



Harvard Law Record

America's Oldest Law School Newspaper

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25 CENTS



Adele-Marie Hendrix

Hurricane Gloria toppled this tree in front of the Terry Terrace apartment building across from HLS.

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Ad Board Meets

By David Snouffer

As the HLS Administrative Board investigated law students' conduct at a sometimes emotional anti-apartheid protest last spring, several HLS students who took part in the demonstration criticized the way Harvard administrators have responded to the incident.

During the protest May 2, demonstrators detained a South African diplomat for about an hour in Lowell House, a Harvard College dormitory complex, after he spoke there to an undergraduate political club. Several students and Harvard Police officers reportedly suffered minor injuries during the incident. *The Harvard Crimson* estimated the protesting crowd at 200 persons.

"Harvard is embarrassing itself by chasing down anti-apartheid protesters," said Jamie Raskin, 2L, who attended part of the demonstration against a speech by Abe S. Hoppenstein, South Africa's consul-general in New York, before the Harvard Conservative Club.

Rather than punishing the protesters, Harvard administrators should sell the University's holdings in companies that operate in South Africa, said Raskin, who is one of several students the board is investigating. Michael Anderson, 2L, and Doug Hagerman, 3L, said last week that the board was investigating them, as well.

Professor Frank Sander (LL.B., 1952), who chairs the Ad Board, said early this week that the dis-

DSAC Votes To Keep Coors

By Hillary Richard

A sea of controversy has swept the student body over the issue of whether or not the law school pub should sell Coors beer.

The pub decided to carry the beer this semester, once it had become available in Massachusetts, because the management believed the beer would sell well. The outcry from students vehemently opposed to the sale of Coors in the pub was heard almost immediately.

The pub management, together with the DSAC Executive Board, responded to these complaints by making an informal decision among themselves to stop selling Coors. Student opposition to the new pub policy of not selling Coors was much stronger than anticipated, however,

and DSAC decided to bring the issue before the entire DSAC Council. The vote, taken on Sept. 30 was 16 to 15, with 2 abstentions and a few absences, in favor of selling Coors in the pub.

The DSAC members voted after first hearing two speakers from each side of the controversy, participating in a question and answer session with these representatives and then debating among themselves.

The first two speakers, Jim Gibbons and Ben Cooper, argued for the reinstatement of Coors into the pub. They expounded on the theory of individual choice and the impropriety of imposing a moral conviction of some onto the entire law school.

The next two speakers, Michael

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Covington Stops African Representation

By Norman Bay

Covington & Burling recently dropped its only South African government client, South African Airways.

According to Covington partner Edward Dunkelberger, Covington had infrequently represented South African Airways for the past 15 or 16 years on aviation-related matters. The airline was "not an important client." Keeping it or dropping it "was not a big deal" from an economic standpoint.

Dunkelberger stressed that the HLS Anti-Apartheid Committee's recruitment boycott against law firms representing the South African government [RECORD, Vol. 81, No. 1, p. 6] did not motivate Covington's decision. In fact, Dunkelberger stated, the boycott "greatly complicated" the decision. Covington wanted to avoid giving the impression that the boycott had influenced it.

Dunkelberger explained that the firm had considered dropping South

African Airways for a number of months. Covington had to wait to make its decision until an important partnership meeting at the end of September and until it had concluded representation for South African Airways on an on-going matter.

Elissa Stein, JD/MPP, one of the organizers of the HLS boycott of law firms with South African clients, said that while she thinks it is possible Covington's decision was not influenced by the boycott, she feels "the student divestiture movement is leading the whole movement to isolate South Africa." Stein also sees "a direct correlation between student activism and decisions made in companies across the country."

Criticism of Boycotters

Dunkelberger sharply criticized the boycotters. He voiced his "strong objection to the use of third-party economic and social coercive pressure" to determine whom a firm

should represent and to deny counsel to the unpopular.

"Boycotts by student lawyers for the express purpose of denying representation to unpopular people," he said, "are especially unfortunate." He cited the Code of Professional Responsibility to argue that lawyers have a responsibility to represent "unpopular people, causes, and organizations." Everyone, he noted, is entitled to representation.

Dunkelberger urged students to use forms of protest other than recruitment boycotts. There are, he maintained, legitimate ways to exert public pressure. He observed that Covington lawyers were among

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Fried Appointed Solicitor General

Charles Fried, HLS Carter Professor of Jurisprudence, has been appointed to the post of Solicitor General by President Reagan.

Fried has been Acting Solicitor General since June, when then-Solicitor General Rex E. Lee left that position to take up a private practice. As Acting Solicitor General, Fried has already filed briefs supporting the administration's position in several important cases before the Supreme Court. Among those cases challenging the constitutionality of affirmative action and asking the Court to overrule its 1973 *Roe v. Wade* decision.

Fried left HLS last winter to enter the Justice Department as Deputy Solicitor General, filling the position left open by the departure of Prof. Paul M. Bator, who decided to return to HLS. (Bator has since decided to leave Harvard for the University of Chicago. See RECORD Vol. 81, No. 1, p. 1).

The RECORD tried to contact Fried for comment, but was told that he would not be speaking to the press until after the confirmation process has been completed.

Word Processors Obtained

By David A. Price

Later this semester, HLS students will be able to rent time on personal computers for word processing and other uses. Ten IBM PC's and ten printers, on loan from IBM, will be located in the Langdell basement. Use of the machines will cost \$2.00 per hour.

Ruth Block of the Office of Microcomputer Support said that the program is a response to a proposal by the Law School Council. She added that she hoped to receive "constructive student feedback" to guide the program in its early stages. Dean Vorenberg and Administrative Dean Simone Reager had been helpful in making the program possible, she stated.

The school will provide word processing software named XyWrite, which Block said was chosen for its ease of use and its ability to keep

track of footnotes. Students will also be able to bring their own software if they prefer.

Although the printers supplied with the computers produce dot matrix output rather than type-writer-style "letter quality" output, students will be able to obtain letter-quality printouts from a laser printer for an additional charge.

Students writing L.L.M. and S.J.D. papers will have priority on two of the computers.

Many law students currently use the personal computers located in the Science Center, even though those machines are officially reserved for undergraduates. Some law students have bought personal computers from the university's Office of Information Technology, which sells IBM PC's and Apple Macintoshes at a discount price.

Boston Mayor Discusses City's Growth

By Tegan Flynn

Raymond L. Flynn, 46th Mayor of Boston, spoke at HLS Thursday, September 26 in the Ames Courtroom. He was the first speaker sponsored by the HLS Forum this fall.

Flynn, elected Mayor in November 1983, received his masters degree in Education from Harvard in 1981 and received his bachelors degree in Public Administration from Providence College.

Flynn, who was introduced by HLS Professor Charles Haar as being dedicated to Boston and its transformation, was a member of the state legislature from 1971-78 and the Boston City Council for three terms beginning in 1978.

Upon receiving his invitation from the Forum, Flynn described himself as being "quite impressed and very anxious to accept."

In his hour-long speech and question and answer session, Flynn discussed the "new approach as to what cities must do to become viable and healthy" with the changing policies in federal funding.

He described the various challenges faced by today's Boston. Flynn stressed his opinion of the importance of building a relationship between the city of Boston and the surrounding neighborhoods, as well as between the city and the industries in Boston. Flynn underlined throughout his speech the importance of strengthening these relationships in order to build and expand the basic city services in-

cluding health care, housing and services for the poor.

"[Our challenge] is how are we able to capture [Boston's] growth," said Flynn, "or rekindle this [growth]," in the areas around the city.

Flynn described Boston as a city on the rise, citing several signs of this progress. For example, he said, the population of Boston had grown dramatically in all ethnic groups.

