensitivity of fellow students.

The creation of the Jewish homeland in Israel signalled that Jews would never again walk silently into gas chambers. Jews have learned that the time to begin the struggle against those who would destroy us is not on the gas chamber doorstep. The struggle begins wherever and whenever anti-Jewish hate groups find support and acceptance. The decision of the AILSA and of the Law School to promote the acceptance and legitimacy of the most prevalent anti-Jewish hate group in the world, the PLO, has shown every Jewish member of this community that the struggle to defend Jewish human rights begins in our own backyard.

William A. Jacobson, 1L

Misinterpretation Corrected

To The Editor:

We feel compelled to respond to the letter of Mr. Franklin N. Cunningham (*RECORD*, Feb. 19, 1982) which we feel misinterpreted our letter dealing with affirmative action and the *Law Review* and Dean Vorenberg's treatment of these issues at an alumni luncheon. (*RECORD*, Jan. 22, 1982).

We did not mean to suggest that "education in unisexual schools necessarily puts women in an inferior position," and indeed we were somewhat surprised to find our letter had been interpreted that way. In any event, we certainly do not believe that statement, and would not dispute that many all-female schools delivered and continue to deliver a superior education relative to their coeducational counterparts.

However, we do believe that no matter where a woman received her education she historically faced inferior opportunities after graduation, whether for employment or post-graduate education. The infliction of such inferior opportunities was necessarily particularly egregious with respect to women who had received a superior undergraduate education. Although post-graduate opportunities for women have improved in recent

(Continued on Next Page)

Our Policy Regarding Letters

The *RECORD*'s policy on letters is simple. We read all of them. We print most of them, subject only to editorial discretion. We encourage letters on any subject, and particularly concerning subjects which have been covered in the *RECORD*.

Letters should be typed and must be received by 5:00 P.M. the Tuesday before each issue. We prefer letters of no more than 700 words. Letters should be addressed to the *RECORD* rather than to third parties. Where there are compelling reasons, requests to have letters printed anonymously will be considered, but in no event will the *RECORD* publish letters by writers who have not identified themselves to the *RECORD*.

Letters

(Continued from Previous Page)

years, much progress is needed before a woman's diploma is considered as valuable as that of her male counterpart.

Our apologies to anyone who interpreted our letter as Mr. Cunningham did; we trust that few, if any, readers did so.

Peter M. Hosinski, '81
Nancy E. Wieggers, '81
Washington, D.C.

Thanks from LL.M.

To the Editor:

I have just received my copy of the HARVARD LAW RECORD of Dec. 4 (surface mail is a little slow these days) and have read with great interest the article entitled "Foreign Students Praise HLS Program." I was fortunate to be a member of the LL.M. Program in 1979-80.

I would like to point out the tremendous support and encouragement foreign students receive from Dean Smith and his staff in the Graduate Office. They must take a major share of the credit for the Program's success. It is because of their efforts that so many of the LL.M. students regard their year at Harvard as one of the best years of their lives. I am sure that other LL.M.'s would join me in thanking them for their efforts.

Brenda M. Hannigan,
Faculty of Law, University College
Cardiff, United Kingdom

Director of Development and Alumni Affairs Sought

Harvard Law School is looking for a Director of Development and Alumni Affairs. Reporting directly to and advising the Dean, the Director supervises a professional staff responsible for annual and planned giving; will direct an anticipated major capital fund drive; and is responsible for reunion and other alumni activities and publications. Minimum requirements: college degree; demonstrated management capacity; excellent oral and written communication skills; willingness to travel. Further desired experience: work in legal education or the legal profession; experience in solicitation of support from corporations, foundations and government as well as individuals. Resumes should be sent to Professor Louis Loss, Harvard Law School, Cambridge, MA 02138. The School is an equal opportunity employer.

Great Moments in the Law

Strudel Precedent for Asparagus

[Justice Musmanno:] It was a wedding banquet and the guests were enjoying themselves in the traditional custom of nuptial celebrations. There was dining and dancing and then dancing and dining. Fork work interspersed with footwork. The banquetters would enjoy a spell of eating and then amble out to the dance floor to dance. When the music suspended, the dancers returned to their tables and became diners again. The mythical playwright who prepares the script for the strange and sometimes quixotic episodes which eventually end up in court, mixed his stage properties and characters in this presentation because he placed in the center of the dance floor a quantity of freshly cooked asparagus and ladled over it a generous quantity of oleaginous asparagus sauce. In this setting it was inevitable that something untoward would happen, and it did. One of the performers in the unrehearsed play described what occurred.

