



# Harvard Law Record

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RECEIVED 25 CENTS

## "No Shows" Disrupt Placement Process

By Bruce R. Kelly

The problem of students failing to show up for scheduled, on-campus job interviews or cancelling interviews at the last minute has surfaced again this fall recruiting season. This "no show" problem prompted both a notice from the Placement Office to all 2Ls and 3Ls and discussion of reforms in the interview scheduling process.

Early in October, an employer from Hawaii was scheduled to interview three students at the law school, but none showed up to be interviewed. Two students cancelled on the day of the interview and one did not contact the employer at all.

### Placement Office Notice

This incident was discussed in a Placement Office notice dated Oct. 15 to 2Ls and 3Ls which called attention to what had oc-

curred and stated, "This is not fair to the employer. No matter how busy you are, you *must* cancel and do it as far in advance as possible."

Since distribution of the memo, however, another employer has encountered a similar situation. A firm from Colorado phoned the Placement Office on the day prior to its scheduled interview and was told to expect interviews with eight students. As a result of cancellations and "no shows," the firm talked with only two of the scheduled students.

The Placement Office has a long-standing policy concerning "no

shows." A September 1985 memorandum distributed to all students participating in the placement process explained that employers are encouraged to report students who fail to show up for a scheduled interview and have made no attempt to cancel the interview, either directly or through Placement Office procedures.

According to the memo, "Students who are reported as a "no show" once will receive a stern warning from the Placement Director. Stu-

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## Ad Board Reprimands Student

By David Snouffer

The HLS Administrative Board reprimanded Michael Anderson, 2L, last week for his role in an emo-

tional anti-apartheid demonstration in May.

The Ad Board's chairman, HLS Professor Frank Sander, said this week that Anderson had blocked a car for over an hour during the afternoon rally held May 2, at which a crowd of about 200 persons prevented a South African diplomat from leaving an undergraduate dormitory complex for about an hour.

The reprimand was the most severe punishment the Ad Board has imposed against a law student who participated either in the rally or in a sit-in at a Harvard administrative office building in April.

Anderson said the Board punished him last week because he blocked an unmarked police car in which the diplomat, Abe S. Hoppenstein, South African consul-general in New York, tried to leave



Hillary Richard

West German Parliament member, Petra Kelly, spoke to a full crowd on Oct. 28 in Langdell Hall.

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# Feminist Groups Present Opposing Sides

By Hillary Richard

On Oct. 22 the National Lawyers Guild, Massachusetts Chapter, sponsored a forum on the proposed Cambridge Anti-Pornography Ordinance. Speaking for the ordinance (Proposition 3 on the Cambridge Nov. 5 ballot) were members of WAAP (Women's Alliance Against Pornography), the original sponsors of the ordinance. Speaking against it were members of the Feminists Against Censorship Taskforce (FACT).

Both groups have campaigned for their respective positions in Cambridge. The proposed ordinance pitted feminist against feminist in heated debate at the forum.

FACT representatives Sue Hyde, Coordinator of the Gay and Lesbian Speakers Bureau and former Editor of *Gay Community News* (GCN), and Rebecca Shipman, Dept. Chairperson of Human Services at Community Colleges and National Director of the Association of Libertarian Feminists, spoke first.

Representing WAAP was NYC Attorney Norma Ramos, an active member of the National Organization for Women and a member of the Puerto Rican Bar Association. After complaining about the behavior of WAAP in general, and WAAP's behavior at the forum specifically, the FACT representatives objected to the proposed ordinance.

First, Hyde and Shipman claimed that conservatives had been the primary backers of similar ordinances in other cities. In those cities, the proposed legislation had virtually no "feminist grassroots support, and gays and lesbians vigorously opposed it." FACT fears that this ordinance would be used against feminists and gays, rather than for their protection. Speaker Sue Hyde urged listeners to contemplate the full scope and impact of the law. She cited various examples that she felt could be called pornography under this ordinance, such as the scene in Shakespeare's *A Midsummernight's Dream* in which a woman is drugged so that she will agree to have sexual in-

tercourse with a creature with the head of a donkey.

FACT also commented that it feels the ordinance defined pornography in a broad and ambiguous manner. This could, the representatives argued, lead to attack on publications such as the GCN, not because people are being harmed, but "because Christian Fundamentalists will use this law to shore up their bankrupt values by attacking such periodicals, because those periodicals present a world view that Fundamentalists loathe."

Hyde concluded by urging voters to vote no on Proposition 3, adding, "I don't want Pat Buchanan,

Edwin Meese, Andrea Dworkin or Catherine MacKinnon to define my sexuality or tell me what to read or see or further restrict our collective vision and our sexual lives."

Next, Shipman attacked the view that pornography is central to violence against women. Shipman does not believe that a direct causal relationship has been proven, and she contended that "Pornography may represent rape fantasy, but not rape itself. If rape is involved," she said, "then go after rape, not pornography!"

In addition, Shipman noted that images are open to interpretation, (Continued on Page 3)

## Students Report Mailbox Abuse

By David Snouffer

Two HLS students have reported that mail was taken from their message boxes in Harkness Commons during the past three weeks, according to Law School Dean of Students Mary Upton. However, Upton said this week that she does not know what HLS administrators can do to address the problem.

The first report of missing mail prompted Upton to place notices against taking mail in the HLS Adviser. Upton declined to specify what kind of mail the two students reported missing.

The problem has occurred nearly every year for at least the past decade, but "it's pretty hard to catch somebody [taking mail], unless you post a guard" by the boxes to check students' identification, Upton said.

Taking someone else's mail is "definitely" an offense that the Law School Administrative Board could discipline, said Upton, who sits on the Ad Board. The disciplinary body has never actually addressed the problem, she added, because no student has been caught taking mail.

Upton emphasized that students should be able to trust other students not to take their mail.

"What kind of community are we living in, where people can't feel

secure" about their mail, Upton wondered. The problem "just adds to the pressure we live in," she added.

"I just can't imagine why" one student would take another's mail, she commented.

The most dramatic incident of apparent mail theft Upton recalls occurred about 10 years ago, when HLS administrators decided to distribute grade reports in students' message boxes. About a third of the grade reports disappeared from the boxes, said Upton, who was then HLS registrar.

### No Evidence

While the Ad Board has occasionally had "reason to believe" that a particular student took someone else's mail, it never had the "clear and convincing evidence" necessary to take disciplinary action, she said. How the Board would address a case of mail theft "would depend entirely on the circumstances," she added.

Upton stated that at least a few students are doing other, similarly unkind things to their fellows: tampering with announcements on public bulletin boards and leaving insulting messages on students' lockers.

"I wish I knew what to do about things like this," Upton said. ❖

# Of Cambridge Anti-Pornography Ordinance



Hillary Richard

*Rebecca Shipman of the Feminists Against Censorship Taskforce*

(Continued from Page 2)

and that it is at least some women's fantasy to "see themselves as utterly desirable." Shipman fears this kind of "positive display of women would be seen by a conservative judge as subordination because it's sexual."

WAAP representative Norma Ramos then offered the following statistics supporting of her contention that pornography is evidence of women's second class status: there are 3 to 4 times as many adult bookstores in the United States as McDonald's restaurants, cable and video markets are rapidly expanding and pornography currently grosses 8 billion dollars annually in the U.S.

Ramos described the abuses and humiliation that women in the pornography industry are made to bear, and claims that pornography maintains "a victimized and vulnerable

class of human beings, namely women." She described the physical abuse as similar to "the kind of torture that takes place in politically oppressed regimes and prisons." This, Ramos says, "happens to real women in pornography for the entertainment of men."

