

HARVARD LAW RECORD

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25 CENTS



Erich Merrill

Plaintiff's attorneys confer during a break in the first trial held in Ames Courtroom.

Ames Kicks Off: Pats on Defense

By Dave Horn

Charges that the New England Patriots illegally "froze out" its public shareholders for the personal benefit of owner William "Billy" Sullivan were heard last Monday, May 3, on the opening day of the first trial held in Austin Hall's newly renovated Ames Courtroom. Presided over by Superior Court Judge William G. Young, '67, who is a lecturer on law
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Council Remodels Self, Hark

By Dave Horn

In its longest, noisiest meeting of the year, Dorm Council sprang into action Monday by voting to change its name, expand its membership to include off-campus representatives, remodel the Back Bench, and demand a voluntary Harkness meal plan.

Constitutional Changes

In two separate constitutional amendments, the Council voted to change its name to the Dormitory and Student Affairs Council and to

create five new positions on the Council for students not living in dormitories. The new seats were created in response to complaints that the Dorm Council is responsible for promoting student activities for all HLS students even though it represents only the 550 who live in the dorms. The name was changed in order to reflect this broader representation, and to indicate that the actions of the Dorm Council affect all HLS students.

Both amendments sparked lively debates, largely because several
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HLS to Be More Organized

By Dave Quinto

Even students who feel that HLS is a factory were surprised this spring to see UAW buttons appearing at school. According to Marie Manna, an organizer for District 65 of the United Auto Workers, the union is in an "exploratory phase" to see whether there is enough interest to put on a "full scale organizing drive" among the majority of the University's technical and clerical staff.

District 65 has been trying to unionize the clerical and technical staff at the Med School and has so far succeeded in getting a National Labor Relations Board determination that the Med School comprises a bargaining unit distinct from Harvard University's "main campus." District 65, formerly affiliated with the Distributive Workers of America, lost a union election at the Med School by 390 to 328

but the fairness of that election is now being challenged in an NLRB proceeding. Harvard's "main campus" is also a bargaining unit and includes all of Harvard that is not part of the Med School complex, even technical and clerical workers in Europe, Manna added.

Improving Conditions

Bob Warren, a member of the union's organizing committee and an employee of Langdell's acquisitions department, stated that the committee does not feel that the "work situation is bad," explaining that it wants only "to improve it." Among the improvements Warren would like implemented are increased job security with lay-offs tied to seniority, higher wages with raises given more than once or twice annually, equal pay for equal work among the employees of the
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Legal Services Gains Foothold

By Brad Hudson

After its first year of providing legal aid to indigent clients, the Legal Services Project has received official recognition and monetary support from Harvard Law School. The Project, coordinated and staffed by HLS student volunteers, is helping to fill the void left by the cutbacks in legal services programs by assisting attorneys in the Greater Boston Legal Services (GBLS).

Dan Torres and Bill Gannett, 2Ls, have served as coordinators of the Project since it began last fall (see *RECORD*, Oct. 16, 1981). "We got off to a rather shaky beginning," reflected Torres. The lack of both official recognition and funding for the travel needed to reach clients presented significant obstacles to the fledgling Project.

Torres explained that during this first year the Project had to demonstrate its viability to both the Law School and GBLS. Apparently it has. "We've been given a green light by both HLS and GBLS," said Torres.

The green light from HLS came earlier this month when Dean Voronberg informed Torres that the project would receive official recognition and monetary support next year. The project had received tentative funding for this year's travel expenses on a trial basis back in November. But according to Torres, next year's funding is now assured, eliminating any further need for the Project to "prove" itself. The Project will receive further support in the form of office space and a telephone.

Official recognition will increase the Project's visibility at HLS. It will now be listed in the various directories and will have a bulletin

board in the tunnels. Also, the Project will be included in the bulletin describing Law School organizations sent out to entering 1Ls during the summer.

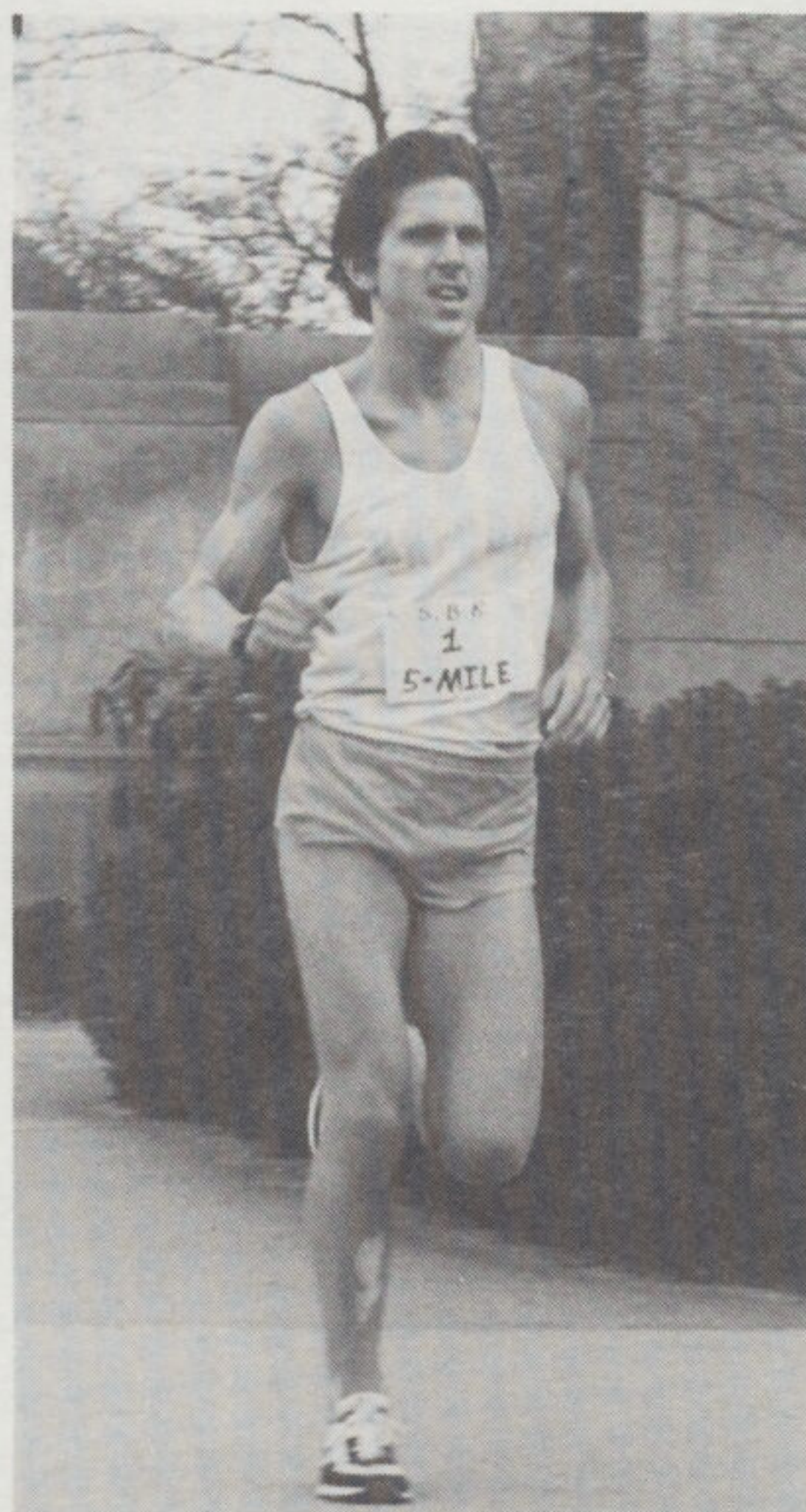
Next year, Torres and Gannett will be replaced by three new coordinators: David Cohen, Mark Macenka and Cary Kravet, 2Ls. The Project will be designed to place 12 volunteers per semester, each serving a minimum of 10 hours per week. But, added Torres, "We can accommodate just about everyone." A total of 16 students participated this year.

Three Objectives

Torres listed three major objectives fulfilled by the Project. First, the Project's volunteers help fill some of the gaps created by cutbacks in Boston's community legal services programs. Second, the volunteers gain clinical experience. Third, the Project provides legal services to Hispanic and Haitian clients whose inability to speak English reduces their access to legal assistance.

Volunteers are assigned to GBLS offices, where they provide direct support to attorneys, conduct intake interviews and represent clients in administrative hearings. Cohen added that, in the future, volunteers should be able to obtain state certification through GBLS, enabling them to represent clients in the courtroom.

Cohen emphasized the need for legal service volunteers: "With all the cuts, there's a growing need for help in legal services." HLS students should have received a letter in their boxes this week describing the Legal Services Project and requesting volunteers for next year. While GBLS expresses a preference for bilingual students, Torres stressed that students need not be bilingual to serve as Project volunteers. For him, the Project's most important recruitment requirement this year was to "get students who were willing to work."



Adam Eisgrau

It's no secret that the pace picks up in the spring at HLS: 1Ls reread cases, 2Ls open books, 3Ls type footnotes and — not to be outdone by mere academics — members of the Somerville Bar Review don't crawl from pub to pub, but run for the gusto. This annual SBR ritual features two- and five-mile road races, in which contestants commemorate each lap with a beer, and a "Whaler" division for "marathon" drinkers. Russ Daggatt, '80, won the men's five-mile contest with a total collapsed (sorry, elapsed) time of 26:20, seven-second official victory chug included. Ellen Good, an exchange student, bested the five-mile female field. Larry Mondragon, 1L, and Jane Miller, 2L, ran off with this year's two-mile title. Ted Brenner, 1L, and Sheri Frumer, 2L, fought through the foam to staggering success in the Whaler's division. Best Overall Cheater cheers were raised for Dick Flannery, 3L. An enthusiastic crowd of about 100 turned out to pay tribute to the runners and to welcome the first real "Buds" of spring.



Story Ideas?
Phone the Record

LSC Elections

The Law School Council's new officers, elected Tuesday evening, are Brian Curran, president; Michael Michaelson, vice-president; and Sam Sichko, secretary.