Joseph Rosenberg, tall, weighing 185 pounds and wearing a tuxedo suit, was dancing with his sister-in-law, Mrs. Ruth Schwartz who was wearing a gold lamé dress, made of a metallic brocade material when, as he describes it, "I went up in the air and flipped on my back, my buttocks, and I pushed her down, and as I pushed her down, I let go, and she hit the floor, and my feet went up in the air."

Were it not for what he testified later, the casual reader could assume Joseph Rosenberg was merely describing one of the modern dances which, in acrobatic manipulations and grotesque gyrations, sound no less exotic than the wild movements narrated above. Rosenberg explained, however, that the terpsichorean maneuver he executed was involuntary. . . . He said that his excursion into space rose from an asparagus pad in the middle of the floor, and that after he got up he noted his pants were "green and white, like sauce."

Twenty minutes after the dine-and-dance debacle, Mr. Rosenberg and Mrs. Schwartz left the hotel, bruised, sore, and asparagus-laden, and in due time brought an action in trespass against Warwick-Philadelphia Corporation, the caterers of the wedding feast.

At the end of the ensuing trial, the judge entered a compulsory nonsuit, asserting that the plaintiffs had not established a prima facie case of negligence or proximate cause. . . .

The trial judge, an ex-veteran congressman and thus a habitué of formal parties and accordingly an expert in proper wearing apparel at such functions, all of which he announced from the bench, allowed testimony as to the raiment worn by the ban-

quetters. All the men were attired in tuxedos, the pants of which were not mounted with cuffs which could transport asparagus and sauce to the dance floor, unwittingly the cuffs of the tuxedo pants as transporters of the asparagus, the judge suggested the asparagus, with its accompanying sauce, could have been conveyed to the dance floor by "women's apparel, on men's coats or sleeves, or by a guest as he table hopped." The judge's conclusions are as far-fetched as going to Holland for hollandaise sauce. . . .

A nonsuit must be based on fact and not on supposition, on testimony and not conjecture, on realities and not guesses. . . . [S]ince it is not difficult to conclude that in a clash between a hurrying waiter and a dancer writhing in the throes of a watusi, frug, twist, jerk or buzzard, the resulting jolt would tilt the tray, cascading asparagus and sauce to the floor to throw the terpsichorean gymnasts off balance, it is reasonable, proper and fair to conclude that this concatenation of circumstances made out a prima facie case of negligence against the establishment running the wedding feast. It requires no citation of authority to demonstrate that a waiter with a tray balanced on an uplifted arm is out of place on a ballroom floor during a late twentieth century dance which would make the Apache war dance seem tame in comparison.

The law applicable to a case of this kind was expounded as recently as 1961 in a case where the facts were somewhat similar to the ones at bar. *Lederhandler v. Bolotini*, 402 Pa. 250. The plaintiff there was injured when she fell on an apple strudel which had fallen to the floor, also used for dancing. . . .

—Schwartz v. Warwick-Philadelphia Corp., 424 Pa. 185 (1967)
(plaintiff entitled to have jury pass on issues)

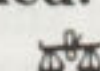
Law in the Suburbs

WHITE PLAINS, March 20 — Child-support, spouse-support and alimony payments can be made by Visa credit cards, beginning Monday, under an agreement between Westchester County and the Bank of New York.

"All the world pays in plastic, so why not do it with child support?" said Phyllis M. Hartstein, assistant commissioner of the county's Social Services Department.

—New York Times
March 21, 1982

Readers' contributions to Great Moments are welcomed.



**Welcome to New York,
John Harvard.
Have You Considered Joining
The Harvard Club
Of New York City?**



On Friday, April 23, members of the Admissions and Membership Committees of The Harvard Club of New York City will be in Cambridge at the Kresge Grill at the Business School and at the Harvard Faculty Club at 20 Quincy Street between 11:00 A.M. and 5:30 P.M. to make it easy and convenient for Faculty, University Officers and graduates to become a member of the Club.

Graduates of the Class of 1982 will be proposed, seconded and interviewed in one step for membership in the club. Requirements for supporting letters, etc., are waived for this event for 1982 graduates. Information about the club will be available and Committee Members will try to answer any questions you may have concerning membership.

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

If you cannot be in Cambridge on April 23 and are interested in membership, please write or call Ms. Thelma Leventhal, Secretary to the Admissions Committee, Harvard Club of New York City and request information for regular membership procedure, rates and brochures.