Ramos counters FACT's argument that the ordinance is vague and might endanger such works as

Shakespearean comedies. She points out that Prop. 3 "doesn't allow causes of action for examples like those [Shakespeare, sex education], although obscenity laws do."

Ramos urged that people not adopt a callous and uncaring attitude toward the harms "being done to real people" by pornography. Ramos pinpointed those "who understand the economics of oppression in this society," as having a special responsibility to join the struggle on this issue, as saying that they "understand that women do not choose pornography as an industry to work in, but as a means of survival."

In closing, Ramos addressed the First Amendment issue: "You can be committed to dissent in this country and still be for this law. Surely the drafters of the First Amendment never contemplated that men, called pornographers, would photograph the abuses and injuries that they inflicted on others, mainly women and children, make enormous profits off of this activity and then call it speech."

The proposed amendment to the City of Cambridge Human Rights Code would provide legal recourse for victims who allege injury by:

- a) coercion into pornographic performance
- b) the production, sale, exhibition or distribution of pornography
- c) forcing pornography on a person at work, school, home or in a public place
- d) assault or physical attack due to pornography.

Pornography is the graphic sexually explicit subordination of women through pictures and/or words that include *one or more* of the following:

- (i) women are presented dehumanized as sexual objects
- (ii) women are presented as sexual objects who enjoy pain or humiliation
- (iii) women are presented as sexual objects who experience

sexual pleasure in being raped

(iv) women are presented as sexual objects tied up or cut up or mutilated or bruised or physically hurt

(v) women are presented in postures of sexual submission, servility or display

(vi) women's body parts are exhibited such that women are reduced to those parts

(vii) women are presented as whores by nature

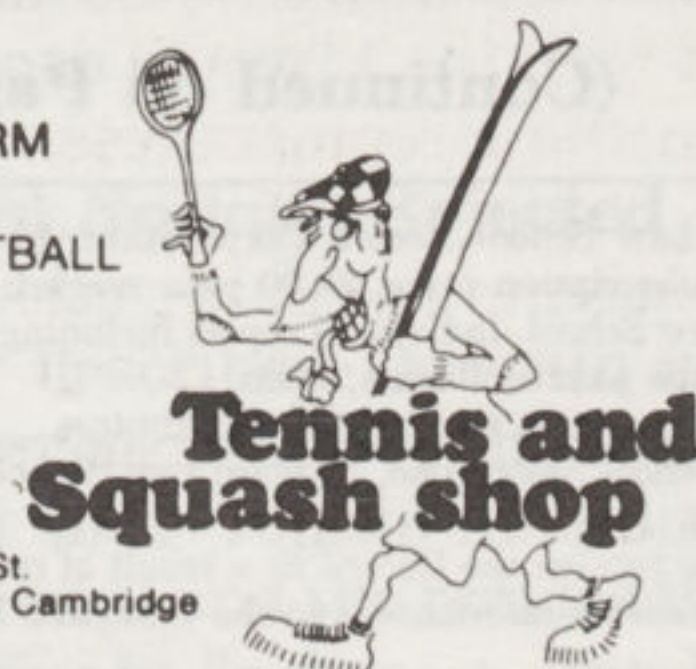
(viii) women are presented as being penetrated by objects or animals

(xi) women are presented in scenarios of degradation, injury, torture, bleeding or hurt in such a context that makes these conditions sexual.

The use of men, children, or transsexuals in the place of women (in the above definition) is also pornography.

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# Dworkin Argues For Anti-Pornography Law



Sal Casente

Andrea Dworkin

By George M. Borkowski

Women's rights activist and author Andrea Dworkin argued in favor of the proposed Cambridge Anti-Pornography ordinance to a large, predominantly female crowd in the Ames Courtroom on Oct. 25. Her appearance, entitled "Pornography and Civil Rights," was sponsored by the *Harvard Women's Law Journal*, the Harvard Women's Law Association and the Women's Alliance Against Pornography.

The ordinance, which is Question #3 on Cambridge's Nov. 5 ballot, provides that it shall be "sex discrimination through pornography" to coerce a person into pornography; to produce, sell, exhibit or distribute pornography; to force pornography on a person; or to assault a person in a way directly caused by pornography.

Pornography is defined by the ordinance as "the graphic sexually explicit subordination of women through pictures and/or words that also includes one or more of the following," among others: women are presented dehumanized as sexual objects, enjoying pain, humiliation or rape, tortured or maimed, penetrated by objects or animals or in postures of sexual

submission, servility or display. The use of men, children or transsexuals in the place of women also satisfies the definition. Those injured by "sex discrimination through pornography" are entitled to recover civil damages, including punitive damages and attorney's fees."

A similar ordinance, the model for which was written by Dworkin and attorney Catherine MacKinnon, was enacted in Indianapolis on May 1, 1984. That ordinance was unanimously struck down as unconstitutional on first amendment grounds by the U.S. District Court for the Southern District of Indiana last year. This past August, the Seventh Circuit affirmed the lower court's ruling. [*American Booksellers Association v. Hudnut*, No. 84-3147]

Referring to the initiative behind the Cambridge ordinance as "one of the proudest events in the his-

tory of the women's movement," Dworkin began her talk with a graphic description of the various forms of pornography manufactured in the United States.

"There are millions and millions and millions of pictures every year of women with their legs spread and splayed . . . of their genitals pushed up, tied from behind or glued so they stand up from the body," Dworkin said. "These photographs are of [the woman's] body having been manipulated into place, distorted," she went on. "Women are shown in positions of submission and access to their vaginas, anuses, and throats."

## Forced Sex And Humiliation

Dworkin labeled these pictures "a pornography of forced sex, rape, pain and humiliation." She stated that in all such pornography, the woman is either shown as discovering that she loves being hurt and abused and begs for more, "[asking] to make it hurt more," or is portrayed as "already knowing it is in her nature — she loves to be hurt."

Dworkin said that such vast abuse would seem to indicate that "a state of emergency" exists. "But no," Dworkin went on, "each of these are freedoms, because that's the kind of country in which we live."

"Some of us," she continued, "deviant to the core, do not accept this definition of freedom."

## Male Attitudes Attacked

Dworkin attacked the attitude she perceives the male establishment as possessing: that the women want to be in the pornographic pictures

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# Gertner Opposes Cambridge Ordinance

By George M. Borkowski

Visiting Professor Nancy Gertner presented an opposing view to the Cambridge Anti-Pornography Ordinance to a small crowd in the Ames Courtroom on the afternoon of Oct. 29. Gertner spoke at a program entitled "The Pornography Ordinance: A Feminist Response" which also included Marjorie Heins, Staff Attorney for the Civil Liberties Union of Massachusetts. The event was co-sponsored by the Women's Law Association and the *Women's Law Journal*.

Gertner began by conceding that hers would be a difficult presentation to make. "The proponents [of the ordinance] have a very impassioned speech to give," she said, "while the opponents can take only a negative position." This was exacerbated for her, she said, because "I adopted a lot of the premises of the framers of the ordinance."

Nevertheless, Gertner attacked the ordinance. The core of her opposition to it, she said, was that "both framers [Andrea Dworkin and Catherine Mackinnon] have a total theory of women's oppression. Women are said to be oppressed politically, economically, socially, and ideologically. In that framework, women can barely consent to do anything."

While Gertner stated that she does not disagree "in some effect" with this theory, the problem for her is that Dworkin and MacKinnon are attempting to eliminate that view of society through legislation. The concern with this approach, Gertner went on, was that "the ordinance fails to take into account the very political, economic, social, and ideological issues" on which it is based.