Bureau Lottery Moots Affirmative Action

By Erich Merrill

The high number of women and minority students selected in the Legal Aid Bureau lottery set new records for representation of those groups among new members, and precluded any question about the propriety of using an affirmative action plan to adjust this year's lottery results.

According to the Bureau, of the

30 membership slots filled, 16 (53.3%) were filled by women, and 7 (23.3%) were filled by minorities. "That's a record," said Bureau President Terry Freiberg, 2L. "It's certainly a modern record, and I believe an all-time record."

Next year's 30 members were chosen from a group which set another record: this year 129 students entered the lottery. "The number of students in the lottery shows not

only continued interest in the Bureau," said Freiberg, "but greater interest than ever. The Dean is interested in clinical positions, and is doing what he can to increase their availability. But we expanded a year ago from 50 members to 65. That's all we can handle physically."

The high percentage of minorities and women selected by lottery exceeded the goals the Bureau had set in its interim affirmative action plan. The "trigger percentages" this year were 20% for minorities and 46.5% for women. Freiberg said that the interim plan would have allowed the Bureau to "correct" the results of the lottery if either group had not met its trigger level.

Freiberg and other members of the Bureau have been meeting with a faculty committee to draw up a permanent affirmative action plan acceptable to the faculty, in case future lotteries admit too few minorities and women.

The faculty is concerned about an affirmative action plan for the Bureau, according to Freiberg, because the Bureau essentially controls ITA enrollment (ITA students must find a clinical placement in order to take the course). "A second sticking point with the faculty is that we're so interested in doing affirmative action for women when more than one-half of our members will be women next year," said Freiberg.

Freiberg feels that representation of minorities and women is especially important for building credibility with the Bureau's clientele, few of whom are white males. He also points out that an affirmative action plan, even if never used, is a strong selling point for recruiting. "We can say in our letters to women, 'The Bureau is strongly committed to women and we have an affirmative action program to ensure our diversity.' The plan has symbolic importance. It shows a commitment. We feel we had more women and minorities apply this year because we could point to the affirmative action program."

Students Win Fellowships

By Michael Medina

HLS's Student Funded Fellowships (SFF) program this week announced the recipients for the summer of 1982. SFF is a nonprofit corporation which solicits contributions from HLS students in order to fund public interest jobs for other HLS students.

The tentative list released to the RECORD includes: Eddie Feldman, Massachusetts Correctional Legal Services, Boston, Mass.; Annette Lang, Massachusetts Correctional Legal Services, Boston, Mass.; David Super, Wayne County Neighborhood Legal Services, Inkster, Mich., and Michigan Legal Services, Detroit, Mich.; Leto Copeley, Team Defense Project, Inc., Atlanta, Ga.; Teresa Deschanes, Senior Adults Legal Assistance, Palo Alto, Calif.; Stephen Ledoux, Migrant Legal Action Program, Inc., Washington, D.C.; Marilyn McMahon, Lesbian Rights Project, San Francisco, Calif.; Calvin Moore, Team Defense Project, Inc., Atlanta, Ga.

Also awarded fellowships were Debra Ratterman, National Women's Law Center, Washington, D.C.; Don Tyler, NAACP Legal Defense and Educational Fund, N.Y., N.Y.; Shereen Arent, Western Center on Law and Poverty, Inc., Los Angeles, Calif.; Ken Bresler, Connecticut Civil Liberties Union, Hartford, Conn.; Fairlie Dalton, Greater Boston Elderly Legal Services, Boston, Mass.; and Brian Wolfman, Institute for Public Representation (Georgetown

University Law Center), Washington, D.C. Also included on the SFF list are nine other students who will be awarded SFF funds pending job confirmations from various employers.

Increased Funding

SFF President Mary Woolsey said she was very happy with this year's fund-raising efforts. "We've done really well this year," she commented. "We've raised over \$20,000 ... that's three to four thousand dollars more than what we did last year."

Woolsey said that one reason for the increase was SFF's receiving the proceeds of Casino Night, sponsored by the Dormitory Council, and the contributions made to the David Shelton Memorial Fellowships. Shelton was a 1L who died this year. Woolsey noted that the memorial fellowship was funded primarily through contributions from Shelton's family and his classmates of Section II.

Some students who applied to SFF did so just in case they did not qualify for work-study funding, according to Woolsey. Those students who did receive work study funds were "bumped" in order to allow those on the SFF waiting list to receive funding. In addition, SFF provides some funds to match work study funds for those employers unable to do so themselves.

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Hasty Judges Heighten 2L Anxiety

By John Morris

While the Law School is working to schedule the recruiting season for law firms later in the year (see RECORD, Nov. 24, 1981), judges are hiring their law clerks earlier and earlier. Many judges have already picked 2Ls for clerkships that will not begin until the fall of 1983.

Nevertheless, Assistant Dean Molly Geraghty, who oversees the clerkship hiring process at HLS, said that it is not too late to apply for most positions. She said she has sensed a lot of anxiousness among 2Ls this year who were afraid that their clerkship applications would not be considered if they were not sent until the first week of May. "That's wrong," Geraghty said, at least in most cases. Yet some students who waited until April 15 to apply received letters from judges, dated April 20, saying that the positions had already been filled. Geraghty, however, said these were the exception. Some of the judges on the prestigious Second and District of Columbia Circuits do hire very early, she said, and these "high profile" selections cause people to be unnecessarily upset.

Later Deadline Urged

In an effort to keep the clerkship selections from taking place even earlier in the year, Geraghty asked the faculty to wait until April 15 before writing letters of recommendation for clerkships. She said, "It's been my impression that the April 15 deadline has held up reasonably well."

Prof. Bernard Wolfman said that when he was dean of the University of Pennsylvania's law school he tried to get other schools to

agree to wait until October 15 to begin the hiring season (for third year students applying for clerkships). The best they were able to agree on was the April 15 date (of the student's second year), but he said few schools hold to that date now. Both he and Geraghty said they thought it would be better if the process began later, when judges had all of a student's second-year grades to help them make a decision.

Judges Anxious, Too

Why do judges hire students nearly a year-and-a-half before their clerkships are to commence? "I think it starts because some judges decide to pick someone who looks good whom they might lose if they wait," Wolfman said. He said judges feel they are "under great pressure" and fear that other judges might "get the jump on them." Wolfman thinks there is no other reason to choose this far in advance. "Most judges think it's not the best world," he commented.

Not all clerkships are filled in the spring of the second year. Wolfman, who screens applicants for a number of judges, says that all of the six or seven Tax Court judges he knows wait until the fall, in part because many students do not take Tax soon enough to have a grade before the spring interviewing period.

Clerkships are available much later, as well. Dan Johnson, '81, didn't decide to take a clerkship until sometime during the summer after his second year. "During the summer it really hits you that you're looking at a job for all times. If you're not sure what job, or what city, or what kind of law you want,

clerking is good," Johnson said. He is now clerking for Chief Judge Charles Moyer of the Northern District of Georgia in Atlanta.

Johnson said he found many clerkships available when he finally started to look. He focused on district court positions, but said he found appeals court positions available, too. "I went through the clerkship book looking for people who didn't have early deadlines," he said. He found that in the South, on which he concentrated, many deadlines didn't come until July, August or even September.

New Record Staff

The editor-in-chief has finally secured a replacement for himself, although, in some sense, he hopes, he is irreplaceable. In his stead next fall will be Erich Merrill, 2L going on 3L, from Memphis, Tenn. Merrill, current managing editor, is, as y'all know, just the perfect person for the job.

Brad Hudson, 1L, from Seattle, Wash., will stay on as managing editor all by himself. His rock-solid credentials assure first rate RECORDS. Dave Horn, 2L, also from Seattle, will become news editor, a position so difficult to fill that it was left unoccupied this year. Louis Hoffman, a 1L from Wilmington, Del., will join Horn and Hudson as an editor. He will have responsibility for headlines and copy content. Mark Graham, 2L, will move up to sports editor and Keith Ward, 1L, will take over as business manager.

The RECORD says goodbye this spring to a number of dedicated 3Ls. Our three senior editors, Tom Heywood, Gretchen Rule and Dave Quinto, have each contributed tremendously to the paper and Eileen Brownell has been three editors' dream as a business manager. The RECORD's office is literally littered with typewriters worn out by the ferocious typing and prolificacy of Mary Tarduno, our departing former editor. The RECORD will not be the same without her.

☞

J.M.

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Law School Graduates Who Escaped:

By Mark Pogue

You make good grades in college and decide to apply to law school. You get into Harvard. You go to Cambridge and invest three years of your life in the study of law, accumulating hundreds of hours of class time, hundreds of hours of study time and countless hours otherwise immersed in the law. You graduate from Harvard and take a good job. Time passes. One day it occurs to you that your life is not fulfilled. You tell an acquaintance you're thinking of quitting law. And your friend says, "Are you crazy?"

How many lawyers from Harvard find their work unsatisfying? How many regret their choice of law as a career and wish they were doing something else with their lives? The subject has received little attention and the answers are not known. At least some insight into the concerns of the disaffected lawyer, though, can be gained by listening to HLS graduates who indeed have abandoned law and now work in other fields. These persons form a diverse group. They changed careers for different reasons and with different degrees of remorse. Today, by and large, they are glad they are not lawyers.

Architect

The transformation of Paul Byard, '66, from lawyer into architect was "an evolutionary thing." After getting out of Harvard, Byard joined a firm in New York City. He left it when a position opened in the legal department of the state Urban Development Corporation. "I'd been interested in architecture for quite a while, especially historic preservation, and it seemed like a good opportunity," he said.

When the Nixon Administration reduced the flow of federal money into building renovation, work slowed and Byard had to make a decision. Without a great deal of soul-searching, he elected to "keep going in architecture." Byard enrolled in the Columbia Architecture School, graduated in 1977,

and has been a practicing architect ever since.

"The training at Harvard was valuable in a cumulative sense. It's important to be able to think straight, talk straight," said Byard. "But I'm glad to be out of law. Law is a very intangible, abstract business. Its whole life is words, and you can't kick words or saw them or tell if they're beautiful except in their own terms. Really, you only use one side of the brain in law school — the right side is much neglected. I got the right side of my brain going again, and I'm immensely glad I did."