Flynn described the investment climate of Boston as "favorable." This is in large part due to the success in the legislature of measures allowing Boston to have management "of its own destiny," he claimed, and due also to the "effective people" involved in the city's management.

Flynn maintained that from 1984 to 1985, \$1.69 billion was invested in Boston, creating some 35,000 permanent jobs and 21,000 jobs in construction.

As an example of challenges in today's Boston, Flynn said housing prices in Boston have increased 37 percent in the past year. Referring to Boston's housing problem, Flynn said, "The supply of housing is very critical. Demand outstrips the supply."

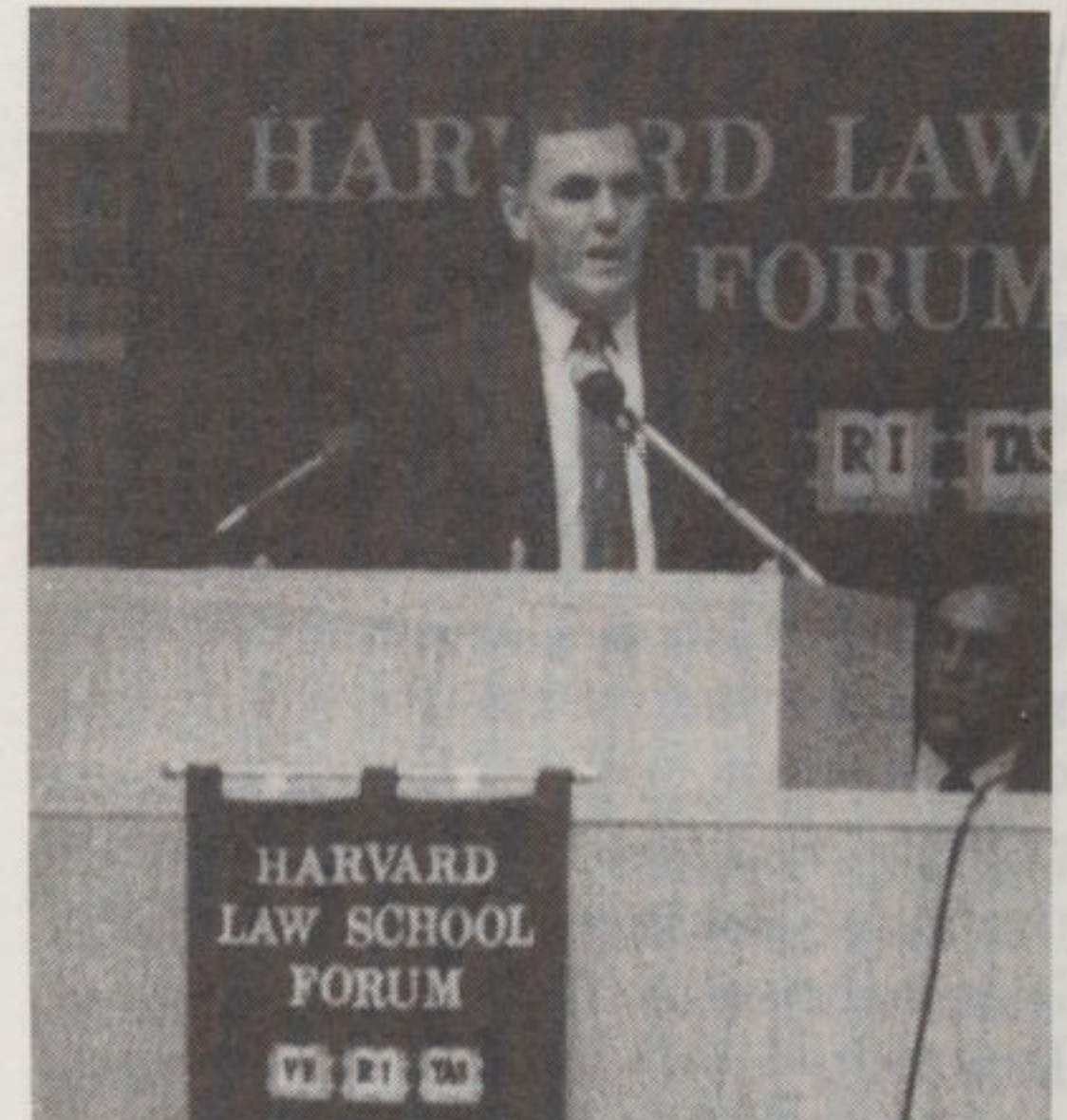
He later emphasized, "I consider the housing crisis in Boston our greatest challenge."

Boston's New Urban Policy

Citing Mario Cuomo's keynote address at the Democratic National Convention describing the best of times and the worst of times, Flynn described Boston as "basically comparable to no other city" but at the same time it is faced with people falling below the poverty line because of the redirection of federal funds.

Flynn said this redirection has created "large holes in that safety net that people are falling through," which, he continued, "created a challenge for all of us."

He said that the "real opposition for cities like Boston . . . is to come up with a new urban policy." Flynn said he realized that this would



Adele-Marie Hendrix

Raymond Flynn

"require sophisticated work with the neighborhoods."

Flynn had pursued this work with the neighborhoods surrounding Boston through several plans which he described as being successful.

In a program described as "Boston Jobs for Boston's Residents" the city has required that fifty percent of the jobs created through downtown development must be allocated to the people who live in the city of Boston.

Flynn also described a development proposal entitled "Parcel to Parcel Linkage" which requires developers who wish to invest in a particular desirable parcel in Boston, also to invest in the development of the surrounding neighborhoods. "What we're saying is we want you also to invest in the neighborhoods of the city," Flynn said.

"When you have economic development in a neighborhood, it benefits the people of the community," Flynn continued.

He also described a plan in which job training would be promoted for the people of Boston. He maintained that 70 percent of the people earning \$15,000 a year or more at jobs in Boston do not live in the city.

Flynn described his agenda as being a "unique approach to urban government," but he added that, though his policies may be different than most, he would say that no administration has tried as hard as his.

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Hurricane Gloria Strikes HLS Campus,

By Vincent Chang

On Friday, September 27, HLS cancelled all classes and declared the school closed as a precaution against the onset of Hurricane Gloria.

Gloria, which hit most of the East Coast from North Carolina to Maine, was billed before its arrival as one of the most severe hurricanes in recent decades. Fearing possible property damage and loss of life, Massachusetts Governor Michael Dukakis declared the Commonwealth to be in a state of emergency.

Following Dukakis' lead, HLS cancelled classes for the first time since the blizzard of 1978 and warned students to "fill containers with water [in the event of water shutdown or contamination] . . . tape your windows from the inside [to minimize the shattering of window panes] . . . and contact your Resident Assistant immediately if there are any special problems."



