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25 CENTS

S. Africa Protestors Construct Shantytown

By Hillary Richard

A shantytown, complete with a symbolic ivory tower, was erected in Harvard Yard early Tuesday morning, April 15, as a protest against Harvard's \$417 million investment in companies doing business in South Africa. The building of structures, and the actual occupation of the yard were organized by the undergraduate South Africa Solidarity Committee (SASC). About 200 students participated in the building of the shantytown, including approximately 20 HLS students.

Cambridge police surrounded the trucks that had carried materials for the shantytown almost immediately after the cargo was unloaded. The drivers of the two trucks were questioned by both Cambridge and Harvard police, who requested their drivers' licenses and recorded



Hillary Richard

Shanties surrounding the symbolic ivory tower in Harvard Yard.

their Harvard identification card numbers, before letting them drive the trucks away. Police stood by while students built the shantytowns.

Harvard Vice-President and General Counsel Daniel Steiner (LL.B., '58) and Chief of Police Paul John-

son arrived in the Yard at approximately 3:30 A.M. Steiner commented that he viewed the shanties as a legitimate form of protest and currently had no removal plans.

The University has maintained this position, although the *Harvard Crimson* this week quoted Harvard College Dean Fred Jewett as saying it may change its stance before Commencement.

SASC has stated that the University must meet the following demands before the protestors will voluntarily leave the shantytown: immediately sell Harvard's \$417 million of South Africa-related stocks; consent to a public meeting between President Derek Bok and SASC members; disband a student-faculty College disciplinary committee; publish information about its South Africa-related portfolio; publish the minutes of Harvard Corporation meetings; and address the concerns of the Third World and minority students.

The divestment activists have named the shantytown the "open
(Continued on Page 15)

Forum Granted Injunction

By Hillary Richard

The Harvard Law School Forum, joined by plaintiffs Professor Alan Dershowitz and 2L Brad Roth, was granted a preliminary injunction against Secretary of State George Schultz on Friday, April 18. The District Court of Massachusetts ordered the Secretary of State to permit United Nations observer Zuhdi Terzi of the Palestine Liberation Organization to travel to Cambridge to debate Professor Dershowitz on the Middle East. The State Department appealed the District Court's decision to the First Circuit on Tuesday, April 22.

The Forum has rescheduled the debate for Monday, April 28, at 8 P.M. in the Ames Courtroom. A limited number of advance tickets will be sold in Harkness Commons on Friday, April 25. The Forum has maintained throughout the controversy that its sole objective was to hold the debate. Forum President Jim Peck-Gray explained that the Forum had tried "several other means to get the State Department to reconsider its decision" before resorting to legal action.

The opinion by Judge Walter Jay Skinner first discussed the issue of

(Continued on Page 12)

HLS Council Organizes Athletic Events

By Robyn Roth

The Law School Council will be taking an increasingly active role in law school affairs this semester and next year, according to Jay Ward, the Council's newly-elected president. The goal, noted Ward, is to improve student life by enhancing various non-academic aspects of law school, and by working with the administration to assert student rights and interests.

One new Council project has been an enhancement of athletics on campus. The Council has begun to organize Law School-wide tournaments, the first of which were a Law School tennis tournament held on Saturday, April 19, followed by a Law School squash tournament, which took place on Tuesday, April 22.

Ramon Guizar, 1L Section 4, beat out Dan Zariski, 2L, for the tennis championship. In the doubles tennis tournament, Guizar and Lenny Gail, 1L Section 3, beat Zerisky and Ward.

Peter Nanula, 2L, won over Raj Marphatia, 1L Section 2, to take the squash honors.

In addition, Ward says that he hopes to establish an athletic program by next year in which teams

from the Law School will compete with those from other graduate schools. Presently, Law School volleyball, softball and basketball teams are slated to compete with teams from the Business School this semester.

Ward said that he hopes these athletic programs will complement, rather than compete with, the well-established intramural program which has traditionally been run by the Dormitory & Student Affairs Council (DSAC). "We are extremely pleased at the way in which the Law School Council program will fit in with the existing DSAC intramural program," said Karen Leili, DSAC President.

New Proposals Slated

Ward hailed the establishment of "Student Issue Action Groups," which are composed of Council members and other interested students and have as their goal the assessment of various aspects of law school life. The four groups are "Legal Education," "Faculty Interaction," "Quality of Life," and "Athletics." The groups are charged with the investigation of these areas, and then are slated to provide proposals to the Law School Council for review

by the end of April. Council members then plan to give these proposals to the Dean. "I hope this takes care of the criticism on campus that the student government never gets anything done," said Ward.

A Congress of Student Organizations, sponsored by the Council, was held on April 9. The heads of approximately 15 campus organizations were on hand to discuss strategies to improve communication between their groups and other groups on campus, the administration, and the student body in general.

Finally, the Law School Council was able to soften the blow of the new administrative policy this year which gives next year's 2Ls priority over next year's 3Ls in enrolling in the 2L basic courses. The change in policy disheartened many 2Ls, who were afraid that they would waste valuable first choices on courses already oversubscribed by the 1Ls. In order to ameliorate the effects of the new policies on enrollment priority, a proposal was made by the Law School Council (and was accepted by the administration) to list what the 2L priorities had been, allowing 3Ls to avoid the oversubscribed courses.

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HLS Sponsors Children's Rights Conference

By David Snouffer

Two HLS student organizations and the school's Human Rights Program brought scholars from as far away as Pakistan to Austin Hall for a conference on children's rights the weekend of April 11-12.