## Liberal Notions Rejected

Gertner described Dworkin and MacKinnon as being of the school of thought that "rejects liberal notions of society" and the notions that the law simply "polices a line between public and private, and leaves alone private morality." Gertner

agrees, however, that this liberal system has not worked too well for women, because instead of being indifferent or "agnostic," it has been "very interventionist with respect to women."

Because Gertner feels society has produced "a very complex system enforced by years of socialization and political power," it is not sufficient, as Dworkin and MacKinnon attempt, to eliminate places in

tical" that they can, she said, "but the question is if the law should reflect this skepticism."

Elaborating on this point, Gertner noted that under the ordinance, if a woman is of majority age, knows she will be participating in pornography, consents to it, signs a contract to that effect, is not subjected to force or intimidation of any kind, and is paid for her participation, this is still not enough to



Joseph Gourneau

Visiting Prof. Nancy Gertner

which women are treated as "second-class citizens."

Gertner said that Dworkin thinks of pornography as "a precise portrait of sexual relations between men and women," and that the system makes women the "perennial slaves of men." She also charged MacKinnon with having the view that it is "impossible for women to consent to sex in our society at all." Thus, it is not surprising, Gertner said, that when the drafters of the ordinance are challenged to give their view of the mutuality of sex, "they can't come up with one."

Gertner argued that the ordinance effectively breaks down the distinction between public and private. She said an individual who is offended by pornography in a home setting is allowed to bring a civil suit under the ordinance.

Gertner also stated that the ordinance breaks down the notion that women can consent to participating in pornography. "I, too, am skept-

constitute consent. "This harkens back to a very frightening time when women were considered not competent to enter into contracts," she said.

Gertner went on to charge that the ordinance "rejects completely the liberal notion of [the necessity for] restrictions on government." The notion that it is important to limit government, that it is "impossible to have government represent fully all of our views . . . is still very true," Gertner said.

Another problem Gertner sees with the proposed law is that it "looks for special treatment of women. Women, unlike every other actor in society, can exercise content control over speech." Gertner charged that while anti-Black and anti-Jewish speech has a very negative effect on society in terms of fostering racism, Blacks and Jews "can't pull the plug" on such speech.

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# Kelly Criticizes Policies Of US And USSR

By Mike Sturm

A standing-room-only crowd gathered in Langdell Hall on Oct. 28 to hear Petra Kelly, former leader of the Green Party and a current member of the West German Parliament, address the future of the Green movement and non-violent protest in Europe.

The event also included an address by Gert Bastrun, a German brigadier general who resigned his military command and joined the Green Party in 1980 to protest NATO's nuclear weapons policy. He has also represented the Greens as

a member of the West German Bundestag.

The Green Party has evolved into a major political force in West Germany, and has carried over 5 percent of the popular vote in recent elections. The party runs on an antinuclear, pro-environmental and pro-non-violent protest grass roots platform.

Kelly devoted much of her address to the implications of the recent decision by Green Party members to create a coalition to form a local government. Kelly, who opposes the coalition, stated that the idea of the Green Party was to broaden grass

roots power, not to enter the establishment power. She said the Greens have become part of the establishment power within five years of the party's founding, and she questioned the implications for any movement that wants to maintain status as an outsider.

Kelly argued that neither she nor her party are anti-American and she detailed her protests in Moscow, where the Soviets were "frightened to death to arrest their own guests." She was also highly critical of Soviet foreign policy and the Soviet government, and stated, "We know the moral difference between the two systems."

U.S. foreign policy did not escape unscathed, however. Kelly was highly critical of the U.S. decision to place Pershing II and cruise missiles in Europe, and of U.S. involvement in Nicaragua. She called on U.S. citizens to join in non-violent protests against these actions, and applauded recent actions taken by women opposing militaristic policies.

General Bastrun presented a military critique of recent U.S., NATO and Soviet weapons policies. He stated his belief that nuclear weapons are now being procured that aim to win nuclear wars rather than deter them. In particular, he criticized the "use them or lose them" vulnerability of U.S. Pershing IIs and Soviet SS-22s and SS-23s, all of which are being deployed in Europe.

General Bastrun stated his belief that the upcoming summit in Geneva would amount to little more than "shadow boxing" and that the military build-up was becoming increasingly difficult to bring under control. He concluded that the United States has long ago passed the point where more weapons add to U.S. security, and that Americans should therefore move away from their recent policy of nuclear reliance and be more confident in the power of the Western political, economic and military system.

## Subordination Of Women Opposed

(Continued from Page 4)

in which they appear. Every woman, Dworkin scoffed, always says to herself, "Am I going to be a brain surgeon, or go to Harvard Law School, or run away to New York and have someone hang me from a meat hook and take a picture of me?"

The refusal of the male-dominated establishment to listen to the concerns of women was a major theme in Dworkin's talk. She emphasized the need for women themselves to act forcefully on the issue of pornography.

"You must decide," Dworkin said, "are you important enough to make the claim that [the pornography] industry is trafficking in your humiliation and should be challenged? Pain is not freedom. Your rights as women are freedom. . . . We have a right to make this society change what is hurting us." Dworkin said that a major factor in women being ignored on the issue of pornography was that "we can't bear the fact that our sexual humiliation is sexual pleasure" for a large element of society.

Dworkin denied that the anti-pornography ordinance allowed for censorship. "Let me tell you what censorship is," she said. "One half of humanity is censored out of self-determined speech." Dworkin

decried the lack of women in the arts, philosophy, and the sciences, charging that current laws "further exploit those people who have been silenced."

Turning to the first amendment, Dworkin described its function as one of power. "It was written by white men who owned women's chattel and who owned black slaves." Dworkin characterized the purpose behind the amendment as one of keeping "the rabble in line" by ensuring that "the educated upper class has the power to speak."

She stated that the first amendment was not a guarantor of affirmative rights. "You can't have it if you can't buy it. It is not a constitutional problem if you are part of the powerless class."

### Constitution Malleable

Dworkin noted that the first amendment existed during periods of slavery and segregation. "This shows to me that [the Constitution] is malleable," she said. "It can change in response to the demands of society."

What women demand, Dworkin concluded, is for male society to "take its boot off of [women's] throats" and "let [us] get up and breathe," instead of "digging [its] heel in harder."

# LITTLE KNOWN TORTS

During our years of researching dusty, dank, dingy law libraries and other known (and even some unknown) niches and crannies in search of potentially bizarre bar exam questions that might be sprung on unsuspecting students, we discovered certain "little known torts" that have yet to appear on any exam. As a special student service, we thought it only fair to bring one of these unknown torts out in the open, just in case.

After a long, arduous journey across the bounding main, wracked with scurvy, beri-beri, hideous storms and sea serpents, the sailing vessel "Mayflower," complete with ship's company, landed safely at Plymouth Rock. Unfortunately (and not at all in keeping with other historical records) mayhem broke loose in the form of Private Peter Pilgrim.

As Peter Pilgrim was disembarking from the ship, the wet gangway slipped off Plymouth Rock, propelling him over the rock, landing on (and destroying) a festive table, laden with mouth-watering goodies painstakingly prepared by Chief Chuckie Cheez and his tribe.

Chief Chuckie Cheez, after reviving Private Peter Pilgrim (and removing mass quantities of cranberry sauce from his nostrils and a drumstick from his left ear) sued Private Peter Pilgrim for damages for destruction of property.

Private Peter Pilgrim in turn sued Captain C. Way for negligence for allowing him to disembark on the wet gangway.

Captain C. Way in turn sued Far Flung Funships (owners and operators of the "Mayflower") on the grounds that the vessel was equipped with an unsafe gangway.

Far Flung Funships then sued Gangway Gratings Ltd. for product liability since the gangway was "guaranteed" to be "slip proof."