Adele-Marie Hendrix

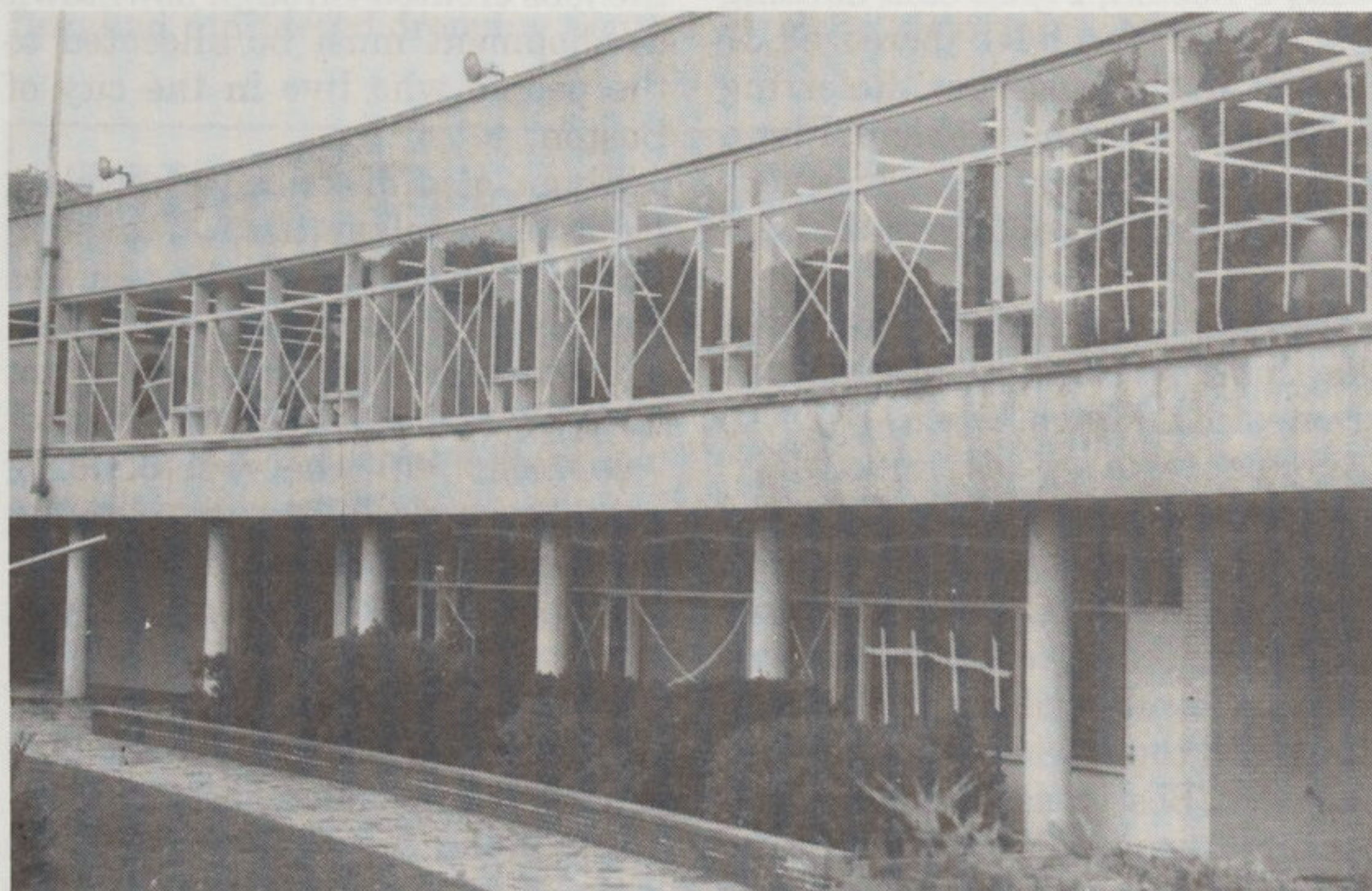
Gloria split this tree right through the middle causing it to crash into nearby power lines.

Most of the predicted danger did not occur. While rainfall of one foot or more was predicted for the area, almost no rain actually fell. Forecast

gusts of up to 125 miles per hour also failed to materialize.

Voices on the Megaphone

Some students took the advice seriously and mobilized to meet the oncoming threat. 1L Paul Cellupica, for example, noted that "when I was walking to class, I heard voices on the megaphone [announcing that the school was being closed] and I



Adele-Marie Hendrix

Harkness Commons windows were taped to prevent the glass from shattering.

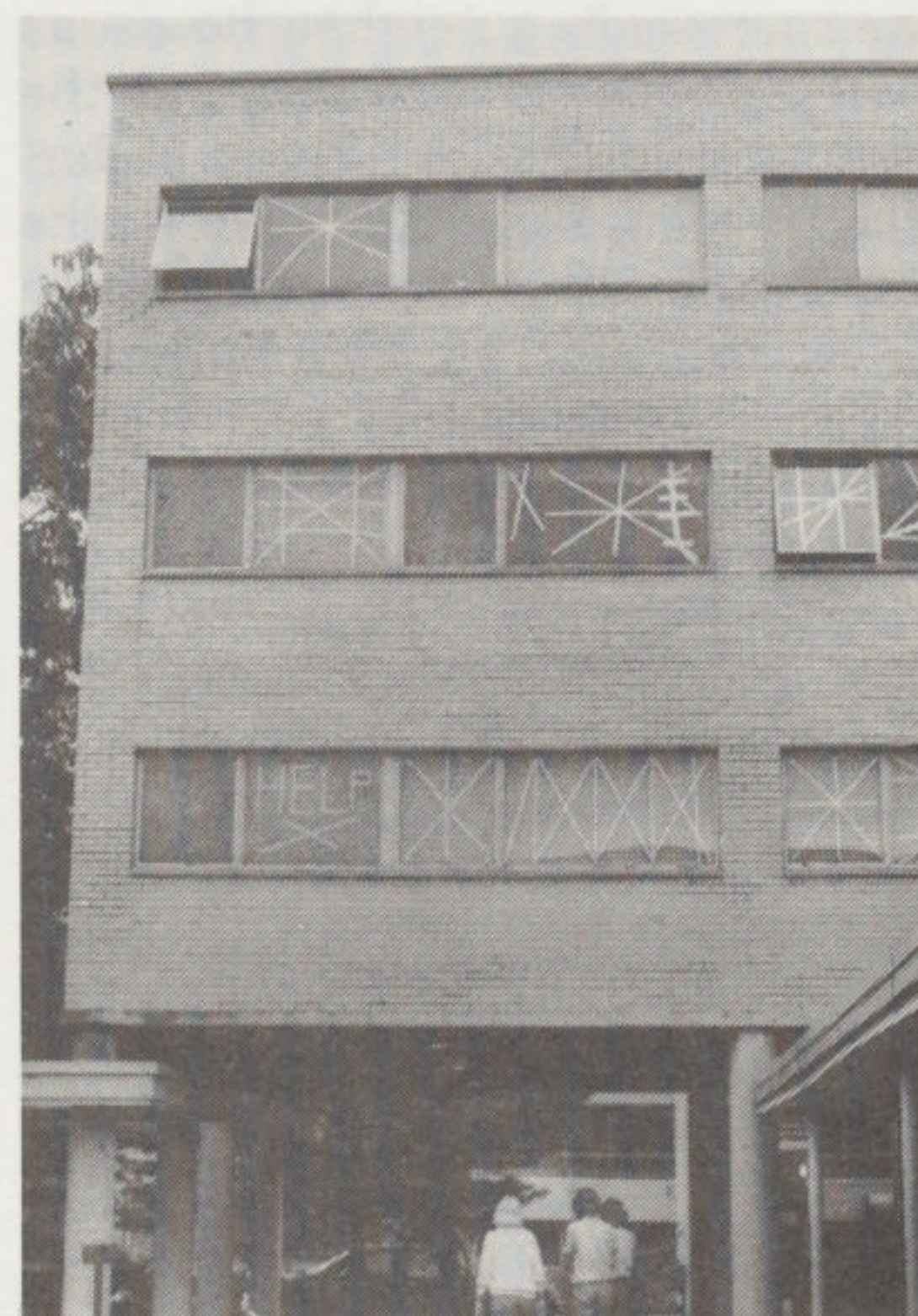
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Adele-Marie Hendrix

HLS Students protected their dorm windows from Gloria.

HARVARD LAW RECORD

Fails To Wreak Predicted Devastation



Adele-Marie Hendrix

Hurricane Gloria uprooted this tree that used to stand in Harvard Yard.

thought, my god, this was just like *The Day After*." Cellupica then proceeded to go "down to the cellar and board our windows, some of which didn't even have any glass in them yet."