DATE: Friday, April 23, 1982

**PLACES: Kresge Grill
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and Harvard Faculty Club
20 Quincy Street**

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

Harvard Club of New York City

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Students Seek Environmental Courses

(Continued from Page 1)

Andrews explained that the new approach to curriculum planning has stemmed largely from the ideas of Dean James Vorenberg. As chairman of the Committee last year, Vorenberg wrote a memo suggesting that too much of the curriculum got left to the vagaries of schedule making and faculty appointments, and that the curriculum was too much a result of who was available to teach what. Vorenberg's idea, Andrews said, was that some group should start thinking systematically about what the curriculum "ought to be" earlier than had been done in the past. Vorenberg has pursued his idea on advance curriculum planning this year as Dean.

Creative Suggestions

The need for some mechanism at HLS for advance curriculum planning incorporating student input was highlighted by a presentation by the Environmental Law Society (ELS) suggesting that the Law School strengthen its environmental law program. The presentation, made by ELS Chairperson Henri Bartholomot, 3L, was based on information gathered by ELS over the past several years.

According to Bartholomot, ELS proposed that Harvard improve its environmental law curriculum two years ago in a comprehensive report to the Michelman Committee and the Deans. The ELS report suggested establishment of an environmental law subcurriculum, recommended ways in which the then current environmental law courses could be improved, and included names and resumes of people HLS might want to consider to teach environmental law courses.

The 1980 ELS report also compared the HLS environmental law curriculum to that of other "top" law schools and found that Harvard "was holding its own with other top schools but was not in any sense a leader in the field," Bartholomot said. The programs at Columbia Law School and the

University of Michigan Law School are much more fully developed; at the time of the report, Columbia had almost three times as many faculty members teaching environmental law courses as did Harvard, although Columbia has a much smaller student body.

Bartholomot said that next year's course offerings are "fairly bleak for students interested in environmental law." First, he said, only one faculty member, Prof. Richard Stewart, now teaches environmental law full-time; and second, a number of environmental law courses, such as Ocean and Coastal Law, Water Law and Natural Resource Law, have been cut from the curriculum.

ELS, Bartholomot explained at the meeting, met with Dean Vorenberg this year to press the need for improvement of the HLS program. At the Dean's suggestion, ELS surveyed all 1Ls, and all 2 and 3Ls on its mailing list, as to their interest in environmental law courses. The preliminary returns, Bartholomot explained, show substantial student interest in existing courses, such as Environmental Law, Energy Regulation, and the environmental law clinical semester, as well as in new courses, such as Nuclear Energy Regulation and Pollution Abatement. He emphasized that of the 87 responses received so far, half are from students outside of ELS.

In light of student interest, Bartholomot asked that the Legal Education Committee evaluate the environmental law curriculum and consider improvements. Bartholomot said ELS recognized that HLS had limited faculty resources and had come up with "creative suggestions," not all involving the addition of new faculty members. Those suggestions included:

- expansion and improvement of existing environmental law courses;
- emphasis on environmental law in "related" courses such as administrative law;
- team teaching in subjects such as public health and nuclear energy regulation;

- use of the winter term to explore areas not in the regular curriculum;

- use of lecturers and visiting professors to teach environmental law courses;

- addition of one or more faculty members who would concentrate on teaching environmental law.

The reaction of Committee members and the Dean to the ELS presentation was very favorable. Vorenberg said the presentation was the best one he had seen by a group within the Law School. He also said that the presentation highlighted the need for some mechanism at HLS to consider requests for courses in subjects not taught by the Law School and in which a number of existing faculty members do not have an interest or a desire to teach. Vorenberg indicated that such a mechanism would involve communication, in this case, between ELS and the Legal Education Committee, and between the Committee and the Appointments Committee. Such communications, he explained, should result in recommendations with an "institutional voice." Andrews said he hoped the committee could come up with a memo to the Appointments Committee on the ELS concerns and suggestions.

More Criminal Law

The first-year curriculum provoked the most diverse comment from students and faculty members. Committee member Prof. Lance Leibman identified three questions about the curriculum: what the total number of credit hours in the first year should be, what the distribution of hours among the required courses should be, and what electives should be offered to first-year students.

Leibman stated that the committee members felt the total number of credit hours earned by first-year students is about right. Some of the committee members have suggested changes in other areas, changes which were presented by

(Continued on Next Page)

Professors Push First-Year Reform

(Continued from Previous Page) Leibman at the meeting and in a discussion draft. The proposals in the discussion draft included:

- raising Criminal Law, Torts and Property to 4 $\frac{2}{3}$ hours each. Currently Criminal Law is a four-hour course, while Property and Torts are 4 $\frac{1}{2}$ hours each. Some people, explained Leibman, feel that Criminal Law now has too little time and should have as much as Torts and Property.

- requiring first-year students to take one three-hour elective course in the spring. 1Ls now take a total of four elective credits in the spring. The extra unit would be used to increase the time devoted to Criminal Law, Torts and Property.