Gangway Gratings Ltd. sued Chief Chuckie Cheez for negligence for improperly using Plymouth Rock as a disembarking place since it was moss encrusted and was therefore a dangerous mooring facility.

After a long and very vocal trial, Judge N. Jury ruled and his verdict is one of the answers listed below.

So, to add a little enjoyment to the story and in "thanksgiving" of the verdict, if you send in an answer by November 29, and it matches the Judge's, we'll send you a coupon worth \$25 off a Josephson/Kluwer Bar Review Course or Josephson/Kluwer Workshop.

Oh, and that's in addition **\$100.00** to the current fall discount of **\$100.00**

Answers (check one)

- ☐ Private Peter Pilgrim was held liable because he was clumsy.
- ☐ Chief Chuckie Cheez was held liable because he knowingly placed the dinner table too close to the "slippery" rock.
- ☐ All parties were held to be partially at fault and ordered to sit down at a dinner table and to "give thanks" that no serious damage was done and to celebrate the momentous occasion at least once a year.

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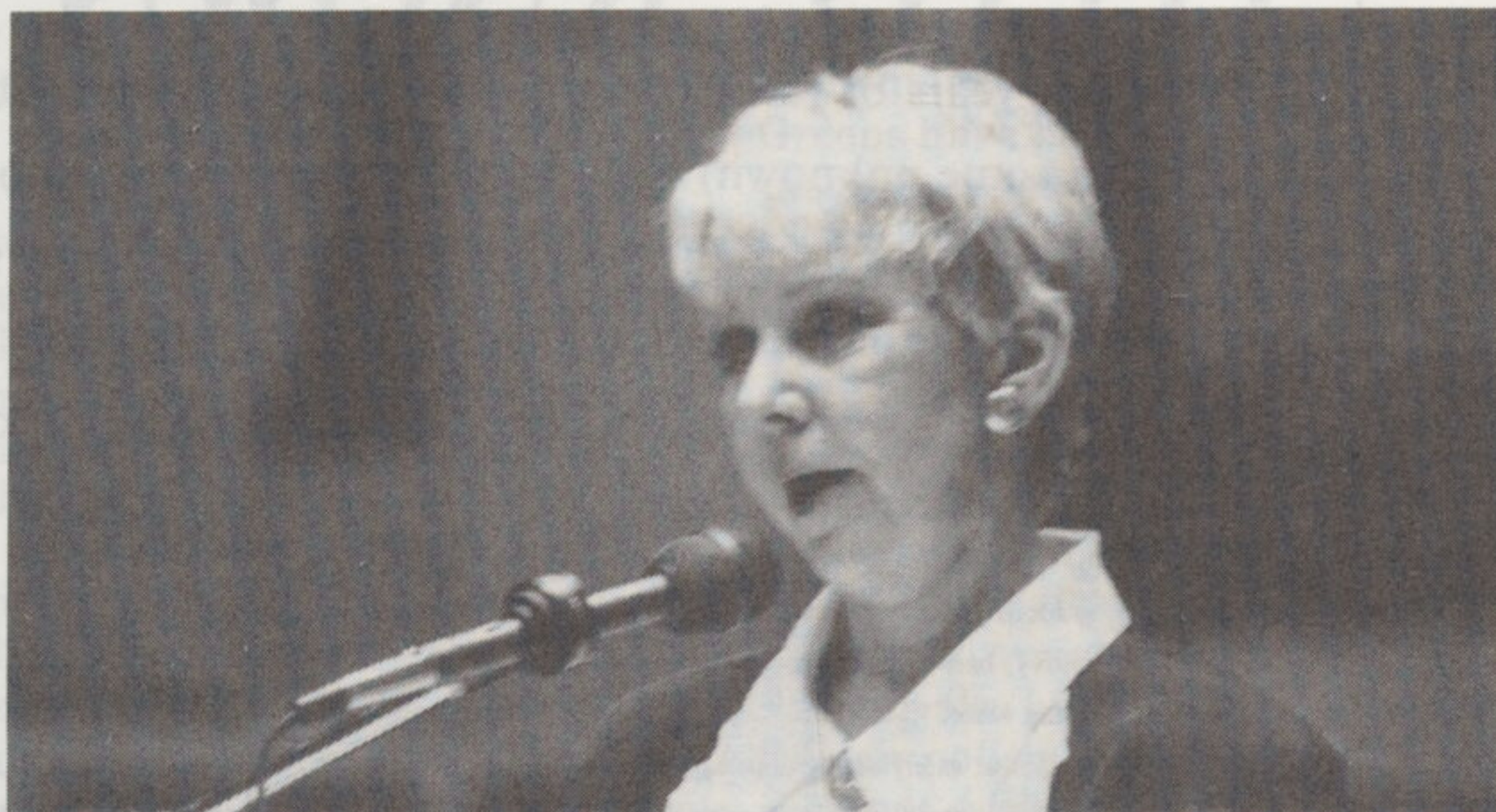
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# Byrne Claims Politics Stifle Chicago Growth

By Hillary Richard

Jane Byrne, the former mayor of Chicago, lectured in the Ames Courtroom on the influence of politics on Chicago's economy. Her speech was sponsored by the Law School Forum. Byrne spoke critically of the infighting between Chicago's current mayor, Harold Washington, and the Chicago City Council. She enumerated several programs which were initiated during her term and came to a standstill under Washington's tenure. Byrne then outlined some proposals she would adopt if elected in 1987.

Byrne charged that the infighting between the Mayor and the City Council as bringing "themselves and the city to a standstill. If the Council proposes it, the Mayor opposes it and if the Mayor proposes it, the Council opposes it." Byrne said the bickering is resulting in a loss of economic development and jobs for Chicago, as "executives are questioning doing business in a city deadlocked by politics."



Former Chicago Mayor Jane Byrne

Adele-Marie Hendrix

As support for her contention that Chicago is stagnating economically because of the two factions' fighting, Byrne points to a number of programs started during her administration which are now floundering, including a major expansion near O'Hare airport begun during her tenure. The first phase of the expansion was completed months ahead of schedule during her term, but

the project is still incomplete. The second phase of the project is now two years behind schedule. The cause for these delays, according to Byrne, is the political rift, which has "stalled the awarding of contracts and allocation of dollars."

Byrne also states that she would concentrate on the redevelopment of downtown Chicago if elected. So far, the area originally targeted for redevelopment has only seen one center built, while the "one billion dollar hotel and convention center is only an empty hole in the ground."

## Economics Central

Byrne highlights these economic concerns as key to her plans for the redevelopment of Chicago if re-elected. In addition, She proposed the building of a new airport on Chicago's Southeast side, because she believes this will meet Chicago's transportation needs, as well as providing needed economic stimulation. Byrne cites a new airport as necessary for helping Chicago remain the "air transportation center."

In closing, Byrne emphasized the need for jobs, and her proposals for providing them. "Instead of imposing excessive taxes... I would rather see incentives for developments. This would reward the entire community with jobs."

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# Placement Office Offers 1Ls Assistance

By Julia A. Loewy

November 1 is the final day of on-campus interviewing for 2Ls and 3Ls, and the beginning of the job hunt for many first year students. According to N. June Thompson, Director of Placement, the odds are "overwhelmingly in favor of 1Ls" finding satisfactory summer jobs.

Based on the success of 1Ls finding jobs last year, the summer employment prospects for the Class of 1988 do look promising. Of 559 members of the Class of 1987, 542 responded to a Placement Office survey about what type of work they did last summer.

The overwhelming majority of respondents, 410 or 76 percent, worked in law firms. Forty-seven people, or nine percent, worked for federal, state or local governments. Twenty-six students, or five percent had some type of academic employment and the remainder worked for such employers as judges, investment banks, corporations, a management consulting firm, and a union. Eight students took non-legal jobs.