Cellupica's preparations, like those of many other students, turned out to be largely overkill. Many other students, however, downplayed the threat from the start and took few precautions. Rayl Stepter, 2L, for example, "didn't really know it was coming" and bought "two Pepperidge Farm vanilla cakes" to celebrate the occasion. "That's what I

planned to live on," he declared proudly.

Festive Atmosphere

Apparently, many dormitory residents shared Stepter's attitude. Sandy Skogen, 2L, described the hurricane as "an excuse for a party" in Dane Hall. Many students in the dorms even taped their windows with slogans such as "Go Bears" or "Go Hoosiers."

Laundry also seemed to be a common pursuit, as Skogen "had to fight for a washer and dryer." Many

in the dorms also listened to the radio, only to find that the stations played virtually every version of "Gloria" in existence. Most common, however, was 1L David Dana's method of surviving Hurricane Gloria: "I drank and slept," he stated.

After the brunt of the storm had passed, the Harkness Commons served dinner at no charge to minimize the extent which students would have to travel to obtain food. Some students, however, regarded the free meal as an opportunity to "pig out" with the result that the Hark was jammed throughout most of the evening. Food ran out by 7 p.m.

While on-campus residents received free food, off-campus residents were often forced to jettison refrigerators full of rotting food as power outages hit most of Cambridge. Tony Shelley, 2L, lost his electricity until 5 a.m. Saturday, when blaring radios, televisions, and lights awakened him. Indeed, power remained out in 325,000 New England households as late as four days after the storm.

Falling trees also posed a threat. Trees well over a hundred years old were toppled in Harvard Yard, and a tree fell on top of 3L Rich Levine's car. Fallen trees disrupted travel throughout New England immediately after the storm.

However, roads were substantially clear within one day.

All in all, 2L Sandy Skogen's comment seemed to summarize people's reaction to the storm: "It was kind of a disappointment. After putting up all that tape, I didn't want it all to go to waste."



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2. The Michigan Panthers
3. Anthony Carter
4. Mike Rozier; The Pittsburgh Maulers
5. George Allen; The Chicago Blitz

Justice Revisits Watergate Shenanigans

By Roger Cohen

Justice, The Memoirs of an Attorney General by Richard G. Kleindienst, Jameson Books, 261 pp., \$16.95 cloth.

In the years since Richard Nixon resigned the presidency, many of the major players in his administration have written about the

Nixon years and the events of Watergate. *Justice*, Richard Kleindienst's version, wholeheartedly supports Nixon and his policies while glossing over several failures of this period.

Kleindienst's work is actually two stories. The first is an account of the author's early years, his growing political involvement and his efforts

on behalf of Barry Goldwater and Richard Nixon, culminating in Nixon's election.

At this point *Justice* becomes a history of Kleindienst's involvement in the Department of Justice as its Deputy Attorney General and later as Attorney General. This second story is one of earnest and hard-working officials trying to insure that justice was protected in the face of constant liberal inspired political pressure and the crisis of Watergate.

Kleindienst relates his experience in chapters each of which revolve around a central figure who had a major impact on him. Thus Barry Goldwater is featured in Kleindienst's discussion of early political development while Justice Department underlings are central to his discussion of administration years and opponents such as Archibald Cox to Kleindienst's discussion of Watergate.

In Kleindienst's opinion, post-war America was a land where "the individual had become submerged in an increasingly complex, collectivistic society . . ." The reaction to this came in the form of presidential candidates put forward by the Republican party in response to pressure by the "great middle class" of America.

Barry Goldwater's candidacy articulated the values of this movement, Kleindienst claimed, and launched a "vehicle of meaningful change" which eventually resulted in the elections of both Richard Nixon and Ronald Reagan.

New McCarthyism

Nixon's election in 1968 did not guarantee the changes envisioned by Goldwater. The main reason for this was the practice of liberal politicians and communists who, Kleindienst claimed, brought about a renewal of what he labelled "McCarthyism" by preaching fear, hatred and despair "during the sad days of Vietnam . . . [and] Watergate."

According to Kleindienst, it was

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Dr. Spock Speaks At Forum

By Michael Sturm

Dr. Benjamin Spock, peace activist and renowned authority on child development, spoke on Tuesday to a large crowd at the second Law School Forum of the semester.

Spock gained worldwide fame for his book, *Baby and Child Care*, which has now sold over 32 million copies. He became active in the peace movement during the Vietnam War and was convicted of aiding draft resisters in 1968.

His conviction was overturned on appeal, and Spock has continued speaking out in favor of disarmament and "less confrontational" foreign policy. His political involvement included a run for the presidency as a candidate of the People's Party in the 1970's.

In his address, Spock discussed the growing tension he sees in the American family, citing statistics on divorce and suicide that he believes are symptoms of the underlying problem. Among the causes of tension he noted were the loss of the security provided by religion, community, and extended family, and the decline of the school system.

He also stated that the widespread entry of women into the workforce has caused problems in the family. He believes, however, that women have "every right" to work and that the answer to the problem is increased support for quality daycare.

Spock presented two solutions to the problem he outlined: raising our children differently and increasing political involvement. He noted that recent "advances" in child development such as teaching two year olds to read exemplify the absurdly competitive nature of the educational system. As a step to lessen that competitiveness, he urged the abolition of grades in all educational institutions "including law schools." He noted, however, that "faculty members hate to give up that power." As an additional step, he said that children "absolutely should not" watch violence on television.

Spock concluded his address by urging that all people become politically involved in order to right the dangerous course that he believes is currently being pursued in Central America and elsewhere.

In taking questions from the audience, Spock responded to the often stated contention that his method is too indulgent of children. He noted that criticism of his permissiveness was never raised prior to his involvement in the Vietnam protests, many years after his book was first published. He disclosed that through the years his most persistent critic was Spiro Agnew, and concluded "Thank God I can't be accused of raising Spiro Agnew!"

HLS Professors Visit Mainland China

By Padideh Ala'i

China, emerging from the Cultural Revolution, is experiencing an influx of Western ideas that is shaping and developing the Chinese legal system. This has raised fundamental questions such as: how will China reconcile communism with an international legal system that is strongly associated with capitalism? Now that China is in the process of creating a revised legal system, to what extent will it incorporate western ideas? How different can the Chinese afford to be in view of their plans for eco-

nomic welfare? These are few of the many questions which have apparently caught the interest of three HLS professors who visited China this year.

Professor Gerald Frug was among a group of American law professors who went to China last summer. He visited the School of Law and Politics at Beijing in Peking and the School of Law and Politics at Guangzhou in Canton.

Distinct Entities

Frug noted that although both schools are run by the Ministry of

Justice, they seem to have contradictory views about the relationship between law and politics. At one school, law is seen as an aspect of politics. At the other, law and politics are seen as distinct entities.

Frug also noted that, "law schools were not allowed to operate in China during the Cultural Revolution. Therefore, one can say that China is in the process of creating a legal system."

Emphasizing the fact that he is "no China expert" and that this was a "rapid first impression trip," Frug pointed out that the Chinese are interested in "what laws are." He also noted that the "words of the constitution mean a lot to them." He wants to visit China again and study the change and development in more detail.

Professor Lloyd Weinreb traveled to China last December and January. Among other things, he attended seminars and trials and visited juvenile reformatories. He noted that in the "China of today there is a very strong emphasis on legality." He also noted that the number of lawyers in China has increased and the "elaboration of the legal procedure has been extensive."

Though Weinreb emphasized that he is not an expert on the subject, he sensed a vastly different attitude toward the individual and the larger community in China. "The relevant entity in China seems to be the group rather than the individual."

He further noted that in China there does not seem to be so radical a distinction between "forces of nature" and "human forces. The public order seems to be regarded as having an inevitability that we do not ascribe to positive law."