School Principal

Richard Mandel, '67, entered his third year at HLS with every intention of practicing law in New York after graduation. He interviewed in the fall and lined up a job with a New York firm. Then Vietnam entered his life. "I had to face the reality of the draft that year," Mandel said. "This was the turning point in my career, but I was unaware of it at the time."

Rejecting law jobs that would yield a draft deferment as "politically unattractive and uninteresting," Mandel found a job teaching high school in Watertown, Mass. He studied for and took the New York Bar Exam, but even while preparing for the test the idea of being a lawyer was becoming less and less appealing. "I didn't wake up one morning and decide everything about law was unattractive," Mandel said. "But within a few months I'd made up my mind not to practice. I decided instead to pursue a vaguely defined career which would put my legal training in the service of education."

When word came that he'd passed the Bar, Mandel felt the weight of his decision. "I remember spending a lot of time on lonely walks through Cambridge, mulling over the decision." He called the law firm and told them he wouldn't be coming.

Since 1967 Mandel has held a number of jobs in education. He is now principal of a private school

in Philadelphia. "I have a strong public service orientation and saw other opportunities as being more exciting and challenging than law," he says. "Also, I had the feeling that instead of working in the private sector and trying to 'find time' to do public service work, it was more appropriate to find full-time work inherently of that nature."

Body-Oriented Psychotherapist

Rufus Peebles left his native Mississippi for Harvard College in 1957. Seven years later he graduated from the Law School. Peebles went home, passed the Mississippi Bar, and promptly returned to Cambridge. He got a job at the College, telling himself he would hang around one more year before beginning law practice.

While in Cambridge, Peebles began psychoanalysis. He had five sessions a week. "Ten months into analysis I mentioned law school and my analyst said, 'What's this about law school? You've never mentioned it before.'" The incident sparked an intense examination of his Harvard experience from which Peebles concluded, "I had never made an independent decision to go to law school. My parents had decided for me, and I had just played out their script."

Peebles completed psychoanalysis determined to "discover who I really am." Over the next five years he "slid" into the profession of psychotherapy himself, and for the past 13 years he has been on the staff of McLean Hospital in Belmont and in private practice in Cambridge.

Peebles, like Byard, is sensitive to the paramount role of words in the legal profession, and he wonders about its effects on lawyers. "People at Harvard, or lawyers generally, are enormously agile verbally." But that agility can be used to mask true feelings and thus "alienate us from others and ourselves. In law we are discouraged from feeling our emotions, but that

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Life Without the Law Ain't So Bad

(Continued from Previous Page)

doesn't have to be. 'Just the facts' is simply a self-fulfilling rule, part of the macho myth that says we must be either objective or feeling." In fact, Peebles argues, lawyers can be both feeling and objective at the same time. "We all think better when we're in touch with our feelings. When lawyers shut out their feelings, they are not using the law to its best advantage."

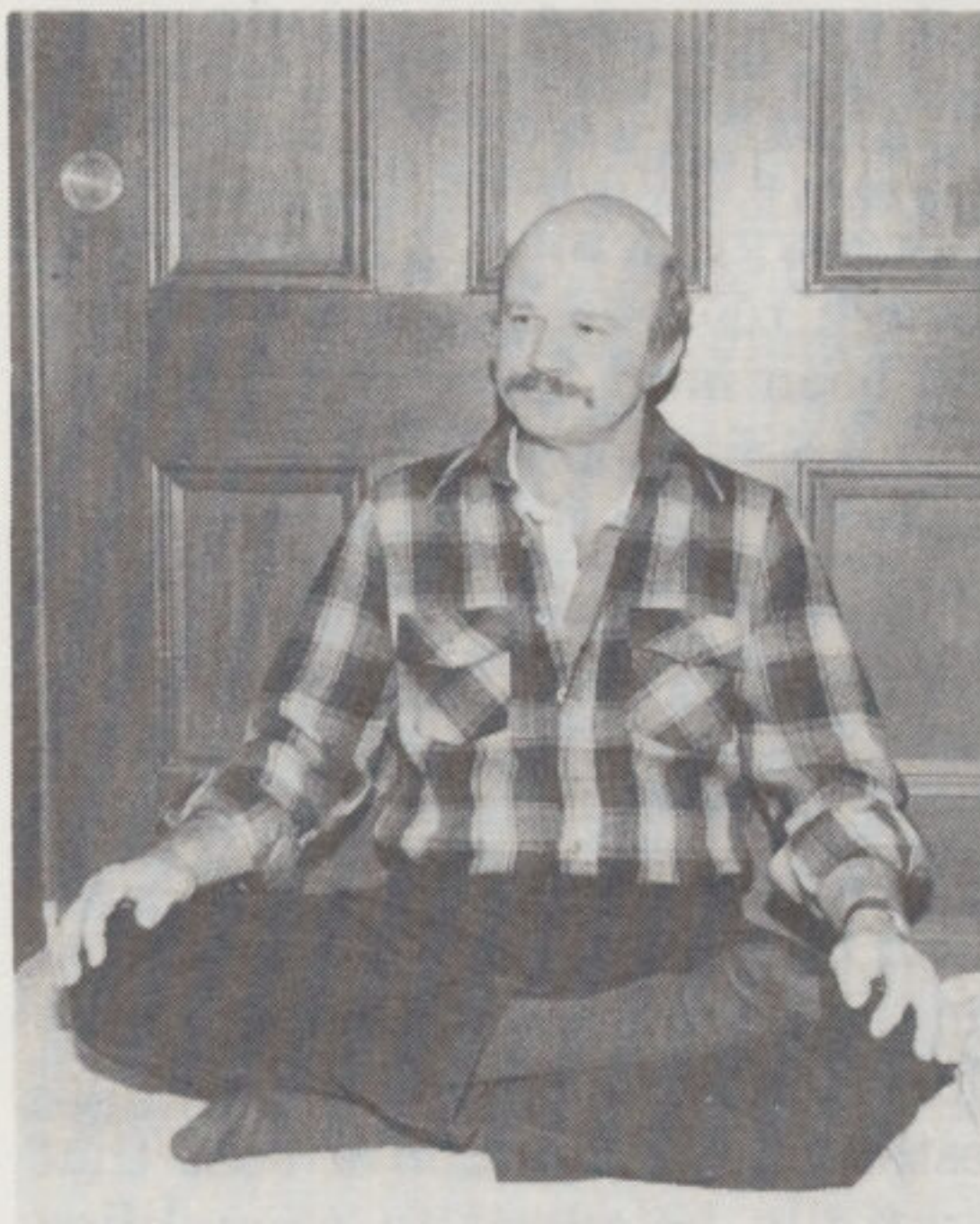
Peebles's views about the obstructionist quality of words is reflected in his practice of "Body-Oriented Psychotherapy," a treatment in which therapist and client share a great deal of physical contact during the sessions. "The body doesn't always speak the truth, but it does more often than the rest of us," he says. Boston's Channel 4 will feature Peebles's practice on its "Evening Magazine" show in late May.

Peebles is now writing a dissertation for Boston University. His topic: HLS graduates who have decided not to make a career in law. Based on his own experience and interviews, Peebles believes that "something in the family" plays a part in the Harvard nonlawyer's decision to leave the law. In addition, those who quit the profession show that "our difficulty can be our strength. The same compulsiveness and determination that gets us into good colleges and takes us through Harvard Law School can give these persons the strength to change their minds." It is these individuals who "may follow the parental script through law school, but eventually gather the strength to say, 'I am my own person now.'"

Novelist

John Osborn, '70, wrote his first novel, "The Paper Chase," while still at Harvard. After graduation he clerked for a year on the Third Circuit. He moved on to practice at a Wall Street firm for the next four years.

"I liked the firm and practicing law," Osborn says, but after four years he felt that "if I didn't leave to write my second novel then, I



John Morris

Rufus Peebles, '64, now practices psychotherapy in Cambridge.

would never write it." Osborn the lawyer felt the need to write, and "when I get an impulse to write a book it's very powerful, it just takes over." Osborn left the firm.

After his second novel was published, the law beckoned once more. Osborn obtained an LL.M. degree from Yale and became a full professor of law at the University of Miami. One day actor John Houseman called and asked if Osborn would be interested in working on production of "The Paper Chase" TV series. Uncertain, in retrospect, whether it was "the intelligent thing to do," Osborn resigned his professorship. He worked in TV for a while, then gave it up to write some more. His fourth novel, "The Man Who Owned New York," was published last year.

The unpredictable turns of Os-

born's career have only heightened his interest in the lot of lawyers. Lawyers are the heroes of his books. Osborn puts them through ups, downs, crises and reconciliations, all the while treating broader aspects of the profession. "The Man Who Owned New York" is about delayed gratification and "lawyers who have put off normal feelings and enjoyments in order to go for one goal, then another, then another." The book tells what happens when one lawyer achieves the final goal — partner. "He makes it," says Osborn, "but that's it — there are no more goodies. He's there but he's never developed any of the normal feelings most people do." Osborn's book is about the "rehumanization" of a successful and desperate lawyer.

Mother

Jean Aberlin, '72, was still at Harvard when she realized that law was all wrong for her. She found it a bore, "inherently uninteresting." "Sometimes I felt physically unable to open up the books and study," she said. Classes did not engage Aberlin, "though I did enjoy Evidence and ... well, Evidence," she laughed.

If Aberlin was indifferent toward law, she was alienated from Harvard Law School. "I felt the discrimination against women as it existed then. Teachers would be snide or sarcastic in strange ways. No one knew where the ladies' rooms were. I found it — in the

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First Women Survive Rejection,

By Karen Berger Morello

Kenneth Weinberg, '48, claims he was brought up in that generation of men whose consciousness about women's issues was raised the day before yesterday. If pressed for a more precise date, Weinberg points to the fall of 1945 when as a first-year student at the all-male Law School he took a Property class taught by the legendary Roscoe Pound.

"Pound was quite old by then, a big husky man who in 50 years of New England weather never wore an overcoat, but always had on green eyeshades. His eyesight and hearing were failing but his mind was as sharp as ever. It was customary for students and guests to sit in on classes and this one day a guy brought his girlfriend with him. They sat all the way in the back and probably would have gone unnoticed, but her broad-rimmed hat gave her away. Pound stopped the class, squinted, then asked, 'Is that a woman back there?' The student answered, 'Yes sir, this is my fiancé.' With that Pound thundered back, 'I don't permit women in my classes, get out.' Until then I hadn't thought about the restrictions but I remember thinking this couldn't go on for too much longer."