The 1L Employer Directory, which will be available Nov. 1, is the best resource for finding opportunities in the private sector. It contains resumes of firms which hire 1Ls, listed geographically. The Public Interest Directory, first published last spring, is also now available. The Public Interest Directory is directed at all HLS students and provides general information about finding public interest jobs, hints on securing funding for the work and lists of employers in public interest and legal services.

According to Thompson, after looking over the directories, 1Ls should start sending out resumes and cover letters. Sample cover letters have been distributed to first year students and sample resumes are available in the Placement Office. Now that 2L and 3L interviewing is completed, 1Ls are welcome to visit the Placement Office and use the resources available there.

Students may make appointments to discuss resumes and interviewing

techniques individually with Dr. Mark Byers, HLS Career Counselor. Appointments may be made by seeing Diane Roy in Pound 314a or by calling her.

Students interested in public interest law may wish to attend the 1L Public Interest/Human Services Career Workshop which meets twice a month. Upcoming workshops will focus on student descriptions of their summer jobs and the resources available in the Placement Office. More information can be obtained by contacting Ron Fox, HLS '63, at 495-3108. Fox and Tim Hallahan, HLS '75, are available to meet with individuals or groups to discuss public interest and human services summer placement and careers. Appointments can be made by calling or visiting Roy at her office.

The Career Resource Center in the Placement Office contains additional resources helpful in exploring public interest jobs including employment directories and job evaluations by students.

Other resources are available to supplement the 1L Employment Directory. The Placement Office has devoted a section of the bulletin boards to job listings for 1Ls. Many firms will send notices in December after determining how many 2Ls have accepted jobs. Students interested in working in cities for which there are few or no listings in the Employment Directory may wish to consult Martindale-Hubbell, a publication listing all firms in all U.S. cities.

Information about working abroad is also available. A list of foreign offices of U.S. firms is located in the employer reception area of the Placement Office. Molly Geraghty, dean of admissions, has compiled a list of foreign firms which hire HLS students.

In addition to the resources available now, approximately 60 employers, mostly large firms, will interview 1Ls in Cambridge after March 1. However, each of these firms will probably have only one or two positions available and "no one should wait until the March interviews" to begin looking for a

job, according to Thompson.

Although there may be fewer job opportunities for 1Ls than for 2Ls, persistence will pay off. Thompson stated that first year students may find it easier to get a job in their home town, and need to be broad-minded and creative. Thompson added that 1Ls should look for a job that will provide an enjoyable experience because they may find a new place or an unusual employer very attractive.

## Gertner Replies

(Continued from Page 5)

Gertner argued that the practical effects of the ordinance would be troubling. Reading from various of its provisions, Gertner pointed out examples of words and phrases of which "we [do not] have a common definition or share a common view." Even feminists do not, she said.

A more specific criticism, for instance, focused on the provisions allowing women assaulted "in a way that is directly caused by pornography, to bring suit." Gertner used the television movie "The Burning Bed" as an example. After the film, which depicted the plight of women abused by their husbands, was shown, there were two reported incidents of men burning their wives. Analogizing to the theory behind the ordinance, Gertner stated that "all of our access to that program can be chilled because of the idiosyncratic response of this man, or that man."

In conclusion, Gertner stated her position that existing liberal attitudes are the best society can hope for at the present time. "We can't ask the government to grapple with complex issues [of the subordination of women] since it has *just* begun to give up its notions of chivalry [toward women]."

She also noted her concern that enforcement of the statute would be in the hands of people "probably being titillated by the same material in the evening."

# Don't Be Afraid To Ask

As the last of the law firms comes to Harvard Law School to talk to hundreds of eager students about the possibility of employment, the interview season switches into Phase II. This next step in the employment process has a new and different attitude and atmosphere. The fly outs will begin and so will the nights in fancy hotels and meals in gourmet restaurants. It is easy for the student to get swept up in the excitement and prestige of interviewing with important firms. But if there ever is a time to keep a level head, this is it.

The decisions that students will be making over the course of the next two months will greatly influence their careers. The choices to do public interest work or to join a firm, to join a law firm or a corporation as in-house counsel, to join a large firm or small, and to stay in a legally-related area or to begin in another field altogether will all influence those important first steps into the real world. In order to make those early years as beneficial as possible, each individual must try to ensure that the decision made now best suits him or her.

And where does a person get the information to make a wise decision? The primary source of information will be available when the student flies out to visit the prospective employer. This is the time for each individual to ask the questions that truly matter.

It does not matter what each person's main concerns are. Whatever truly matters to a person should be brought up and discussed with as many people as possible during the visit. If a main concern is doing some public service, then ask each interviewer how many pro bono hours he or she billed last year. If quick advancement is a goal, ask what the shortest possible length of time to partnership was and how long it took the interviewer to make partner. If money matters, then ask what the average salary is for each level of senior associates. Each student must make sure that what the organization does and how it does it will feel comfortable and will meet the student's needs.

Some people are afraid to ask the right questions. They think that if they appear too pushy they will endanger their chances of getting a job. Remember that each firm makes a large investment to bring a prospective employee out to interview. The firm will probably not throw that money away because a person asked some probing questions. Instead, the firm will probably be impressed by how inquisitive and serious the person is about work.

In Phase II of interview season, the student is in the driver's seat. Use that position to have more than just a good time for an evening. Use it to find a place that provides a productive and satisfying working environment.

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## Fenno

Fenno's doorbell rang. Fenno was upset that someone would interrupt his viewing of the Adams Family Halloween Marathon, but he answered the door anyway.

"Trick or treat, Fenno," three childish, painted faces yelled up at him. "What have you got for us?"

"I always keep a supply of cold Meister Braus in the 'fridge," he said. "How many do you want?"

"That's not exactly what we had in mind," the first of the impish little faces responded. "We want your wisdom about The Law."

Fenno was flattered. It was unusual that anyone would ask him about anything but sports, bars and T.V. trivia. Unless it was to ask for an old outline for an HLS course. And Fenno hated that. He always felt used.

Suddenly Fenno saw through the makeup on the three faces before him. They were faces he had seen huddled together in front of the section one mailboxes. Only there they were wearing panic instead of greasepaint. Nevertheless, Fenno thought he would play along.

"I could tell you thousands of things about 'the law,'" Fenno lied. "Could you be more specific?"

"We want you to explain Duncan Kennedy's Contracts course to us," said the second of the painted faces.

"I thought I asked you to be more specific," Fenno replied.

"We're not kidding, Fenno. None of us understand what is going on in there. We're all terrified."

"O.K.," said Fenno. "That's not an easy question, so listen closely. According to Kennedy, there's no law, there's just hierarchy — like that pile of empty beer cans over in the corner. When a contract dispute comes up, the hierarchy decides who will win based on how it feels when it gets up in the morning. But after time, the oppressed masses at the bottom of the hierarchy will revolt and the hierarchy will . . ." Excited now, Fenno ran to his pile of beer cans, pulled out the bottom ones and yelled "COLLAPSE!"

Fenno was thrilled. He felt so useful. He was *sure* the 1Ls were getting the point.