Beginning to Accept

Weinreb summarized his experience of China as "overwhelming" and would like to go back for another visit. "The Chinese are beginning to accept some of our notions about law," as having utility. "To the extent that they want to

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A Necessary Balance

To the dismay of some and the delight of others, Harvard Law School is losing its conservative professors to other law schools and the government. Rumors abound that more conservatives cannot wait to flee the hallowed halls of HLS.

The problem most frequently claimed to be driving conservative educators away from HLS is their conflict with that multi-headed beast called Critical Legal Studies. Although very few students here would be able to explain exactly what it is that CLS professors believe in or are striving for, almost any student could tell you about the in-fighting, political maneuvering and bickering that occurs any time conservative and CLS professors meet, be it at faculty meetings or at HLS-sponsored fora.

If the discord among the faculty continues to force conservative professors into feeling that they cannot be comfortable or satisfied unless they leave HLS, the big losers will not be the remaining faculty or those professors who leave, but rather, it will be HLS as an institution and the students who rely on it to provide them with a well-rounded, complete legal education. The faculty members who leave will probably be happier where they are going. The remaining professors will be left as members of a faculty whose views are more homogeneous. Possibly, some remaining professors would be pleased with that homogeneity. If it were not to their liking, they could still avail themselves of broad-ranging ideological and philosophical broad-ranging debate because they function in a national intellectual community containing views from across the spectrum.

HLS, however, would be left with a less diffuse spectrum of opinion. Its students would be left without a comprehensive choice of legal and intellectual philosophies to draw from in their education. Even as the first year student learns that most every argument can be countered by an opposite argument, the student at HLS would be directly exposed to arguments from only one school of legal-philosophical thought.

The time has come for the administration to take the lead in efforts to improve this situation. Past attempts within the faculty to encourage a more tolerant and more courteous debate have failed.

It is a matter of degree. Healthy, lively discussion produces rational policies and well-rounded, aware students. But useless, vicious fighting destroys morale and causes stagnating polarization.

The administration has the difficult task of retaining a diverse faculty while at the same time ensuring that differing opinions do not lead to chaos and childish behavior. Nonetheless, it must swiftly work for this end. The goal of diversity and cooperation is obtainable.

g.k.k. and g.g.

HARVARD LAW RECORD

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Fenno

Through some warped burst of inspiration, Fenno had decided last night to attend his two o'clock class today. He now regretted this decision; however interesting a course Albanian Yak Herding Law and the Existential Angst Underlying the Socio-Political Threnody of Critical Legal Studies was, cutting short his usual 14 hours of sleep made Fenno cranky. At least the thought of being able to nap through Prof. Mansfield's lecture comforted him.

Just as he passed by his overflowing mailbox (which hadn't been checked since Fenno was a 1L, so many years ago) Fenno saw them.

"Don't interview with law firms that use paper products!" they yelled. "These firms cause trees to be butchered for the goal of capitalist domination!"

Fenno quickly put on the face he employed whenever accosted by Hare Krishnas in Harvard Square. Just as he successfully managed to get past this group, another soon sprang up in front of him.

"Boycott the popcorn served in the pub!" they screeched. "It's produced by a company that actually forces its employees to work 8 hours a day with only an hour off for lunch!"

Because Fenno was not used to stress, he began to seriously contemplate returning home and going to bed. It would be no great loss since not only had he not done the reading for his course, he still hadn't bought the book for it. But he decided to persevere; he felt he should attend at least one class this semester.

Defly dodging this second group, Fenno stumbled upon a third.

"Come join our rally! We're going to march on Derek Bok's office and demand immediate action on the part of the University!"

"Action on what?" Fenno asked, before he realized that this would only encourage them.

"On whatever trendy issue we feel we can get the most media coverage on today! We must get our names into print!" they answered.

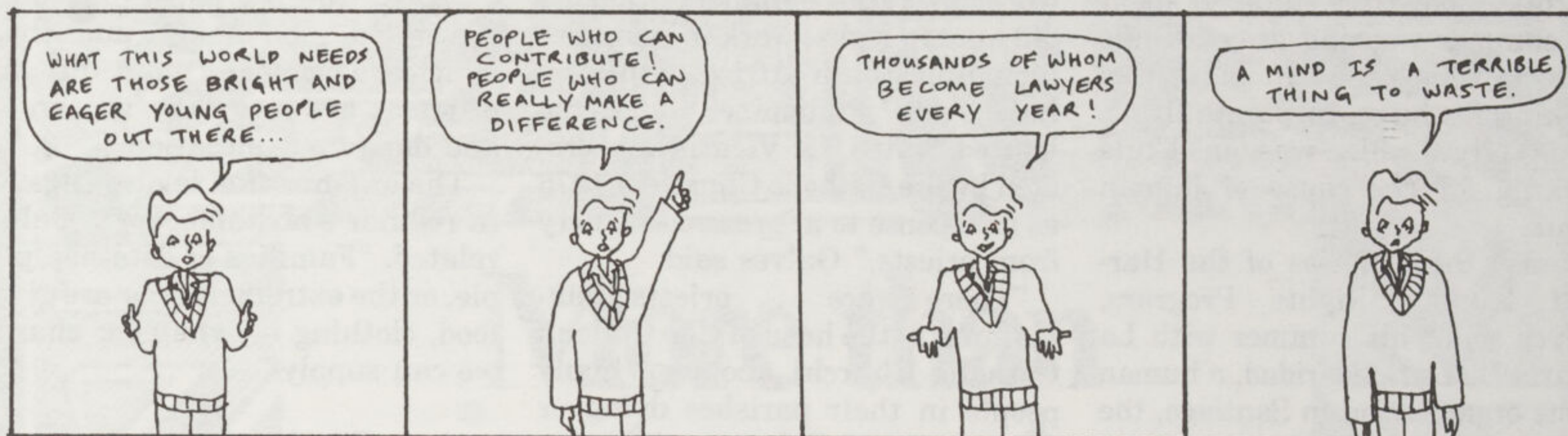
Fenno walked away without replying. The doors of the Hark were now within his reach. Just as he was about to spring to his freedom, a hand tapped him on the arm. Fenno replied in the way only a Harvard Law Student can. "Huh?" he said.

"Sign our petition!" they implored. "We demand the law school hire more professors with blue eyes, even if they are otherwise unqualified to teach here! We don't care if the quality of the school drops as long as the faculty is diverse!"

Fenno shook his head and pushed open the doors. He was exhausted. Never had his struggle against political awareness been as tiring as today. He turned toward Mass Ave. and began to walk home. The semester was long, Fenno told himself. He might make it to class yet.

"The In-Law"

by Jinku Lee



Letters to the Editor of the Record

Do Everything to Stop Modern Slavery

To the Editor:

The last issue of the RECORD included an editorial which opposed the boycott of firms representing the South African government and its agencies. The same editorial also opposed a similar boycott of firms engaging in "union-busting" activity.

As members of the Board of Directors of the Harvard Law Record Corporation, we vehemently oppose many of the views expressed in this editorial. We agree that adding more pressure to the already stressful interviewing process is not, itself, a good thing. But neither is apartheid.

Indeed, we consider the system of forced racial separation in South Africa to be the

modern day equivalent of slavery. We would have urged students not to work for the plaintiff attorneys in the *Dred Scott* case. We would similarly urge them to deny their assistance to Pol Pot seeking to restore himself to the Cambodian leadership. There are some business activities so morally repugnant to such large numbers of civilized people that peer pressure to deny assistance to that activity is the only reasonable course.

There was at least one other Director of the Corporation who opposed the editorial but who did not join this letter because of another value at stake: the unity one normally associates with the editorial voice of a paper. We do not want to create a situation where the Letters to the Editor column is filled with the paper's own dissenting opin-

ions. This, however, is an issue where we disagree and cannot remain silent.