Women Admitted

It didn't. On Oct. 9, 1949 Dean Erwin Griswold announced that women applicants would be accepted for the Class of 1950, ending a 133-year-old policy of excluding them. Griswold noted, "Women have made a place for themselves in the law and now we have women serving with distinction on the bench and at the bar." A restricted non-restrictive policy was about to begin. Griswold's announcement came with the following qualification: "Opportunities for women in the law still are limited, however, and the Faculty is well aware that many able men are turned away from our doors every year. It is our expectation that we will admit only a small number of unusually quali-

fied women students for the present at least" (RECORD, v. 9, n. 2, Oct. 11, 1949, p. 1).

The argument that there wasn't enough room for all the able men had been used many times before. Burnita Shelton Matthews, who at the time of the Griswold announcement was sitting on the United States District Court for the District of Columbia, wrote an article about women and the law for the RECORD (v. 11, n. 2, Oct. 11, 1950, p. 1). Matthews mentioned that at the time she was nominated to the court a number of newspapers suggested she had taken a seat that rightfully belonged to a qualified man. "As Congress had created more than twenty new federal judgeships and only one had gone to a woman, the story was recalled of the little boy and little girl who were in a swing that was large enough for only one. The little boy said to the little girl: 'If one of us would get out of this swing there would be room enough for me.'"

Griswold's announcement was cheered by the editorial board of the RECORD. "The admittance of women to the Harvard Law School marks another progressive policy change adopted by the faculty. While this will not be epoch making in the advancement of women's rights, it is significant here since the denial to women of this opportunity to study at the Harvard Law School solely because of their sex could not be rationalized. It is not surprising that logic has won out as it is the spearhead of our legal training; it is surprising that it has taken so long."

Not to be outdone, "Omar," an unidentified poet for the RECORD described what was soon to be "The New Look" at Harvard:

They got the job and then the vote
Invaded bars and then the bar;
There seems a matriarchal note,
So strong appears their rising star;

THE HARVARD LAW SCHOOL RECORD

WEDNESDAY, OCTOBER 4, 1950

"...Some Facts and A Few Figures."



Left to right, front row: Ruth Marshal, Roberta Good, Ann Pfohl, Louise Florencourt, Carolyn McTear; rear row: Edith Henderson, Mary O'Connell, Beverly Coleman, Miriam Clippinger, Charlotte Horwood.

Laughs and Narrow-Mindedness

We'll mourn the harried profs' morale

As classes just are not the same,
For no one questions like a gal
And no one reasons like a dame

Despite the drawbacks to this dare,

Two years of staring at these walls

(with sour judges pictured there)
Of trudging through depressing halls,

Of reading law, dull legal books,
Have made me sigh for long blonde curls

For sweet young things with lots of looks

And so I say 'Bring on the girls!'

The 'girls' — twelve of them — arrived in September, 1950, making it obvious to all that women at Harvard were here to stay. Whether it was because they were specially selected or because the 1950s in general were quiet times on the nation's campuses, none of the first-year graduates came anywhere close to being the firebrands that the 'firsts' at Yale and Columbia Law Schools were a generation earlier. Louise Florencourt recalls, "we were very careful how we conducted ourselves; it was very important to us not to be a spectacle." Charlotte Horwood Armstrong remembers, "it was so much a male world then that when they told us we were privileged to be attending Harvard Law School we believed them. It never occurred to us that we might have a right to be there."

Mixed Reception

The reception from faculty and students was mixed. "Men students in the first year didn't know what it was like without women," Armstrong recalls, "so I think they accepted us more readily than the upperclassmen did. The professors? Well, let's just say they were somewhat less than enthusiastic although only a few would actively show it."

One of those who did was W. Barton Leach, who became a legend among law students for his infamous "Ladies Days." On one spe-

cial day set aside for women students only, "Leach sat in the audience and asked questions in a 'humorous' tone of the women who were exhibited on the podium rather like performing bears."¹ Charlotte Horwood Armstrong remembers Leach well. "I was flattened by him. He took sadistic delight in hounding women, but for men as well his style was teaching by humiliation, making fun of men students as well who brought their girlfriends to a Saturday class."

Finally, by 1968, "Ladies Day" came to an end:

... we dressed in black, all wore glasses and carried black briefcases. We totally devastated Leach — knew all the answers, and, at the end when

he asked, "What was the chose in question?" (his big punch line — the answer was "underwear" and was supposed to embarrass us, we replied, "we've replevied a few samples," opened our briefcases and threw fancy lingerie at the "boys." Leach almost had a stroke on the spot and never had a ladies day again!²

Ten years later, Elise B. Heinz, '61, wrote a surprising defense of Leach and "Ladies Day" claiming it was done "tongue in cheek" and was rigged purely to provide classroom entertainment:

I got a mysterious anonymous note requesting that I present

(Continued on Page 19)

Book, Suit Target Windy City

By Dave Quinto

While other 3Ls have been busy typing enough pages to earn third-year paper credit, Barbara Pearson has written a book. Literally.

The book is part of Pearson's contribution to a class action lawsuit filed against the Chicago Board of Education to stop Chicago's use of the "Chicago Mastery Learning Reading" program, a controversial program for teaching reading skills. Pearson, who has substantially completed her Ph.D. in Education and who worked briefly on the development of the program, contends that the plan is at best no better than traditional methods of teaching reading. At worst, it teaches vicious stereotypes, and is a waste of money. Chicago lawyers Anna Langford and James Chapman, '56, are representing the plaintiff parents in the suit which was filed in February, 1981.

The Chicago Board of Education funded the program's development until a budget deficit forced it to discontinue work. A Massachusetts businessman, Brent Farmer, who now heads the Mastery Education Corporation, underwrote the brief, subsequent development. In ex-

change, he obtained a 20-year license to market the program worldwide, Pearson claimed.

The program is based on the theory that a greater percentage of students will achieve excellence in reading if they are allowed to progress at their own paces. Pearson has substantial criticisms of the program. First, no systematic studies were ever performed to determine whether the program works. Second, the developers were unskilled in education and unqualified to develop a teaching program. Third, the program materials contain methodological, sequencing, and spelling errors. Finally, according to Pearson the student workbooks contain problems that teach such things as "people who own more are happier" and "Jews are penny-pinchers."

A key issue in the case is whether parents have standing to mandate which pedagogical methods are, or are not, used. Prof. Martha Minow made her contribution to the case by giving Pearson course credit for a paper on the subject. Pearson refused to discuss the question because it has yet to be resolved by the court.

(Continued on Page 18)

Secret Society Haunts Record

Another secret society at the Law School? That was the picture that emerged from letters and documents sent to the RECORD over the past several months. And this club is no April Fool's concoction of the paper's staff.

The story began in early March when Mrs. William Walker wrote from Baltimore. Her late first husband, Bob, had been a member of a secret club called The Fifteen, she wrote, and he had never tired of recounting the wonderful times he had spent with his fellow members in the group's Brattle St. clubhouse. She said she hoped The Fifteen would not be left out of any future stories on secret societies.

Unfortunately, we were not able to contact Mrs. Walker, but the details of her letter were soon confirmed when a second letter was received, this one from an anonymous 3L who had dropped out of The Fifteen and thought the RECORD should know of its existence. The members, he said, "are chosen from among those students from the best clubs and societies at Harvard, Yale, and Princeton; all are sons of wealthy, established East Coast families."

The letter-writer was concerned that he might be identified, though, so the letter was short on details.

A notice was printed asking him to send us more information and a packet of documents and photos was soon received. Included was a note expressing regrets at being unable to attend the annual dinner signed, "Henry Cabot Lodge." Photos of several members were enclosed as well, along with a longer, more detailed letter from the 3L.

The letter described the club's 15-cognac-shot entrance ritual and the influence of the club's many wealthy alumni members who tithe one percent of their incomes, allowing the club to renovate the Brattle St. house recently. Noting that the club has always excluded Catholics and Jews, the 3L said he thought it was time The Fifteen was exposed.

In addition to evidence from the 3L, an alumnus from the Class of '39 wrote several weeks ago to say that he had met a law student on the train recently and had been told of the recent coverage of the secret societies. They weren't very secret in his day, he said. He described seven of the clubs, including The Fifteen, which he called "the wealthiest and most secretive of the clubs."

The alumnus provided the first opportunity to talk with someone about The Fifteen. But he could not be found. No phone number was listed for him at the return address in Greenwich, Conn. No phone was listed in Forest Hills, N.Y., the last address shown for him in the Alumni Office records. There was no entry in Martindale-Hubbel. It looked, once again, as if we were stymied.

It looked that way, but eventually we were able to locate him and he had much to say.

For starters, he had written no such letter, he said and he had talked with no law student. Besides, he *never* takes the train; he always drives. "Why in God's name did they use my name?" he asked. "My mind can't even grasp who would have done it."

If your suspicions were aroused from the start, you were not alone. Mrs. Walker gave no return address and did not mention her alumnus-first husband's last name. And a house on Brattle St. is difficult to conceal for 60 years.

It was a perfect story. But from the beginning, the real story lay in attempting to learn who had taken the time to concoct such an ingenious and elaborate hoax.

We were eventually able to contact the woman who lives at the Greenwich address listed on the letter from the alumnus. She did not know the alumnus and she had no direct connections to the Law School. It turned out, though, that she had a son who had graduated from Princeton. She checked with him and he told her he knew nothing

of the affair. He told us the same thing. But a little more checking after our calls turned up the fact that he had a college roommate, now an HLS student, who had a reputation as a prankster. The roommate also said he knew nothing of this. He was interested, though, for his old roommate had phoned to tell him of our inquiring calls.

Not very conclusive. The story was destined to end unresolved, it seemed. As if to ensure that irresolution, Sunday night, only hours after our last calls had been made, an anonymous caller contacted the RECORD to say that another batch of materials would appear by the end of the week. That would be too late for the last issue, we complained. "That's the best I can do," the caller said. Click.

Only one thing seems clear: No, Virginia, there is no Fifteen Club.