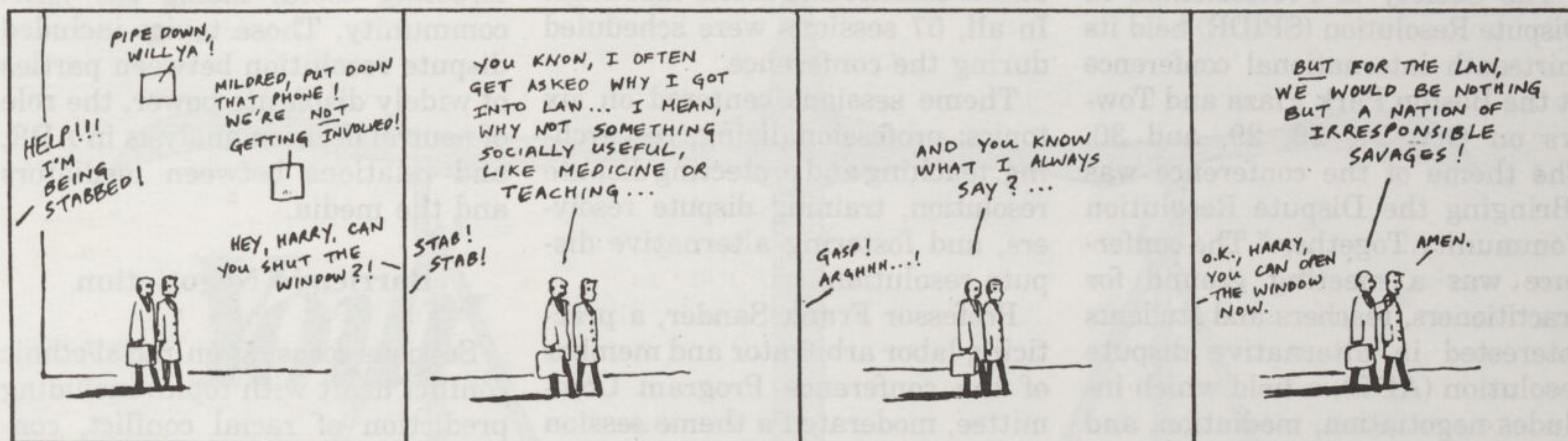
"Um, actually Fenno," said the first of the trick-or-treaters, "we really need more than that. Everyone knows you have the biggest collection of outlines at HLS. We could really use a Kennedy outline."

Fenno was heartbroken. They hadn't understood. But he was no cutthroat — he was willing to share his outlines. He reached into a drawer and pulled out what the 1Ls would need.

"The only Kennedy outline I've got is a Property outline from a few years ago. But, believe me, it won't make *any* difference . . ."

# "The In-Law"

by Jinku Lee



## Letters to the Editor of the Record

### DSAC Non-political

#### To the Editor:

Two points about Philip Eure's letter of Oct. 18 analogizing the Reagan Administration's ban on the sale of Kruggerands with DSAC's decision regarding the sale of Coors:

First, President Reagan is a politician who has been elected — twice — on the basis of his well-known political views. This is the source of his authority for making political decisions. DSAC members have no such authority. They were not chosen for their ideology because DSAC has no political function. If I had known my DSAC representative would be making political decisions for me, I would have taken a much greater interest in who he was. As it was, I didn't think his opinions on social and foreign policy were

relevant for serving in an organization designed to make Harvard Law School a more bearable place to live.

My second point follows from the first. Since DSAC is not a political body, its decision to continue selling Coors in no way implies support for a "morally-bankrupt beer company." Does the Coop endorse Hitler's ideas by selling *Mein Kampf*? The "free choice of beer" which Mr. Eure sneers at cuts both ways. If enough students boycott Coors then DSAC should stop selling it. But as long as there is a significant demand for the product, that is a good enough reason for making it available.

If Mr. Eure really thought the majority shared his views, then he would not be afraid of testing those views in the marketplace. But he knows the only way to stop people from buying Coors is to take away their freedom to do so. His contempt for the doctrine of free choice, which he calls a "euphemism" for supporting an immoral company, amounts to nothing less than contempt for a fundamental principle of democracy.

In the end, the Great Coors Controversy has nothing to do with an immoral beer company. It has to do with self-righteous "liberals" who think their moral superiority entitles them to betray the liberal ideas they profess to hold. The hypocrisy makes me laugh; the consequences make me angry.

Eric Gouliau, 1L

### Old Malaise

#### To the Editor:

Whether the "heyday" of HLS in the 20th century was under Dean Erwin Griswold as stated in the HLS RECORD ["More Than the Law is Undecided", Vol. 81, No. 2, P. 11] may or may not be true.

It is not true that HLS lacked malaise or unhappiness under Dean Griswold. There was plenty of both. Malaises were different; the unhappiness was balanced by many other positive emotions and life went on. The last thing that any thinking person would want to see at Harvard Law School is the presence of complacency, security, and satisfaction with anything.

Finally, anyone who can't perceive the difference between the 18 year olds entering Harvard College and the 22 year olds entering HLS, as to the presence of alienation in the latter and not in the former, probably should question his insight and not the situation at Harvard Law School.

William C. Murphy, '48  
Aurora, Illinois

### 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.

### Effort Yields Rewards

#### To the Editor:

Justin Hughes is on to something in his commentary of RECORD, Vol. 81, No. 2, September 27, 1985, p. 11, but he misses the mark. Although there is a wall which separates students at Harvard Law School, this wall is penetrable. Big classes, a competitive environment, and the contentious nature of many budding lawyers make friendships difficult.

But as is the case with most aspects of life at Harvard, a determined effort yields rewards. I've made some close friends. and they have unquestionably been the best part of my experiences at Harvard.

Ted Zang, 2L

# 13th SPIDR Conference Comes To Boston

By Risé J. Peters

The Society of Professionals in Dispute Resolution (SPIDR) held its thirteenth international conference at the Boston Park Plaza and Towers on Oct. 27, 28, 29, and 30. The theme of the conference was "Bringing the Dispute Resolution Community Together." The conference was a meeting ground for practitioners, teachers and students interested in alternative dispute resolution (ADR), a field which includes negotiation, mediation, and arbitration.

Lawrence Susskind, executive director of the Program on Negotiation at HLS, and a professor at the Massachusetts Institute of Technology, was the keynote speaker at the Welcome and Plenary Session on the morning of Monday, Oct. 28.

The SPIDR conference was divided into theme sessions, funda-

mentals, advanced training, experimental sessions, sessions on racial/ethnic conflict and sector meetings. In all, 57 sessions were scheduled during the conference.

Theme sessions centered on six topics: professionalizing, researching, teaching and protecting dispute resolution, training dispute resolvers, and fostering alternative dispute resolution.

Professor Frank Sander, a practicing labor arbitrator and member of the conference Program Committee, moderated a theme session entitled, "Fostering Alternative Dispute Resolution: ADR and the Courts."

Sessions on fundamentals were designed to instruct beginning mediators and arbitrators. Advanced training sessions provided more experienced dispute resolvers with opportunities to meet experts in the fields of mediation, interest arbitration, and grievance arbitration.

Experimental sessions investigated particularly difficult or interesting topics facing the ADR community. Those topics included dispute resolution between parties of widely disparate power, the role of neutral decision analysts in ADR, and relations between mediators and the media.

## Barricade Negotiation

Sessions focusing on racial/ethnic conflict dealt with topics including prediction of racial conflict, contingency planning for violent confrontation, and hostage/barricade negotiations.

Sector meetings provided opportunities for dispute resolvers interested in specific areas, such as labor arbitration, labor mediation, and family and divorce dispute resolution, to meet with others of similar interest for a discussion of more specialized uses of ADR.

In addition to these types of program events, conference participants had available to them information about teaching and training materials and new technology in the field. Tables lining the mezzanine of the Park Plaza displayed a wide variety of materials.

One example of the application of computer technology to ADR was a program called PAIRS, which its creator, John Frye, describes as representing "the state of the art in decision analysis and consensus-building." The program uses paired comparison analysis to reveal the preferences and priorities of disputants when presented with a set of factors which are not directly comparable, such as cost, aesthetics, and environmental impact.