The editorial correctly observed that boycotts of heinous activities may be used by others to justify boycotts of more doubtful activities, when reasonable voices disagree more. Perhaps this is a slippery slope upon which the boycotters have embarked. However, when the activity being protested is profiting from — and inevitably propping up — the oppression of millions of black South Africans, then concerned law students, such as ourselves, must take a stand.

Theresa Miller, 3L
Justin Hughes, 3L
Kerry Osborne, 2L

Letters Policy

All letters submitted to the RECORD are read by the RECORD's staff. Many of them appear on our pages, subject only to editorial discretion. We encourage letters on any subject, particularly those subjects which have been covered in the RECORD. Short letters are more likely to be printed. In no event will we print individual letters longer than 700 words.

Letters must be received by 2:00 P.M. on the Tuesday before the issue. Letters should be addressed to the RECORD rather than to third parties. In no event will the RECORD publish letters by writers who have not identified themselves to the RECORD. Organizations should identify the specific individual(s) responsible for approving the letter. All letters submitted become the property of the HARVARD LAW RECORD Corporation.

Sports Quiz

By Russ Marsh

This week's quiz is devoted to the memory of the soon-to-be defunct United States Football League. Your failure to answer these questions may give some indication of how much trouble that league is in now.

1. Who was the first USFL commissioner?
2. What team, led by a rookie quarterback and a rookie wide receiver, won the first USFL championship?
3. Name that wide receiver who led his college team to a 1981 Rose Bowl victory and is now a member of the Minnesota Vikings.

4. Who was the second Heisman trophy winner signed by the USFL? What team signed him?
5. A former NFL coach, known for his distinct coaching style and one Super Bowl loss, signed on with a USFL team very soon after the league's formation. He left the team after one season, and the team switched franchises with Phoenix. Name the coach and the team.

answers on p. 5



Student Works For Human Rights In Chile

By George M. Borkowski

While most HLS students spent the summer wearing gray or blue suits as they raked in big bucks working for huge, corporate firms, Fred Galves, 3L, was in Chile working for the cause of human rights.

Under the auspices of the Harvard Human Rights Program, Galves spent his summer with La Vicaria De La Solidaridad, a human rights organization in Santiago, the capital of Chile. His experience was financed by a combination grant and loan from the Clyde C. Ferguson Memorial Fund. Ferguson, an HLS professor until his death in 1983, was very active in the area of human rights.

The purpose of the summer Human Rights Program is to fund three-month summer programs for students who are interested in international human rights, according to Galves. Galves said that the Program "pulls people away from corporate law and gives them certain other options. At least it gets students exposed to another area of law — that of international human rights."

According to Jack Tobin, administrative director of the Human Rights Program, 19 HLS students

served interns in various human rights organizations throughout the world over the summer. Students did human rights work in countries including South Africa, Ethiopia, India, the Philippines, and the United States. La Vicaria was created by the Catholic Church in 1976 as a response to a "grassroots outcry from priests," Galves said.

"There were . . . priests complaining to the head of [the Chilean Catholic Church] about so many people in their parishes dying or disappearing," Galves explained.

Documenting Abuses

The organization is quite involved in legal work, according to Galves. "It brings actions on behalf of detained persons, as well as those who have been kidnapped and/or tortured," he said.

"We would file *habeas corpus* type petitions with the Chilean courts to prove the government has [these people] illegally detained. This makes them harder to murder," Galves explained.

Galves said that La Vicaria attempts to document all of the disappearances and tries to get this information published in order to heighten people's awareness. He conceded that publicizing disap-

appearances and other abuses was very difficult to do in Chile.

"All of the big papers are state controlled," he said, "and those which are primarily more anti-government are in a very vulnerable and dangerous situation."

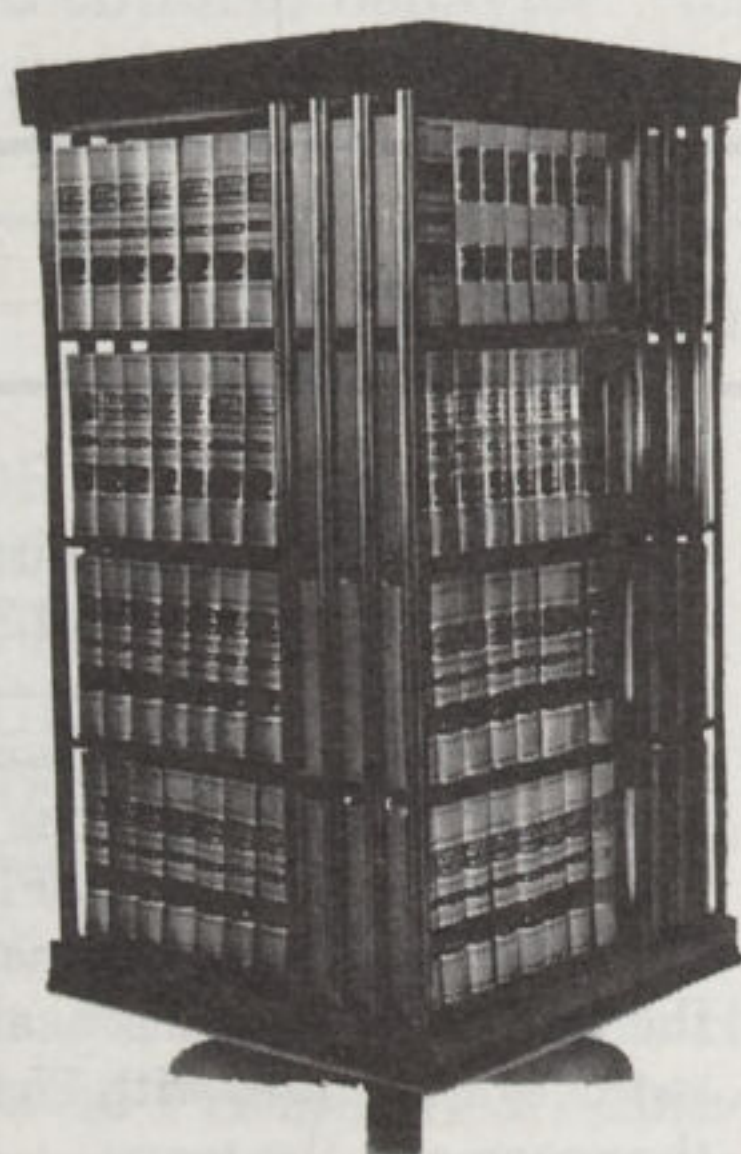
The organization is also engaged in regular charitable work, Galves related. "Families of detained people, or the extremely poor are given food, clothing — whatever charity we can supply."

Filming Protests

Separate from his work with La Vicaria, Galves managed to hire a Chilean film crew and shoot three and a half hours of raw documentary footage. About half of the film concentrates on several of the protests against the twelve-year military dictatorship of General Augusto Pinochet that rocked Santiago over the summer.

"I have footage of the police special forces shooting rubber bullets at university protestors," Galves recounted. He remembered "police shooting tear gas bombs, running through crowds threatening and hitting people with billy clubs, taking away protestors, letting dogs

(Continued on Page 14)



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Ad Board Investigates HLS Protestors

(Continued from Page 1)

ciplinary body had not yet charged any student with wrongdoing at the protest.

The board last summer asked a group of fewer than 10 students who may have attended the protest whether they were involved in any "improper activity," Sander said.

The inquiry was similar to letters the board mailed in June to 119 law students after a sit-in at 17 Quincy Street, a building that houses several University administrative offices, according to Sander.