ORLANDO/ALAMO CAR RENTER

Boston home-bound plane partner on plane from Orlando — 3L commutes New York-Boston. Amherst grad with six siblings from Albany. Made acquaintance at baggage claim — you dropped golf bag on Dad. I was Tufts grad going to law school in Michigan, home to Boston for Easter salutations. Last exchange: Happy Easter. Congrats on graduation. Signed: Grosse Pointe Girl, c/o Grosse Pointe News, PO Box D-86, 99 Kercheval, Grosse Pointe Farms, MI 48236.

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Dorm Council Wraps Up

(Continued from Page 1)

compromises were needed to attain the necessary two-thirds majorities. Among the names rejected before the members settled on Dormitory and Student Affairs Council were Social Council, Student Life Council, Student Affairs Council and the Harvard Law School Camp Counselors. The last title, courageously proposed by Maria Ontiveros, 1L, received several votes from members who were giddy with fatigue at the end of the long meeting. Meanwhile, Student Life Council was tabled after one representative observed that "it sounds like some kind of anti-abortion group."

The Council approved recommendations to the Harkness Committee and the administration that the Back Bench be remodeled. The Council's plan calls for the bar to be moved so that it stands against the Swain Room's west wall, and extended along that wall several feet into the Game Room. The bar would be designed so that a sliding door could be used to seal off the Game Room from the pub. Swinging doors will be installed in the wall between the pub and the Game Room if the Harkness Committee approves the plan.

Several reasons for the alterations were cited by Kent Markus, Dorm Council president, and Mike Sundel, vice-president. First, moving the bar will allow plumbing to be installed so that the bar will have running water. Second, extending the bar will provide greater

security and efficiency, since materials behind the bar can easily be moved into the Game Room end of the bar and locked up there when the Back Bench is closed. Third, the extension will provide more space for serving customers and for keeping equipment behind the bar. Finally, since the bar will block the present opening between the Back Bench and the Game Room, the swinging doors will provide access between those two rooms. Markus said the administration is ready to provide funds for the alterations, which should be completed during the summer if the Harkness Committee approves.

The Council also approved a resolution stating it favors implementation of a voluntary meal plan in the Hark. The resolution warns that if Dākā refuses to provide such a plan despite the manifestation of "significant student participation and interest," then "the Law School should seek a different food service for the Harkness Commons."



REFERENCE TO RECENT FAMILY LAW/PALIMONY/CO-HABITATION TRIAL DECISION STATING THAT "METAPHORS ARE THE LANGUAGE OF LOVE", i.e., DO NOT TAKE TOO SERIOUSLY PROMISES UTTERED IN MOMENTS OF PASSION.

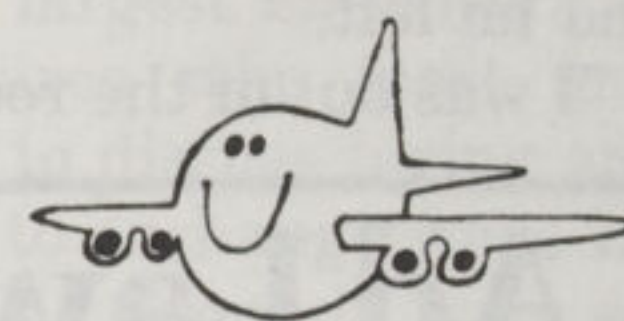
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Hastings Hall Thief Pilfers Camera

By Erich Merrill

A burglar broke into a first-floor room of Hastings Hall from a fire escape, rifled through drawers and closets, and left with a camera on Tuesday, April 27.

"I was working in my room at about 1 A.M. with the shade open," said Jerry Birn, 1L, adding later that his window was open "about an inch." "The phone rang, and it was a friend who had come by to get some keys." Birn left his room, walked through the living room and into the hall, and let his friend into Hastings. They talked briefly in the hall, Birn gave him the keys, and he left.

"I was out of the room for two or

three minutes at the absolute most. When I came back in, I noticed the [closet] door was open and the light was on."

The closet is in the large common room shared by Birn and his roommate, Jim Amine, 1L, who had gone to bed some time before Birn left the room. Their bedrooms open into the common room.

"When I got into my room," continued Birn, "I saw the window was wide open, and the screen was off. There were sweaters on my bed, the drawers had been rifled through, and my wallet was sitting on the window sill." Birn said the wallet had been on his dresser when he left the room.

"Jerry opened my door and asked

if I had been in his room," Amine recounted. "When I said no, he said, 'We've been robbed!' I called the police."

Amine told Birn he had heard some shuffling a few minutes earlier, but had thought it was Birn. They discovered that the screen on Birn's window had been unscrewed and removed.

Birn and Amine were especially worried by the thief's boldness. "We figured the guy must have been waiting on the fire escape, watching me and waiting for me to leave the room," said Birn. "I think he might have been armed, or at least looking for a confrontation, because all he could see through the window was that I had left the room, not that I had gone out into the entryway. I guess I was lucky not to have come back in any sooner or I would have met him."

Birn was also surprised that the burglar was able to get on the fire escape. He said it is "quite a jump" from the ground to the platform, and there is no ladder.

"The guy who did it was amazingly silent. My window was open," said Amine, "but I didn't hear anyone on the fire escape removing a screen. Whoever did it was careful and good. He couldn't have seen the camera from outside the window, though; when he came in there is no telling what he wanted."

"It's a good thing I didn't have any cash in my wallet, or he would have taken that," said Birn. The burglar escaped with only the camera, which was insured.

Harvard police said they have no suspects in the burglary.



Ad Law Authors Honored

By Andrea Hartman

Faculty members awarded the Gerard Henderson Memorial Prize last week to Bruce Ackerman and his co-authors for *The Uncertain Search for Environmental Quality*. The Henderson Prize, usually given every five years (though this one covers the period from 1972-1980), recognizes the author of a written work dealing with administrative law.

In *The Uncertain Search*, the authors present the results of their multidisciplinary study of the project in the late 1960s to improve water quality in the Delaware River Basin. The faculty committee which selected the book described it as "both a case study of the decision-making and research processes utilized by the principal actors in the Delaware program and an endeavor to extrapolate from the Delaware experience to more general problems of defining and implementing environmental policy."

Ackerman, the principal actor of the book, is currently a professor at Yale Law School. His co-authors are economists Susan Rose-Ackerman and James W. Sawyer, Jr., and engineer Dale W. Henderson. Said Dean Vorenberg of the selec-

tion, "I'm very pleased with the committee's and the faculty's choice. It is a pleasure for this school to be able to honor a group of scholars who over a four-year period produced this important work."

The faculty also awarded a Special Gerard Henderson Memorial Prize to Louis L. Jaffe "for a lifetime of seminal writing and intellectual leadership in the field of Administrative Law." Jaffe joined the HLS faculty in 1950 as the Byrne Professor of Administrative Law, and retired in 1976. The faculty committee which recommended Jaffe for the prize noted that he would have been selected for the award during the 1960s for his work *Judicial Control of Administrative Action* (1965) except that there is a policy that works by members of the HLS faculty will not be considered.

Professor Clark Byse, a member of the selection committee, said of the award to Jaffe, "To me and the other members of the committee (Profs. Gerald Frug and Richard Stewart) it is a joy to recognize this outstanding human being." Commented Vorenberg, "The award which was richly deserved carries with it the respect and affection of the faculty."



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Auto Workers Union Eyes HLS Staff

(Continued from Page 1)

various schools in the main campus and a guarantee that all employees will be compensated according to the grade classification their work falls into. More job training to assist the staff in career development and advancement is also a goal.

Additionally, Warren expressed concern over other issues. Since using word processors may pose health risks, employees using them should have mandatory breaks and annual eye examinations, he said. Harvard often fails to fill staff vacancies, he claimed, and it is difficult for staff to move to a job at another of Harvard's schools. Other grievances include complaints that the grievance procedure is "a rump"; that women employees feel devalued; and that Harvard's "every ship on its own bottom" philosophy necessarily causes wage disparities among the schools.

No Sign-Ups Yet

Warren said the union hopes to get 50 to 60 percent of the 3,500 clerical and technical workers in the main campus's 150 buildings to sign union authorization cards, but "we're not signing anyone up yet," he added. At the Law School, the union has more proponents than opponents but the extremely high annual turnover among the university staff is a "major problem in organizing," he concluded.

HLS Assistant Dean Russell Simpson does not anticipate a call for an election. "Most people who work for universities work for them not because they can't make more money elsewhere but because they like the informal atmosphere. Unionization requires more formalization," Simpson said.

Many of HLS's clerical and secretarial workers are people taking a short hiatus between college and graduate school and HLS professors are able to make good use of them by giving them some work which requires the full use of their abilities, Simpson stated, adding that their work might become duller if unionization required a strict adherence to job classifications.

Simpson "doubts" that a union can achieve higher salaries for Harvard's employees because as a non-profit institution, there are no profits to divide between staff and stockholders.

Most of District 65's 29,000 members are in the New York/New Jersey area but it has also unionized a Revlon plant in Phoenix, Arizona. In the Boston area, it has unionized Boston University, Greater Boston Legal Services (both lawyers and paralegals), the Paperback Booksmith, Reading International, and Fabrications.

Mr. Sweetall of B.U.'s personnel office feels that the union has made things "more difficult across the board" from management's viewpoint and that unions are less suited "for universities than factories." According to Sweetall, District 65 has "proposed many things we thought were in violation of the contract. They tend to try to get away with what they can." He noted specifically that District 65 "tried to fleece a health insurance plan on us that had inappropriate and illegal provisions." B.U. has an open shop and the union enjoys approximately the same popularity now as when it came in, Sweetall observed.

District 65 has a vaguely articulated unsavory reputation. "It's had its problems," Simpson stated — but Manna rebuts the contentions in *The Union Election Factbook* which Harvard produced to contest the Med School election. She says that the union does not pressure the staff to choose a closed shop; that the union does not contend that its members do better financially than workers at non-unionized institutions but merely that they do better than they would have in the union's absence; and that members are not forced to negotiate for the controversial health and welfare fund. The fund "is not shaky financially" even though it is owed money because some employers do not pay in promptly, she added. Harvard also claims that District 65 owed Chemical Bank \$1,052,000 just over a year ago.