- offering as many Federal Litigation sections as possible, each with three hours' credit. According to Leibman, Federal Litigation is a very popular spring elective among 1Ls, but almost everyone feels that the current two credits offered for it are not enough for the heavy work load.

- offering three-hour electives that would provide students with "perspective" on their required courses. These courses would be in social theory, jurisprudence, history or economics;

- postponing subjects such as Tax, Corporations, Constitutional

Law and Labor Law until the second year. According to the discussion draft, nothing makes these subjects appropriate for 1Ls and, in fact, they might be thought of as core courses in the 2L curriculum.

"Moment of Pause"

Committee member Prof. Louis Sargentich favored the idea of offering "perspective" courses rather than courses such as Tax and Corporations as 1L electives. Sargentich said that the electives offered should differ from the basic 1L courses by approaching the law from a perspective other than one involving systematic coverage of a body of doctrine. He added that it was a good idea to give 1Ls a "moment of pause" before they rush ahead with other basic parts of the Law School curriculum.

One student said that courses such as Tax meet the need for a "perspective" in the 1L year. "There's a statute in Tax... [without Tax] you could go through the whole first year here without realizing that judges don't make all the law." She added that a lot of 1Ls are ready for a new step by January — a feeling of progress that is provided by "2L courses" offered as 1L electives.

Prof. Bernard Wolfman, who is

currently teaching a 1L Tax elective, agreed with the student that Tax is serving a beneficial purpose in the first year curriculum. He explained that he decided to teach the elective because he wanted to see if he could capture a capacity for learning that he felt was present in first-year students, a capacity which he felt would make their second year better. "The typical first-year curriculum hasn't led students to the point of sophistication of law that I felt they were capable of — they were much more naive than I thought they should have been," Wolfman said. He feels that his students, through doing "hard analytical work" with the tax statutes and cases, are much more on top of the dynamic forces involved in the law and will be better able to take advantage of their second- and third-year courses as a result.

A number of professors mentioned the "resource" problem associated with offering perspective courses as 1L electives. Prof. Todd Rakoff pointed out that long waiting lists exist for 2 and 3Ls trying to get into Legal History and Jurisprudence courses; he feared that "perspective" electives for 1Ls could aggravate the problem by spreading the faculty too thin. Prof. Leibman, however, said he was "cau-

(Continued on Next Page)

Rat Race



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Small Section Experiment Debated

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tiously hopeful" that those problems would not result.

The committee's discussion memorandum on the first-year curriculum did not propose reduction of the number of credit hours currently allocated to Contracts, as suggested by some students. Said one: "I can't understand why Contracts is a year long course. . . . I feel like I'm operating in the twilight zone when we spend two hours in Corporations covering the Securities Acts while in Contracts we spend four hours on the mailbox rule."

Feeling More Comfortable

Another topic discussed at the meeting was that of the small 1L Contracts sections. The Law School has been experimenting with small sections for the past two years. Prof. Rakoff explained that students and professors seem to like the smaller sections, and that "there are clear affective gains in terms

of [students'] adjusting to Law School and feeling that there is a place at the beginning of Law School where they feel comfortable." He added that some participants feel that there have been learning gains, but that such gains are hard for the committee to substantiate. Rakoff did note that apparently fewer 1Ls who were in small sections wrote exams that were at the very bottom of the class. He added that, "as far as one can tell by exams," fewer students apparently "drifted entirely out of class" in the small sections.

As noted in the committee's discussion draft, the main reservation about the small section experiment is resource costs; it takes more professors to staff small sections. Rakoff said that the committee has recommended that the Dean continue to staff the small sections, but "not at all costs." The draft said that it might be possible to have small sections in Contracts for two sections next year, in Civil Procedure for one section, and in Criminal

Law for one section. Because of resource problems, however, sectioning in Contracts will be done in thirds rather than fourths as in the past, and in Procedure and Criminal Law sectioning will be done in halves.

Student reaction to the small sections seemed to be mixed. One noted that because she got called on more often in the small sections, the experience had become less bizarre and frightening. Others students, however, wondered whether it would be better for the Law School to use its scarce faculty resources to teach small 2L and 3L classes rather than small 1L sections in order to fight boredom and alienation among upper class students.

Feedback Complaints

Another student, while happy to be in a small section, complained about feedback. She said that feedback on written assignments in her small section was given by a third-year student instead of the professor, and that she had gotten less feedback on the small section exam than one in her full section. She suggested that the Law School make the professors "work a little harder and tell them that increased feedback is part of the experiment."

No decisions or recommendations were made by the Legal Education Committee at the open meeting. The committee members, however, seemed hopeful that the meeting would be the first of many in its new approach to curriculum planning.



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