Once analysis reveals the priorities an individual assigns to specific decision factors, those priorities can be compared to priorities of other disputants in order to arrive at a resolution in which, ideally, everyone achieves a higher level of satisfaction than could otherwise be obtained — what Frye describes as a "win-win" outcome.

## 35 Years Ago At HLS

RECORD, Vol. 9, No. 5, Nov. 2, 1949, p. 1.

Last Friday, October 28, petite blonde Miss Barbara Molinsky became the first woman to be interviewed by Dean of Admissions Louis A. Toepfer for entrance into the Harvard Law School. The young lady, who comes from Brooklyn, N.Y., is now attending Connecticut

College for Women and expects to complete her studies there in August 1950, in time, she hopes, to enter the Law School the next month.

Although her father is a doctor, Miss Molinsky is set on becoming a lawyer. Like any other normal, healthy, red-blooded American girl, Miss Molinsky hopes some day to marry and have a family, despite the fact that she plans to practice law throughout her life.

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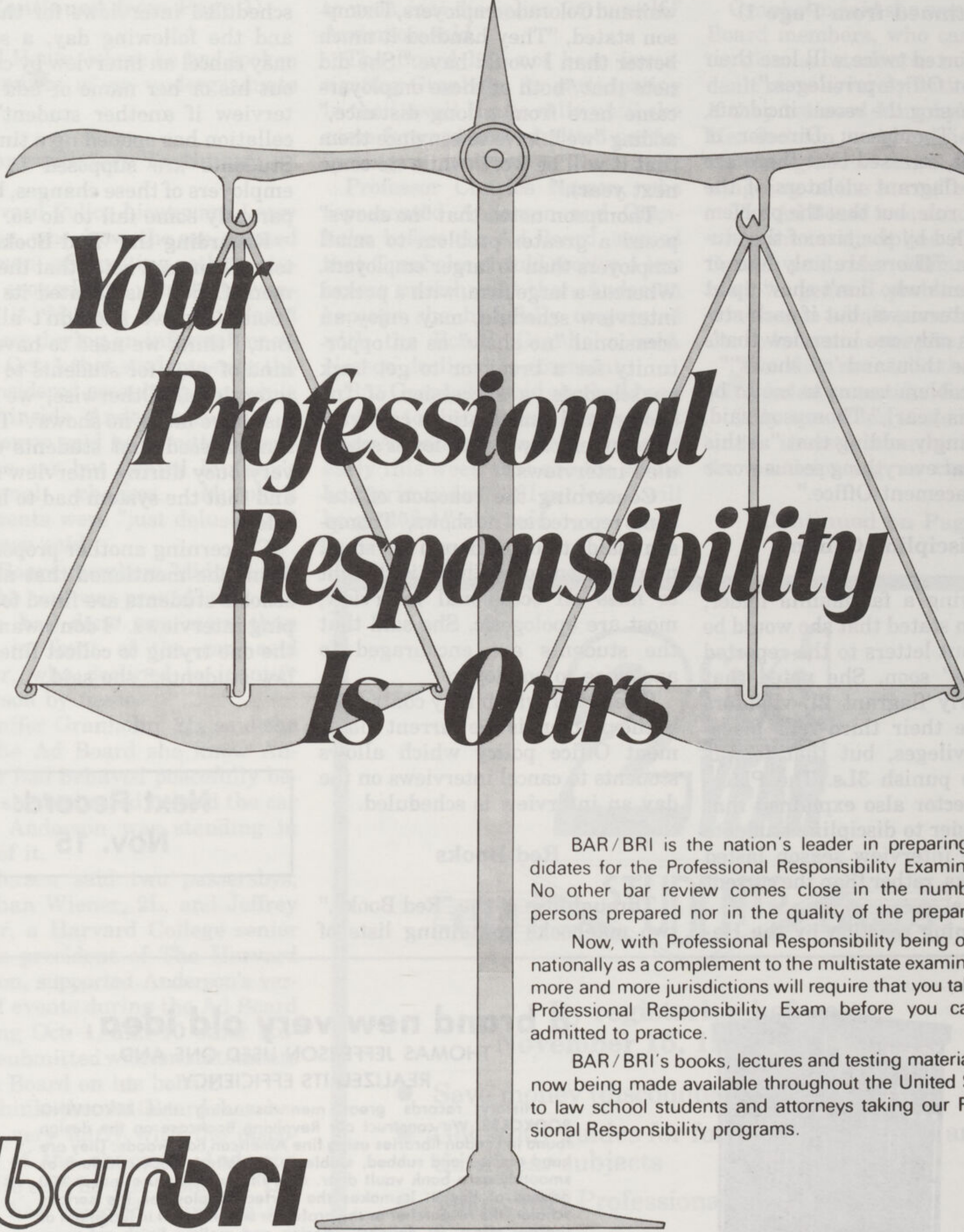
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# Firms Face No Shows For Interviews

(Continued from Page 1)

dents reported twice will lose their Placement Office privileges."

In discussing the recent incidents, N. June Thompson, Director of Placement, stressed that there are very few flagrant violators of the "no show" rule, but that the problem is magnified by the size of the student body. "There are only four or five students who don't show up at several interviews, but if each student skips only one interview that's nearly one thousand 'no shows'."

"The problem seems to me to be worse [this year]," Thompson said, while jokingly adding that "at this time of year everything seems worse in the Placement Office."

## Discipline Coming

Displaying a fat manila folder, Thompson stated that she would be sending out letters to the reported "no shows" soon. She noted that particularly flagrant 2L violators could lose their third-year placement privileges, but that it was harder to punish 3Ls. The Placement Director also explained that it was easier to discipline students when the interview season lasted eight weeks, rather than the current five weeks.

Concerning reaction by the Ha-

waii and Colorado employers, Thompson stated, "They handled it much better than I would have." She did note that "both of these employers came here from a long distance," adding "we'll have to convince them that it will be worthwhile (to come next year)."

Thompson noted that "no shows" posed a greater problem to small employers than to larger employers. Whereas a large firm, with a packed interview schedule, may enjoy an occasional "no show" as an opportunity for a break or to get back on schedule, a succession of "no shows" and cancellations can frustrate an employer with fewer scheduled interviews.

Concerning the reaction of students reported as "no shows," Thompson said that although a small number seem to feel that it is all right to miss an occasional interview, most are apologetic. She said that the students are encouraged to apologize to employers.

One factor which may contribute to the problem is the current Placement Office policy which allows students to cancel interviews on the day an interview is scheduled.