In seeking to organize the main

campus, District 65 hopes to join the eight or so unions already present at Harvard which represent the food service employees, building trades (carpenters and plumbers), operating engineers, graphic artists, service employees, and others.

Employers' Consortium

Action to benefit Harvard employees with respect to wages is being taken on another front as well. According to Nancy Snyder of "9 to 5," a direct action group that represents women office workers in the Boston area, Harvard is a member of the Boston Survey Group. Snyder stated that the Survey Group is a "consortium of 35 to 40 of the largest employers in the Boston area who meet four times a year to discuss hiring and twice a year to exchange wage information." The Group is "very secretive," she added.

Of the 15 largest metropolitan areas in the U.S., Boston has the highest cost-of-living but ranks 11th in average pay for clerical workers, Snyder said. Additionally, pay and employment practices (including child care and office automation) fall within a "narrow range" for each type of employer. Thus, Boston has a shortage of clerical workers, she claimed.

"9 to 5" surreptitiously obtained a copy of the spring 1980 semi-annual wage survey compiled by the Group and has filed an antitrust complaint with the Massachusetts attorney general's office, Snyder continued.

The Federal Reserve Bank was responsible for conducting, printing and distributing the wage surveys until political pressure forced the Fed to withdraw from its active role last year. The surveys expressly stated that they were "not to be shown to government agencies, union negotiators, etc.," said Snyder. Members of the group now pay an outside firm \$500 apiece each year to conduct the surveys. "9 to 5" has also launched a FOIA action to obtain "memos between companies and memos relating to how the survey is used," Snyder added.

Seeds of Change

The Michelman Committee proposals distributed last week contain proposals that the Law School's curriculum be broadened in two directions. At the one end, the Committee recommends that more emphasis be placed on "theoretical" aspects of the law. Social and historical perspectives are sorely neglected in the education currently provided which focusses almost exclusively on legal doctrine.

At the same time, the Committee recommends that the faculty make a more whole-hearted commitment to clinical programs. Clinical education not only provides valuable lawyering skills, the report argues, but it gives students an opportunity to make the sorts of decisions they will be faced with in practice in an environment where those decisions can be discussed and reflected upon — an opportunity that will likely not present itself again in a person's career.

While these two thrusts of the report might appear unrelated or even in conflict, they both stem from the same perception: that the School needs to broaden the scope of its subject matter. The current emphasis on doctrine presents students with an impoverished conception of their role within their profession and its institutions.

It may be difficult, even if agreement is reached on these goals, to translate the report into concrete changes. But the Committee's work plants the seeds for a long-needed, far-reaching reform of legal education.



Goodbye, Professor Ely

Near the beginning of the term, Prof. Ely remarked to his Conflicts of Law class that he liked the casebook he had chosen for the course. It was a bit "sassy," though, he remarked. "But, then I guess I can't complain," he said, with a characteristic Ely twinkle in his eye.

He certainly cannot complain! Sassiness is the best term we can think of to characterize the humor for which Ely has become famous at the Law School. Not only has his wryness infected his classes, but it pervades his writings. Seldom can one find a body of work whose footnotes are worth scavenging for amusement.

This style of discourse should stand as a model for those of us entering a profession whose classics are almost completely devoid of humor. John Hart Ely's work and teaching show that humor does not have to detract from the seriousness of one's work. On the contrary, it can personalize that work and make it accessible.

Harvard will lose a first-rate scholar to Stanford this spring. But, more than anything, we will miss Prof. Ely's sassiness.



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Fenno

Fenno strained at the ropes that bound him tightly to his chair and squinted to see past the bright light glaring in his eyes. "Well, Mr. Fenno," boomed a voice from behind the light, "glad you could join us."

Fenno relaxed. He recognized the voice — it was just the Chairman of the Ad Board, up to his usual tricks. "If this has to do with filling the Dean's office with water balloons," he volunteered, "I don't know anything about it."

"Ah, such a wit," interrupted the Chairman. "Mr. Fenno, we're surely going to miss you around here."

"You've called me in here a total of 46 times," countered Fenno. "What makes you think you'll succeed in expelling me this time?"

"No, no, no, Mr. Fenno," chuckled the Chairman. "We're not going to expel you — we're going to graduate you."

"You can't do that," sputtered Fenno. "I don't have the grades. Why, I have more Ds in Sec. Reg. than Wyeth has mice."

The Chairman stepped from behind the light and showed Fenno a copy of his transcript: all the grades had been changed to As and Bs. "As you can see, the Registrar has taken care of that minor problem."

Fenno eyed the Chairman for a moment. "Very clever. But what about a third-year paper? I haven't so much as put a pen to paper to write a letter to mom."

"No problem," replied the Chairman. "Your faculty adviser was thrilled to donate one of his own. It's something about 'Humor and the Law' — not your field of expertise, but it can't be helped."

"Cheap shot," muttered Fenno. It was time to play his trump card. "O.K. Mr. Chairman, I'm calling your bluff. We both know that I'm three years behind in tuition payments."

The Chairman shook his head. "You surprise me, Mr. Fenno. Don't you realize who you're dealing with?" He pulled a slip of paper from his wallet. "I have here a personal check from the Dean in the exact amount of your debt."

The Chairman snapped his fingers. Two burly BSA types humming Pomp and Circumstance untied Fenno and began to dress him in a black graduation robe.

Suddenly, a door burst open. A figure strode into the room, bathed in a pillar of light. It was Maggie. "This young man cannot graduate," she announced, winking at Fenno. "He checked out a library book in 1979 and has never returned it."

"Curses, foiled again," shrieked the Chairman. Maggie grabbed him by the ear and marched him out of the room.

Fenno breathed a sigh of relief. "Thanks Maggie," he whispered. "I owe you one."



Letters to the Editor of the Record

Somebody Liked It

To the Editor:

As a faithful reader of your paper for more than thirty years, I finally feel compelled to write and express an opinion on its quality and content.

The issue of April 1, 1982 was the best thing I have read in years. I particularly enjoyed the "Policy Regarding Letters."

Wilton B. Persons, Jr., '53
Savannah, Ga.

P.S. My mother's maiden name was Caldwell.

Ping-Pong Too Noisy

To the Editor:

In response to David Quinto's letter printed in the RECORD on April 30, 1982, I would like to suggest some additional facts. Unfortunately, it appears that Mr. Quinto failed to go to the proper source in getting to the root of his problem — his resident assistant. Had he followed that path, he would have learned that the ping-pong table, the source of his displeasure, was discussed in a meeting involving all 12 RA's of the Law School, Dean of Students Mary Upton and George Cook of the Law School's Building Maintenance Office. That discussion led to a decision not to replace the ping-pong table in Wyeth because of the unusual number of complaints by Wyeth residents concerning the noise the table and its players generated. Besides, two tables which are infrequently used are available at no cost in the Game Room.

As Mr. Quinto recognized, until that decision was made, Mr. Cook's office went to great lengths to encourage Harvard University's Building and Ground's Department to repair the table legs. Perhaps the resident assistants could have done a better job of reporting the status of the table and its ultimate fate, but the problem was never in George Cook's office. The real realization that surfaces for the hundredth time at Harvard Law School is that 95% of the problems concerning maintenance and operation of school facilities and equipment are problems of communication. And as can be easily appreciated, communication is a process that involves both a speaker and a listener.

I have nothing but praise for George Cook and the work his office has done at HLS. In my opinion, one shared by virtually all the RA's, Cook and his staff have worked miracles. Few students realize that this office is separate and distinct from the University's B & G Department. In fact, the existence of Cook's office and staff is partly the result of the Law School's inability to

get things done efficiently and effectively through the University's B & G Department.

My experience as an RA in the Graduate Center dorms has shown time and time again that maintenance problems are usually typified by a complaining student (often justified) who does nothing but complain, expecting things to happen magically, and never bothers to report the problem to the proper person. Resident assistants are the communication link for getting maintenance problems resolved at HLS. Only when they know can they communicate with Cook, who in turn maintains pressure on the sometimes slow and inefficient B & G. Without Cook and his staff, the RA's would be virtually useless in helping dormitory residents resolve their maintenance problems.

Therefore, I would like to encourage Mr. Quinto and all Harvard Law students to use their RA's. After all, you are paying a portion of their salaries. And if the problem is the RA, then by all means complain some more, but to the right person — the RA and Dean Upton, who hires the assistant. Only by utilizing these channels and improving our communication efforts can we get the fastest and most efficient results.

Bud Gilbert, 2L

Anti-Semitism?

To the Editor:

I feel betrayed. On April 24, some of my fellow students applauded a representative of the Palestine Liberation Organization. The PLO terrorizes Jews in Israel and in Europe and members of the organization cavort with neo-Nazi groups, helping to fan the sparks of nascent European anti-Semitism. In seeking its purported quest for "freedom," the PLO aims to destroy the freedom, if not the lives, of my people in Israel. Despite the PLO's dubious record as "freedom fighters," Harvard Law students saw fit to invite Deena Abu-Loghod to speak. I believe that I now know how Jewish Germans felt in the 1920s and 1930s when they saw their countrymen applaud the anti-Semitic diatribes of the Nazis.

Oh yes, Deena Abu-Loghod has the right to speak as she pleases. So did the Nazis in Germany, and when they took power they ended the freedom to speak, not to mention the freedom to do just about anything else. Formerly, some West Bank residents felt free to speak against the tactics and policies of the PLO. The PLO has now silenced these critics of violence — permanently. Yet, despite the PLO's record, funds from the Law School — the Law School of Brandeis and Frankfurter — were made available to provide Deena Abu-Loghod a platform, thus rendering Harvard an unwitting participant in the PLO's quest for "respectability."

Query: Would the Law School have provided funds for the Ku Klux Klan to exercise their free speech at Harvard? Most assuredly it would not have done so. Such an action would offend the sensibilities of black — and, hopefully, non-black — students. Yet funds and a platform are granted to the PLO. Why? Because it is not considered improper to offend Jews. Well, to set the record straight, I would like to point out that Jews, especially this Jew, have feelings — feelings which were grossly offended by my colleagues a fortnight ago.