Board members do not want to punish demonstrators who merely exercised their right to free speech, Sander said, but only those who engaged in "violent conduct or assault, or [who] prevented someone from leaving."

The Ad Board is deciding if any charges should be filed, Sander said. The board's investigation has not progressed enough for it to determine if any sanctions might be appropriate, he added.

Sanctions available to the board range from a confidential warning to expulsion from HLS, but Sander said members have not imposed a more severe penalty than a reprimand for about three years.

Demonstrators Sought Arrest

Anderson said Harvard officials should have arrested anyone who was breaking laws during the demonstration, rather than considering internal disciplinary charges against them later.

People who take part in civil disobedience "want to be arrested" on the spot, Anderson said. "It's a lot more difficult for us when the University waits and punishes people six months later," he added.

But Sander said the board has no power to intervene during a disturbance. "We try [afterward] to find the facts on what occurred," he said.

Anderson said he has told board members informally that he sat in front of a car in which Hoppenstein had planned to leave Lowell House.

Shortly after his early afternoon speech, Hoppenstein approached the car but returned to the building when protesters around the vehicle would not move away.

"I would much rather spend a night in jail for sitting in front of a car, rather than sitting around sweating over whether or not we're going to be kicked out [of school] for a year," Anderson said. He declined to say if he expects the board to punish him, and neither he, Raskin nor Hagerman would comment further on their involvement in the demonstration.

The protesters behaved better than some observers have claimed, Raskin said. "People were in a militant mood," he said. "But nobody was violent. I think there's more rowdiness and unruliness at the average beer bash than there was at the protest," he said.

Coercive Actions Charged

This view contrasts sharply with statements University administrators made after the incident. Vice President and General Counsel Daniel Steiner (LL.B. 1958) said the protesters took "coercive actions," and he reported "physical encounters among students of differing views."

And Harvard College Dean of Students Archie Epps said some students tried to "strike" Hoppenstein before he first entered Lowell House. After the speech, he said,

"the students were at a high pitch of emotion, running back and forth determined, I thought, to stop [Hoppenstein] from leaving by any route."

But Anderson said that those demonstrators who "acted the craziest" may not have been Harvard students. Non-students went so far as to call the more moderate student protesters alongside them "petty bourgeoisie, sellouts and cowards," he said. Steiner also blamed "outsiders" for some of the wrongdoing he criticized.

Police Blamed

Anderson, Hagerman and Raskin all blamed police for helping create a violent atmosphere.

Protesters had lined up on either edge of a sidewalk leading into Lowell House so that Hoppenstein "would have to walk between a gauntlet of protesters," Anderson said. When police arrived with the diplomat, however, officers forcefully pushed people on the grass, he added.

When police finally took Hoppenstein out of the building, Hagerman said, a "mob scene" developed as police knocked down a number of protesters.

"There was a mini police riot," Raskin said.

Harvard Police Chief Paul Johnson, the senior officer on the scene, said this week that as Hoppen-

(Continued on Page 13)

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Emeritus Prof. To Complete Investigation

(Continued from Page 12)

stein first tried to enter the building, protesters lining the sidewalk "closed in on him." Officers only got the diplomat into the building "with a great deal of difficulty," he added.

Johnson said he decided about an hour after Hoppenstein's speech to have police force the diplomat's way through the crowd because protesters were "getting more and more violent."

Police used "some necessary force," he said, because "the situation was deteriorating rapidly."

Meanwhile, an HLS emeritus professor hopes to complete a five-week investigation of the Lowell House incident by Mid-October.

Emeritus Professor Milton Katz, '31, a former director of International Legal Studies, said Steiner and a College faculty committee asked him to study events at Lowell House after nine undergraduate students formally complained last spring about police conduct at the demonstration.

Katz said he is focusing his investigation on the students' charges that police used "excessive force" in dealing with the demonstrators and that police did not confer adequately with Harvard administrators on how to handle the protest.

Johnson said he couldn't find any administrators to consult when he decided to lead Hoppenstein out of the dormitory complex by force.

"I think I have a complete picture

of the rather competing views of what happened," Katz said. He said he has not interviewed any HLS students in his investigation, although police mentioned one law student in a confidential report he has read.

Katz declined to say if any law students were among about 20 Harvard students who submitted statements about the protest to him.

Hagerman said no one should assume all the blame for misconduct at the rally. He echoed Assistant Mathematics Professor John M. Lee, a senior tutor of Lowell House, who called the incident there "a community failure."

Years Ago At HLS

Dean Erwin N. Griswold announced today that tuition at the Harvard Law School will be increased from the present \$1000 to \$1250 for the academic year beginning next September. Although this increase will leave tuition at the Law School at a considerably lower rate than that of other large eastern law schools and will be less than that charged in some other departments of Harvard University, it nevertheless will provide badly needed revenue.

Even after the tuition is raised, tuition at the Harvard Law School will be \$200 lower than that at Yale, Columbia and Cornell, which receive \$1450 a year. The lower rate at the Law School may be in part attributable to a different student-teacher ratio. The size of the faculty here, however, is rising, too.

Visitors Study Chinese System

(Continued from Page 7)

engage in economic interactions, as they seem to do, they will have to adopt western practices in some respects."

Professor Detlev Vagts was a visiting lecturer at Beijing University, the Training Institute of the Ministry of Foreign Affairs and the People's University. He lectured on topics concerning public international law and international economic law.

Vagts believes that in China there is a "tremendous feeling of anxiety to learn and make up for lost time."

He emphasized the terrible position of the Chinese legal institutions. "International law was impossible during the Cultural

Revolution. The libraries are in terrible shape and the faculties have been dispersed."

According to Vagts, China is currently attempting to "build a system of international law" and to understand the system of international economic regulations. "The problem is not only the issue of 'catching up,'" he added. [But rather], in the political and legal areas there is also the issue of seeing how much they are willing to change. In other words, how different they want to be."

Vagts emphasized that within communism, there are swings, and China is experiencing a full swing towards westernization. "This swing is much stronger than ever before."



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Close Vote Allows Coors To Remain In Pub

(Continued from Page 1)

Dinnerstein and Thomas Fox, spoke in favor of the boycott of Coors in the school pub. Dinnerstein stressed the political nature of the decision, whatever the outcome, and urged the members to use Harvard as an example to other schools. Fox gave a moving speech about the historical use of the boycott as a weapon "to bring accountability to the business community."

The debate among DSAC members alternated between economic considerations and moral issues. Feelings on the boycott issue seemed to be divided evenly throughout.

The voting was right down the middle for the entire roll call. Many members were dissatisfied with the outcome, and some were even dissatisfied with having to decide this issue.

Dorm rep Joe Rzeppa articulated a position that many DSAC members referred to during their internal debate, when he stated "It was a tough decision for all of us to make. I don't really think that we are a political body. I don't think we were elected to make decision like that." Rzeppa went on to say that he hoped DSAC members would not be labelled as political extremists of one side or the other for the way they voted on this issue.

At least one DSAC member was absent from voting because she had not been notified of the special meeting. Leslie Messineo went on the record as stating that she would have attended had she been informed of the meeting, and she would have voted against selling Coors in the pub.

Coors Co. has been the subject of a boycott campaign by the AFL-CIO since 1977. Much of the boycott literature that has been posted around campus is distributed by the AFL-CIO. The AFL-CIO claims that Coors Co. has broken 19 unions in the past 20 years.

The union also claims that Coors has forced its employees to engage in degrading practices such as compulsory polygraph tests during which the employees were allegedly

asked debasing questions about personal matters such as their sexual practices and preferences.

The union further contends that the Coors Co.'s private police force conducted searches and seizures of employees' personal belongings.

Recently some groups, such as the National Organization for Women and the NAACP have publicly joined the boycott.