## Red Books

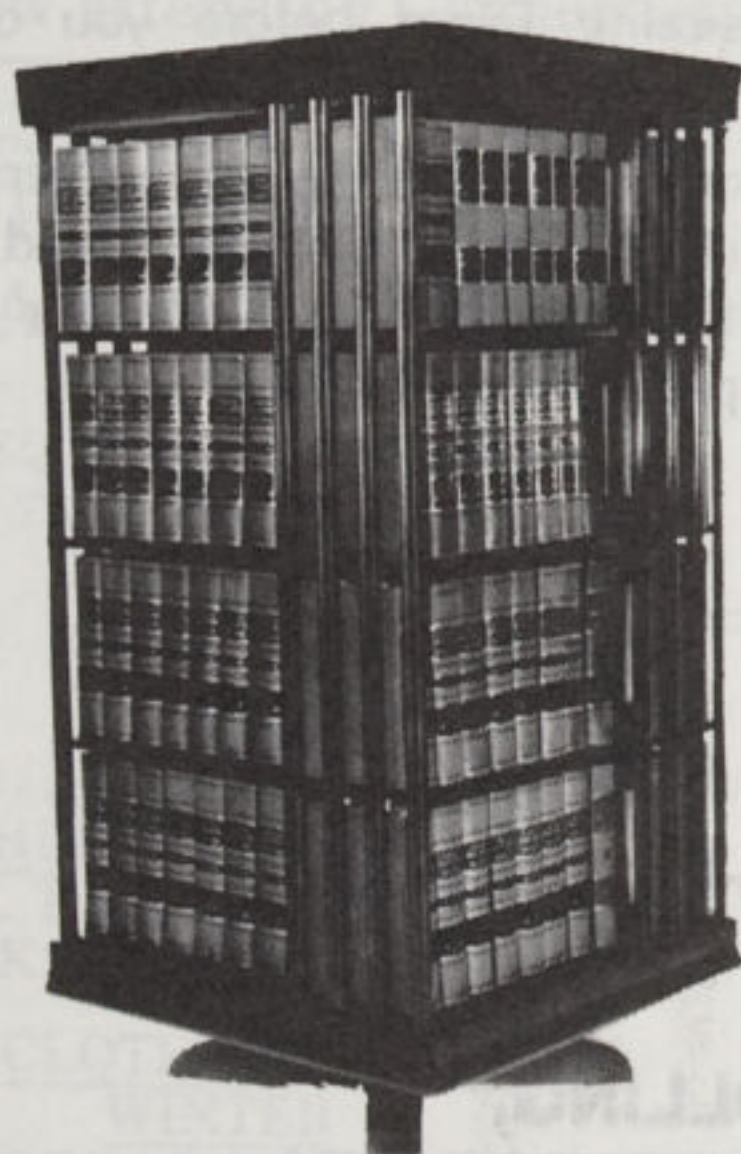
Through use of the "Red Books," two notebooks containing lists of

scheduled interviews for that day and the following day, a student may cancel an interview by crossing out his or her name or add an interview if another student's cancellation has opened up a time slot. Students are supposed to notify employers of these changes, but apparently some fail to do so.

Regarding the "Red Books" system, Thompson noted that the Placement Office has debated its value. "Some say we shouldn't allow it. But, I think we need to have some kind of way (for students to cancel interviews). Otherwise, we would just have more 'no shows'." Thompson stressed that students can be very busy during interview season and that the system had to be flexible.

Concerning another proposed reform, she mentioned that at some schools students are fined for skipping interviews. "I don't want to be the one trying to collect fines from law students," she said.

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# Other Students Face Ad Board Discipline

(Continued from Page 1)

Lowell House, where he had spoken to members of an undergraduate club.

## Contradictory Testimony

Harvard Police Lieutenant Larry Murphy, who drove the car, accused Anderson of inciting other students around the vehicle to vandalize it. Murphy told Ad Board members during an informal meeting on Oct. 1 that students near the car considered assaulting him while he sat inside, Anderson said.

Anderson said he admitted blocking the car but denied Murphy's additional charges. Murphy's statements were "just delusional," Anderson said.

Ad Board members "did not feel that the case was proved" that Anderson had done any more than stand in front of the car, said Sander, who declined to identify Anderson by name.

Jennifer Granholm, 2L, said she told the Ad Board she knew Anderson had behaved peacefully because she had stood behind the car while Anderson was standing in front of it.

Anderson said two passersbys, Jonathan Wiener, 2L, and Jeffrey Zucker, a Harvard College senior who is president of The Harvard Crimson, supported Anderson's version of events during the Ad Board meeting Oct. 1, and 10 other students submitted written statements to the Board on his behalf.

"I think the Ad Board has behaved very fairly with the disposition of the charges," Anderson said. He said he was "relieved" the board had rejected Murphy's accusations.

Anderson said he "desperately needed" Granholm's testimony because she was a law student who observed him the whole time he was blocking the police car.

But Granholm said to support Anderson's account she had to admit to the Ad Board that she had blocked the back of the car during the protest. "She essentially decided

to walk into discipline for herself," Anderson said.

The Board had not been investigating Granholm for participating in the Lowell House rally until she came forward and admitted participating.

Professor Charles Nesson, who represented Anderson and Granholm before the Ad Board, argued that Granholm should receive a less severe punishment than Anderson because she had fully cooperated with the Board, Granholm said. Nesson declined to comment.

But Granholm said she had been unable to distinguish her conduct from Anderson's, and she predicted early this week that she too would be reprimanded. "If I get less, I will be grateful," she said.

Granholm said she was afraid Ad Board members, who can suspend or dismiss students, might have dealt more severely with Anderson if they believed Murphy's charges. Her decision to risk punishment by testifying "just came down to a weighing of the harm," she added.

The Ad Board was unsure at first whether to discipline Granholm, Sander said. Her dilemma resembled "a general problem in life," whether to admit something in order to help someone else, he added.

"We did not tell the student [Granholm] to testify," Sander said.

Only one other student remains under investigation by the Board for participating in the rally at

(Continued on Page 16)

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# College Panel Finds Police Reasonable

(Continued from Page 15)

Lowell House, Sander said. "That student has refused to make any comment whatsoever," he added.

Doug Hagerman, 3L, is still being investigated but said he doesn't want to make a statement to the Board until he knows whether it will charge him with any wrongdoing. The Board should only call students before it if it has evidence that they have done something wrong, he added.

"If people can be called forward without evidence simply for participating in a demonstration, then I don't think there's adequate breathing room for free speech on campus," Hagerman said. He said he may ask the Board to hold a full hearing if it decides to charge him with anything, so that the charges against him will be specified in advance.

Students who face a punishment more severe than a confidential warning are entitled to a formal hearing with specific charges, cross examination of witnesses and a record of the proceedings, but Sander said students often waive a formal hearing to simplify the Board's deliberations.

Sander said Anderson's reprimand will be reported to any state

bar associations where he seeks admission, "but if he does not get into any other difficulties, we will advise the bar that we do not believe it should be disqualifying." He said he could not recall a bar association rejecting a reprimanded student.

But Anderson said an increasingly conservative climate across the country might induce some bar associations, especially in the Southeast, to reject "students who have been reprimanded for anti-apartheid protest."

## Arts and Sciences Panel

Meanwhile, an Arts and Sciences investigatory panel this week released a report by HLS Professor Emeritus Milton Katz, '31, who investigated nine Harvard College students' complaints that Harvard Police used excessive force in dealing with protests and that they did not confer adequately with Harvard administrators on the scene.

Katz found that police generally acted reasonably during the rally in "difficult circumstances," except when a police officer "thrust" an undergraduate down a stairway. Katz said he had been unable to identify the officer.

At the same time, Katz said former Harvard College Dean John

Fox and College Dean of Students Archie Epps did not reach agreement with Police Chief Paul Johnson about how to get Hoppenstein out of the building before Johnson decided to have police force the diplomat's way out.

Katz found that protesters broke laws and "University principles" in an attempt to confine Hoppenstein as soon as the diplomat arrived at the dormitory, and he said police did not authorize Hoppenstein's sponsors, members of the Harvard Conservative Club, to help escort Hoppenstein out of the building, as some students had charged.

Anderson called Katz's report a "whitewash" and said he did not investigate the event thoroughly enough or interview enough students.

But Katz said this week he "sent out word in as many directions as I could that I'd be delighted to talk to anyone that wanted to talk to me," but only nine students came forward.

Katz also said he succeeded in identifying ways police can better handle future protests. He said that administrators had already taken "first steps" to clarify various administrators' specific responsibilities during demonstrations, as he proposed in his report.

*Editor's note:* After this article went to press, the Ad Board voted on Wednesday to reprimand Jennifer Granholm, 2L. Granholm told the RECORD that she was disciplined for standing behind the police car during the demonstration.

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