During the AILSA conference, while Wally Feather is reported to have said "there is no Israel," I was marching. And I will march again and again and again if people speak out to deny my people the freedom to live in peace. It is indeed ironic that Mr. Feather, at a conference to assert the rights of his people, applauds those who seek to destroy the freedom of another people. Mr. Feather's cause would have been better served if the AILSA had invited advocates of a peaceful solution to Middle East problems, a solution that would be fair to all people in that area and not achieved through the destruction of Jews. However, if the Indian Law Students wish to associate with the likes of the PLO, they should feel free to do so — their cause will be hurt more than my feelings.

Andrew Jagoda, 1L

North of the Border

To the Editor:

I would like to correct a small but nonetheless significant error in your recent article on the ILS-sponsored human rights fellowships, which reported that I would be "spending the summer in Israel and Cairo". It should be pointed out that "Law in the Service of Man," the organization with which I will be working, is based in Ramallah, a town which is located about eight miles north of Jerusalem and within the Arab territories occupied by Israel in 1967.

Although I am certain that your reporter's reference to this area as "Israel" was totally unconscious and innocent, this kind of slip demonstrates the extent to which Israel's 15-year occupation and illegal campaign to gradually annex the West Bank has succeeded in creating a laxity of thought in the minds of many observers about the matter. One of the principle means through which this gradual annexation is occurring is the expropriation of massive tracts of Palestinian lands, and the establishment on them of Jewish civilian settlements, in violation of the Geneva Conventions (to which Israel is not a signatory, but which it claims to observe) — precisely the kind of policy against which the organiza-

(Continued on Next Page)

Letters to the Editor of the Record

(Continued from Previous Page)

tion I will be working with is attempting to defend through the legal process.

While in Cairo I will be attending a month-long summer institute sponsored by the Social Science Research Council entitled "Law and Social Structure in the Middle East", and not working for "Law and the Service of Man". I will not be receiving funding from ILS for that period, but instead have received a grant from the SSRC itself. Thank you for making these clarifications.

George E. Bisharat, 2L

AILSAs Responds

To the Editor:

The discussion surrounding the appearance of Deena Abu-Loghod at the 1982 American Indian Law Conference may have become tedious to some; it certainly has become tedious to us. We made our position clear, as did other students and student organizations, and we had hoped that the discussion could have rested there. Instead, allegations were leveled against the American Indian Law Students' Association which cannot be ignored.

Throughout the discussion, in these pages and elsewhere, of the appearance of Ms. Abu-Loghod in our conference on indigenous peoples' rights, AILSA respected the right of the Harvard Jewish Law Students' Association (HJLSA) to vocalize whatever objections it wished regarding our choice of conference participants. We believe that we acted with restraint in the face of actions by the HJLSA which we regarded as inappropriate and unethical. One of the most serious charges which can be brought against us as Indian people is that of being dishonest. In the Indian community virtually nothing is as highly valued as one's word and one's credibility. As we now stand accused by HJLSA of having "broken faith" with their organization, and with the Law School community, and having "dealt dishonestly" with our fellow students, we cannot remain silent regarding these serious accusations.

HJLSA has piously stated its "respect" for the right of Ms. Abu-Loghod to speak freely. It is important to note that this "respect" apparently developed only after efforts by

the HJLSA to subvert the entire conference had failed. Shortly after the HJLSA learned of Ms. Abu-Loghod's invitation, some of its members approached the dean of students, and asked her to consider withdrawing all funding for the conference. She refused, we assume (since we were not present) on the basis reported in the *Harvard Crimson*: that she is not in the business of censoring student conferences. We wish to express here our gratitude and respect for Mary Upton's principled stand on this issue.

Yadin Kaufmann, vice-president of HJLSA, claimed on WRKO Radio that HJLSA officials had been unaware of Ms. Abu-Loghod's slated participation in the conference at the time that funding was granted — implying some covert deception on AILSA's part. As was pointed out to Mr. Kaufmann on the radio program by the AILSA representative, Ms. Abu-Loghod's presence, her name and affiliation appeared on the tentative and final agendas which were submitted to the administration for budgetary approval.

Kaufmann simultaneously claimed that HJLSA "had never asked anyone to disinvite" Ms. Abu-Loghod. In fact, HJLSA, in the early stages of this controversy, asked AILSA to remove her from the program. We declined, explaining carefully our interest in inviting her. . . .

Another point on the "free speech" issue is that, although we were not privy to the discussions which took place between Dean Vorenberg and HJLSA, the sequence of events suggests that his decision not to deliver the welcome to the conference — the largest Indian Law conference in the history of the school — was motivated, at least in part, by HJLSA's request that he not do so. In light of these events, we seriously question HJLSA's sincerity in purporting to respect Ms. Abu-Loghod's right of free speech.

Concerning the allegation that AILSA violated certain "public assurances" as to the content of Ms. Abu-Loghod's presentation, or of the panel as a whole, the answer is very simple: no such "assurances" were ever made. What was said was that Ms. Abu-Loghod was invited to speak on a specific topic, and that it was not AILSA's intention to turn an Indian Law conference into a debate on the Middle East. We extended our invitation, and expressed our desires regarding Ms. Abu-Loghod's presentation, she accepted.

It is not consistent with our notion of free speech that we would dictate to our guests the exact content of their presentations. First, it would be unreasonable for us to expect any of the participants to allow such censorship, and second, we respected the discretion of the conference participants to choose for themselves how to integrate their specific expertise into the general themes of the panels, which we determined.

This is not inconsistent with the position which we maintained all along.

In fact, we were greatly satisfied with Ms. Abu-Loghod's presentation, and feel totally vindicated in our decision to invite her. After pointing out similarities between the experiences of Palestinians and our experiences as Indian people in the U.S. — which we found valid and telling — she detailed the procedural steps through which the PLO has gained U.N. recognition, beginning with bilateral discussions between the PLO and individual Arab countries, proceeding to recognition by the Arab League, then to the 1974 U.N. resolution recognizing the inalienable rights of the Palestinians to national self-determination, and culminating in the U.N. recognition of the P.L.O. as the sole legitimate representative of the Palestinian people.

Ironically, the point at which Ms. Abu-Loghod addressed the issue of Israel's legitimacy, or lack thereof, was in her response to a question directly raising that matter. The phrasing of the question clearly revealed that the person who had posed it was a sympathizer with, not a critic of, Israel.

This brings us to the matter of the format which we elected to adopt with respect to the discussion period following Ms. Abu-Loghod's panel. The decision was made to request the audience to write questions on cards which were collected and then read by the moderator — specifically because we had genuine fears, based among other things on threats to the physical safety of our members, of disruptions of the session which might have led to physical confrontation. We did not make a commitment to the HJLSA to follow any particular format for the discussion, but even if there had been such a commitment, our obligation to protect the physical safety of our conference participants and the audience was paramount. Furthermore, as the tone of the first question indicated, we certainly did not screen out questions posed by Zionist sympathizers, as it was no more consistent with our view of free speech to censor audience questions than it would have been to define the content of the participant's presentations.

If the HJLSA was disappointed that a greater proportion of the questions were not sympathetic to its perspective, the proportion certainly represented accurately the audience sentiments. And if HJLSA misinterpreted our explanation of our invitation to Ms. Abu-Loghod as some kind of promise to restrict the flow of discussion following the panel, we can only repeat that although this may have comported with HJLSA's concept of free speech, it did not with ours.

HJLSA members claim to have "gone out" (Continued on Next Page)

Sports Answers

1. Fred Brown.
2. Roberto De Vincenzo.
3. Fred "Bonehead" Merkle.
4. Joe Pisarcik.
5. The Bruins were assessed a bench penalty for having too many men on the ice.

Letters

(Continued from Previous Page)

of our way to help insure the smooth running of the afternoon session because AILSA made clear to us that it would not be an anti-Israel forum", and that for the same reason it "did not invite off-campus groups" to its vigil. Are we to assume that in the absence of "assurances" the HJLSA feels itself entitled to disrupt programs which, according to its definition, are "anti-Israel"? Does the reference to "off-campus" groups include those which issued death threats to AILSA members, and is this a veiled warning that we and other student organizations will in the future be hostage to HJLSA's sensitivities?

We reject any suggestion that we are in any sense accountable to HJLSA. We will continue to conduct our activities on this campus in accordance with *our* judgments of what is appropriate and relevant to our struggle as the indigenous peoples of this hemisphere. No one will exercise a veto over our choice as to how to advance this struggle. We ask members of the Law School community to stand with us against this abusive and irresponsible behavior on the part of the HJLSA. Finally, we express gratitude to the many of our Jewish friends who have approached us over the last few weeks who have expressed chagrin over the actions of the HJLSA. Their support renews our confidence that the will of the majority, which defends open discussion and debate, will prevail against that of a vociferous and unprincipled minority.

American Indian Law
Students Association

HJLSA Reply

To the Editor:

It is difficult to reconcile AILSA's purported concern for "honesty" with the untruths that permeate its letter. To set the record straight:

- HJLSA — and some 200 silent protestors — expressed their outrage over the invitation to a spokeswoman of a group sworn to the destruction of the Jewish state but made no efforts to "subvert" the conference and never asked Dean Upton to withdraw HLS funding;

- AILSA made — and broke — assurances as to both the content of Ms. Abu-Loghod's presentation and the format of audience questions;

- Dean Upton confirmed after the WRKO exchange that AILSA's January 25th proposal for conference funding did *not* include the name of a PLO representative;

- Dean Vorenberg told the *Harvard Crimson* that it was the presence of a PLO speaker — and not any "pressure" — that prompted him to decline AILSA's invitation. ❧

Yadin Kaufmann, 1L
Vice-President, HJLSA

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Trial Begins in Austin

(Continued from Page 1)

at HLS and an instructor in the Introduction to Advocacy program, the nonjury trial is expected to continue through most of May. The proceedings are open to HLS students and the public.

The suit is a class action brought on behalf of 2400 non-voting shareholders in the old Patriots Corporation. They seek rescission of a transaction in which they lost all their shares and allegedly were inadequately compensated.

Praising Integrity

In their opening statements, defense lawyers praised Sullivan's integrity and his record of selfless pursuit of the public interest. Sullivan later took the stand and quietly but firmly testified about his role in the building of the New England Patriots. Asked whether he had been "one of the original founders" of the Patriots, Sullivan replied, "If it's not too obnoxious, I was *the* founder of the Patriots."