The other major charge against the Adolph Coors Co. concerns the

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Chileans Wary Of US Motives

(Continued from Page 10)

loose, and shooting water cannons."

In addition to the protests, the film includes interviews with "families of missing persons, the head of La Vicaria, several human rights lawyers, high school students who organize protests, and an American priest who turned Chilean before the 1973 coup," Galves said.

Getting the film out of Chile apparently took a good deal of ingenuity. Galves converted the film footage into several video tapes aimed at the professional market, and made two sets of each. He then hid one set of tapes in a very large bag that was put in the cargo hold of the airplane and hid another set in the bottom of his carry-on bag. "I also had two blank tapes as decoys which I 'hid' on the top of my carry-on bag," Galves continued. His precautions paid off, since airport security guards seized one of the blank tapes.

Possible Documentary

Galves is currently negotiating with WGBH, Channel 2, Boston's public television station in the hope of turning the raw footage into an actual documentary. He also hopes to be able to show the film at HLS "once I manage to get all this organized." Galves plans to donate any money he receives from marketing the documentary to La Vicaria.

Galves said he feels that his experience managed to give him a better understanding of the

attitude of the average Chilean person toward what is going on in their country. "They are very fearful and angry," he said. "They hate Pinochet but feel they have not much hope for the future. Many of the older people are starting to think a part of their lives is ruined — those twelve years Pinochet has been in power."

Attitude Toward US

Galves claims that the Chilean people have a love/hate attitude toward the United States. "On the one hand, they are fascinated by its culture — the movies, the lifestyle, the money," he said.

"However, in political/economic terms, they hate the US. They blame it for keeping Pinochet in power. They blame US corporations for overthrowing a democratically elected government and installing a military dictator. They feel the total manipulation of their political and economic lives by the U.S.," he said.

Galves said that he wishes that concerned individuals in this country would manifest the same kind of concern for and knowledge of Chile that they display about South Africa and El Salvador. "Then we could put the same sort of pressure on our government to stop supporting Pinochet. The United States is being the most hypocritical it can possibly be," Galves charged. "It helped to kill a democratically elected leader, installed a dictatorship, and has been keeping it in power for over twelve years."

☛

Nixon Administration Examined By Participant

(Continued from Page 6)

his job to insure that justice prevailed in the midst of the new McCarthyism. Up until the days of Watergate he claims wide success in this endeavor. Despite the large number of arrests which took place during massive protests, such as the anti-Vietnam marches of November 1969 and May 1971, Kleindienst felt that a proper balance had been achieved between providing an environment for dissent and protecting against illegal violence and destruction.

Achieving this balance was important to him since he felt it proved that no mob could overthrow the government despite the best efforts of protest leadership which, he claimed, was dominated by communists and sympathizers.

Kleindienst also felt he succeeded in other important Justice Department tasks. Chief among these were the settlement of the ITT suit, the largest anti-trust case in history up to that time, and the selection of four Supreme Court justices whom he regarded as extremely talented.

In the midst of all this success, Kleindienst says he and other hardworking administrative figures were taken advantage of by a few misguided and power-hungry individuals who had managed to achieve influential positions under Nixon.

These people, Kleindienst says, on their own initiative conceived and executed the Watergate break-in and cover-up.

This was inadvertantly aided by Kleindienst and other Justice De-

partment officials who kept the perpetrators fully informed of the on-going investigation after being deceived by a phony request made in the President's name. Kleindienst claims that constant political pressure by liberals who put politics above truth-seeking finally forced him, although innocent, to resign in an attempt to help Nixon "restore public confidence in the presidency."

Despite his earnestness it is very hard to accept Kleindienst's plea of total innocence in the events which formed the Watergate crisis. Important questions remain, such as why Justice Department officials were so easily 'hoodwinked' by those covering up Watergate and did not verify alleged presidential requests involving such a politically explosive case directly with Nixon. Nevertheless, Kleindienst does a reasonably fair job in defending a reputation abused by Watergate. 

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Covington Denies Boycott Influence

(Continued from Page 2)

those who picketed the South African Embassy this past summer. The "special factor" with the recruitment boycotts which made them an improper form of pressure, he said, "was the tenor here that these people can't be represented."

In response to Dunkelberger's criticism of the boycott, Stein said that "every citizen has moral responsibility for his or her action."

"Everyone is entitled to a criminal, not a civil defense. Since economics is the leading factor in determining who gets a civil defense," Stein concluded, "we just want to use economic forces to influence the decisions of those firms and companies."

Dunkelberger noted that Covington's decision was generally "related to the apartheid issue and to events of the past summer." He said, however, that he could give no specific explanation because each of the partners may have had his or her own reasons. 

Back Bench Pub To Serve Coors Again



Hillary Richard

Ben Van DeBunt ponders the fate of Coors at The Back Bench Pub.

(Continued from Page 14)

personal policies of Joseph and William Coors. The union literature maintains that Joseph Coors vigorously campaigned against the Equal Rights Amendment. William is accused by the boycott movement of racism and of actively fighting the passage of the Civil Rights Act.

There has also been a barrage of literature from a group of students opposed to the pub's "boycott." The anti-boycott literature equated the pub's decision not to sell Coors with totalitarianism. The anti-boycott fliers call for freedom of choice, an end to "kowtowing to self-righteous pressure groups," and charged the boycotters with "misleading statements and unmitigated hate-mongering."

The controversy came to a head on Wednesday, Sept. 25 at the "Good-bye Coors" party held at the pub to celebrate the last evening on which Coors would be available. The leaders of both the pro- and anti-boycott movements were present and debate was heated.

Dinnerstein, the organizer of the Harvard boycott of Coors, has been relentless in his efforts to have the beer banned. By his own account, he posts the anti-Coors posters "as fast as the maintenance personnel remove them."

Dinnerstein is firmly committed to the boycott and believes that all of the charges against Coors Co. are worthy of attention. "Everyone, and I mean everyone," states Dinnerstein, "has at least one good reason to boycott Coors and most people have more than one. People concerned with civil rights, women's rights, in particular workers' rights, the environment and tax justice have good cause to stop contributing profits to Adolph Coors Co."

Return to Free Market Urged

Joseph Young, the leader of the movement to reinstate the sale of Coors in the pub, feels quite differently. While he professes a belief that everyone is entitled to the type of opinions expressed by Dinnerstein he does not want to be bound by them.

Young is calling for a return to

the "market system," wherein students are free to make their own decisions about Coors.

Instead of making the decision a political one by voting on it, Young would like students to "vote" with their pocketbooks. He expresses fear that other areas of student life would be subject to censorship and boycott if Coors was banned from the pub.

Mixed Views

Students interviewed at the "Good-bye Coors" party had mixed views on the subject. Some, such as Mike Feldman (2L) were fairly ambivalent. "I don't care," he said. "I don't drink it that much."

Others, however, were decidedly against a pub decision not to sell Coors. Gordon Platt, 1L, stated that "it is ridiculous to attach political considerations to every product you're going to buy. Companies like Nabisco, General Foods, etc. do business in South Africa and I don't see anyone boycotting Oreos." Dan Lawton, 1L, felt that the decision may have been a good one, although not necessarily a correct one. "The relationship of the pub to the law school is such that probably a large component of the law school community would have to be canvassed in order to reach what I would consider to be a legitimate decision," he claimed.

While the votes have been cast and the decision to sell Coors in the pub has been reached, it seems that the controversy is not yet over. Dinnerstein expressed serious doubts as to "the competency of DSAC to rule on a political matter such as this," as well as its ability to represent the law school body as a whole.

He expressed his intent to continue his education program, in addition to considering "other possible means of using economic pressure to remove Coors from the pub."

A possible student referendum to decide the issue has also been suggested. DSAC is still, however, the ruling body of the pub.

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