Pete Rozelle, commissioner of the National Football League (NFL), was tentatively scheduled to testify yesterday about the pressures the

NFL exerted upon the Patriots to rid themselves of public shareholders.

Assistant Dean Russell Simpson told the RECORD that this trial is "the first actual trial" ever held at the Law School. "We've graduated a good many students who've never seen a real trial," said Simpson, who hopes to change that by arranging for more trials to be held in Austin. Noting the difficulty of scheduling trials and classes there during the same semester, Simpson said that one alternative being considered is to hold trials and classes there during alternate semesters. "A lot of people are very excited about the possibilities," he added.

The trial is scheduled to continue next Monday through Thursday, and on all weekdays in following weeks, from 10 A.M. to 1 P.M. and 2 P.M. to 4 P.M. Judge Young has said that he will be available each day at 4:00 to answer procedural questions about that day's action. Students should be aware, however, that the proceedings have been and may continue to be adjourned before 4:00 P.M.



3L Attacks Chicago Schooling

(Continued from Page 9)

Pearson was in Chicago last summer when she heard a radio announcement concerning a meeting of parents opposed to the program. She attended the meeting, and volunteered her services after learning that the program she had worked on was in use in Chicago and was being offered to school districts with another five million students. She hopes that her book, *Mastery Learning or Master Hoax? — A Closer Look at the Chicago Mastery Learning Reading Program*, will be purchased by the 23,000 Chicago teachers who must implement the program, as well as by parents who oppose the program's use.

Her objective is eleemosynary, Pearson stressed. Any profits from

its sale will go to charity, she said. The book can be purchased from The Education Reporter, P.O. Box 87531, Chicago, IL 60680. In the meantime, Pearson's obsession with the case, manifested by frequent trips to Chicago to assist the parents and to provide the attorneys of record with the results of her research and by self-financing the book, has driven Pearson so deeply into debt that HLS almost did not let her register this year, she said.

On the bright side, HLS students James Potter, Richard Weisman, Mark Macenka, Cathy Clardy, Beth Finley, Leslie Williams, Gregory Lee, Phyllis Muhammad and Renee Franklin volunteered their services to her in helping to make the book a reality.



Graduates

(Continued from Page 7)

basement, in the pipes and lockers."

Throughout law school Aberlin was heavily involved in dance. She passed up law firm work to continue dancing in the summers. "I felt bad I was the only one who wasn't following the straight and narrow, who didn't seem certain they wanted to be a lawyer." It was clear Aberlin was getting very little out of law school, but "each summer someone talked me into coming back."

Aberlin graduated and went to work for a legal research firm in Cambridge. She thought about taking the bar exam, then realized she was only kidding herself. "I'd had enough of doing something I really didn't enjoy," she said, "and I knew that if I didn't pursue dancing then, while still young, I would never have another chance." Acting on her feeling of "now or never," Aberlin gave up on her job and the bar. Over the next several years she worked with a series of modern dance groups.

Now a mother and housewife, Aberlin has "no regrets" about quitting law. "It's probably so much easier to go through Harvard with a clear focus on making a career in law, but I didn't feel it. In one sense, I regret ever going. I could have been doing something more relevant."



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"BETTER BUYS AT BRINE'S"

Trailblazing: The School's First Women

(Continued from Page 9)

myself in Dean Livingston Hall's office at a specified hour. When I got there, I learned that Dean Hall was out of town . . . There was Bart Leach, grinning like the Cheshire cat, and my roommate, who was in his other property section. He handed out scripts which called for us to turn the tables on him, ask him questions, and take him to task for less than perfect answers in classic One-L Fashion. He demanded (and got) sworn secrecy except for one male stooge, to be selected by us, for whom there were a few lines in the script.

On this occasion he did seat us at the front of the classroom. The charade went beautifully, to the amusement of most of the class (and the discomfort of a few of my friends who expected to see him take my head off at the knees.) It went so well in fact, that many class members didn't realize it had been staged by Leach himself, so I came out of it with an unearned reputation for unparalleledchutzpah.

— RECORD, v. 66, n. 9, April 21, 1978, p. 12

While Heinz portrays a somewhat less than villainous view of Leach, she remembers that for women students at the Law School, "quite possibly half the faculty and student body resented our presence — but the place was big enough that they didn't really matter. So we gritted our teeth each time someone told us the 'talking dog' joke (Why is a woman lawyer like a talking dog? It doesn't talk very well, but it's remarkable that it can do it at all) and went about our business" (*Id.*).

Superbly Qualified

All 12 of the first women law students were superbly qualified for admission. All had honors degrees, some had graduate degrees and at least one entered the Law School with a doctorate.

Rosemary Masters, who was a first year student in 1961, was a graduate of Mt. Holyoke. "I went to school at a time when even a college with a feminist tradition like mine gave courses in 'gracious living,' teaching us how to be perfect hostesses." Just before entering the Law School, Masters had an interview with a distinguished Harvard professor who appeared to take an interest in helping new students. "He assured me that if I would go to secretarial school, that, in addition to my law degree, would guarantee my landing a job with a prestige law firm as personal secretary to a senior partner. My first reaction was 'he's kidding.' My second reaction was 'Oh my God, he's not kidding.' When my mother who was a professor at Bryn Mawr heard about my interview she was outraged."

Once she began classes at HLS, Masters was not surprised at the reaction of some of her professors, but the attitudes of some of the men students bothered her. "After the first year I married one of my classmates. There was endless speculation by some of the men about what would happen if I got a higher grade than he did. They couldn't imagine that any man would live with a woman who did better on her final exams. Two years later they were still asking us about our marks and I still couldn't think of a good enough answer."

Recruiting Problems

By their third year, women law students knew they would make it, and began concentrating on jobs after graduation. Most men students had only one goal in mind: being hired by a prestige law firm as an associate and moving up to partner.

Roberta Good Brundage, one of the original 12, recalls being interviewed by four or five firms that were recruiting on campus. "I was turned down by all of them. One recruiter thought he would give me some friendly advice: 'get

yourself a good pair of walking shoes, you're going to be pounding quite a few pavements.'"

Mary Elizabeth Schlosser Jacques recalls the three-page letter she received from a firm that had a policy of not hiring women. "They wanted to give me some helpful suggestions on how I could best use my law degree. One was that I [could] be a wonderful wife to a successful lawyer."

Charlotte Horwood Armstrong remembers, "the Placement Office didn't go out of its way to find jobs for women but that could have been a measure of the response in the marketplace. Firms thought we were oddities and weren't receptive to the idea of our working for them." Armstrong decided to interview for the Central Intelligence Agency but was told that since she was a woman she would have to sign an agreement promising not to marry for at least seven years. "I never went back for a second interview."

Rejecting Interviewers

Louise Florencourt fought feelings of rejection by rejecting the interviewers ahead of time. "I told myself I probably would not have enjoyed working for them in the first place." A Boston firm decided to take a chance on her even though they had never had a woman associate. It turned out to be a successful arrangement for both. From there Florencourt joined the Antitrust Division of the Department of Justice where she found a number of other women attorneys recently had been hired. "This was a complete change. When Thurman Arnold headed the Division he swore that so long as he was head of Antitrust, no woman would ever be allowed to do that kind of work."

For those who did land jobs on Wall Street, it was clear that making partner was not part of the deal. "They would tell you clients didn't want to be represented by women lawyers and that contacts made at all-male clubs were part

(Continued on Next Page)

Women Take Battle From School to Firms

(Continued from Previous Page) of the routine. But without client contact your chances of making partner evaporated. If you were willing to do Blue Sky cases or trusts and estates work, fine. Otherwise everything else was out," Armstrong remembers.

As with Yale and Columbia, women at HLS who were determined to get a superior legal education inevitably faced long periods of resistance, resentment and grudging accommodation.

At Yale when women appeared in law classes, men interrupted by yelling, "fire, fire." At Columbia, in the 1920s, if a woman law student was called on in class, a common practice was stamping — men would drown out her recitation by

stamping their feet on the classroom floor.

Biased professors and jeering students may have hoped that the atmosphere would make it impossible for women to continue, but not surprisingly, their behavior had the opposite effect — it toughened women students and taught them how to survive the hostile environments they would find in government and industry. Armed with a prestigious law degree and training in handling themselves under extraordinary pressure, the women law graduates developed into legal trailblazers. Their efforts took the battle for equality out of the law school classroom and into the giant law firms and the highest levels of government.

Neither the women nor the institutions would ever be the same.

¹ Cynthia Fuchs Epstein, *Women in Law* (Basic Books, New York, 1981), p. 66.

² *Ibid.*, p. 67.

Ms. Morello practices law in New York City and is currently writing a book on the history of women lawyers in the U.S. called, We're Not Hiring Any Women This Year.

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Sports Quiz

NOTE: Being the last issue, this week's Sports Quiz appropriately deals with strange finishes to a variety of sports events.

1. In the 1982 NCAA basketball finals, Georgetown was down by a point with approximately 10 seconds to go but had the ball. In preparing for the last shot, a Hoya inadvertently passed the ball to the other team. Who is this player?
2. A native of Argentina, this man lost a chance to appear in a playoff for the Masters title when he signed an incorrect scorecard in 1963. Who is this man whose comment at the time was "I'm such a dummy"?
3. In 1908, the Chicago Cubs and the New York Giants were fighting for the National League pennant. In an important game, the Giants lost a sure victory (and eventually the title) when a baserunner forgot to advance to second on a run scoring hit. Who was the man who made this bonehead play?
4. With the New York Giants leading the Philadelphia Eagles with less than a minute to go in a 1978 game, the Giants were attempting to kill the clock when a muffed handoff led to "The Fumble" which the Eagles ran back for the winning score. Who was the Giant quarterback who committed this grievous error?
5. In Game Six of the 1979 Stanley Cup semifinals in Montreal, the Boston Bruins appeared to be ready to clinch the victory as they led by a goal with less than three minutes to play. However, an unusual penalty led to the tying goal by the Canadiens. What penalty allowed Montreal to win this game in overtime and eventually the series?

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