In a keynote address on April 12, Harvard Medical Professor Robert Coles called on the conference's over 150 participants to seek a "moral transformation," not only during the day's discussions but "for the rest of our lives." Coles, a specialist in social psychiatry, said the "loving kindness and thoughtfulness that one can find in some children and parents" can help produce moral change in society.

The problems of child abuse, child pornography and homeless children have increasingly focused U.S. lawyers' attention on children's rights issues, according to Pat Horvath, 2L, who helped organize the conference, along with Lisa Bambino, 3L, and Zazi Pope, 2L, and other members of the Children's Rights Project and the Human Rights Group. Massachusetts Gov. Michael Dukakis last fall appointed a state commission to study the unmet needs of children, Horvath noted this week.

Sponsors titled the conference, "Who Speaks for the Child?" and Horvath said "many groups," including parents, social workers and conservative religious activists, try

to represent children's interests. But children "may be able to speak for themselves more than we have traditionally allowed them to," he said. For example, Horvath said courts should give children more say in custody disputes.

Coles, who since 1981 has been using a MacArthur Foundation grant to study how children around the world develop their political convictions and moral values, cited several examples of children who despite economic or social adversity have retained strong beliefs and a will to survive.

Coles recalled attending a high school basketball game 25 years ago with a black student who had re-

(Continued on Page 11)

HLS Sponsors Agriculture Conference

By Michael Reilly

In a first step towards a possible revival of Harvard's leadership in developing a comprehensive American agricultural plan, HLS sponsored an all-day symposium held April 10th in Austin North entitled: "The American Farm Crisis: Innovative Solutions."

Resembling cooperative efforts between HLS, the Business School and the Kennedy School of Government which spawned Roosevelt's New Deal farm programs in the 1930s, the symposium was co-sponsored by the HLS Student Committee on Agriculture and the HBS Food and Agribusiness Club. The day-long event was funded totally by outside corporate sources — the Prudential Foundation, John Hancock Insurance Company, Land O'Lakes Co. and American Pop Corn.

Nearly a dozen speakers addressed the farm crisis from a variety of viewpoints. Attorneys, bankers, academics, a state governor and a Nebraska farm couple offered their personal perspectives and proposals on the dramatic situation to the more than 200 attendees of the conference.

The symposium was the brainchild of Harry Bader, 1L. Son of an Iowa farmer, Bader was upset with the attitude toward the farm crisis which he discovered here. Bader was concerned that "a lot of folks cared about all that was happening in the Midwest, but didn't understand the causes of the situation."

One example of the Law School's indifference, Bader said, was the experience of Lee Schott, 1L, in the Law Library. A fellow Iowan, Schott could not find a single copy of the authoritative text on Ameri-



Adele Hendrix

David Day, '77, of Bose, McKinney & Evans in Indianapolis spoke on ways banks, farmers and attorneys can work together to avoid foreclosure.

ican farming law, *Agricultural Law Treatise*, in HLS's famed stacks. (The Library now has a copy). Bader's ire was raised by incidents such as this which he said revealed a dearth of concern by HLS on this crisis and its devastating consequences on the American farm community.

After meeting in October with HBS agribusiness expert Dr. Ray Goldberg, Bader set about organizing this conference in the hopes of raising Harvard's consciousness about the crisis. By December, all the speakers had been invited and Bader was busy soliciting funds to finance the event. He was assisted by fellow first year students from Section One, especially Schott and Dave Carlin, as well as Paul Stewart, president of the HBS Food and Agribusiness Club. Key support was also given by Assistant Professor William Fisher, who acted as the faculty sponsor for the symposium.

Following introductory remarks by Fisher and Law School Dean James Vorenberg, '51, speakers from government, law, business, and academic spoke. David Day, '77, of Bose, McKinney & Evans in

Indianapolis spoke on "Creative Financial Planning to Prevent Foreclosure," while HLS alumna Fran Hill of Miller & Chevalier in Washington, D.C., discussed the role of the organization that she helped found — the Family Farm Defense Fund.

The symposium closed with the comments of Vern and Delores Bruns, a farm couple from Nebraska, who gave insights from the perspective of the family farmer.

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Ferraro Criticizes Reagan On Human Rights

By Eric Sullivan

Geraldine Ferraro addressed a large and enthusiastic HLS Forum audience on April 9 until a bomb threat cut her speech short after less than an hour. Students filled the Ames Courtroom and a large auditorium where a video transmission was shown to hear her discuss human rights. Ferraro, whose bid for the vice presidency in 1984 made history, was introduced by a former member of her staff, HLS Professor Susan Estrich.

As Ferraro took the podium, the crowd in the Ames Courtroom burst into applause and rose to its feet to give her a standing ovation. "Eat your heart out Ed Meese," she began. She then launched into an attack of the Reagan Administration's handling of human rights issues.

Ferraro, who graduated from the Fordham Law School, said she believes human rights should be a focal point of a legal education. She said that human rights violations of enormous proportions occur daily throughout the world and law students should be sensitive to them.

Calling the ousting of Ferdinand Marcos in the Philippines and Jean-Claude Duvalier in Haiti "two strikes against oppression," Ferraro criticized the Reagan Administration's handling of the situation in the Philippines. Reagan's response, according to Ferraro, was that in the Philippines the only alternative to Marcos was communism.

Ferraro claims Reagan rode the American public's wave of approval for Corazon Aquino's victory. In doing so, according to Ferraro, he came as close as he has come during his years in the White House to spelling out a human rights policy: that the United States will oppose tyranny on the Right as well as on the Left.

Ferraro went on to criticize what she called the "Kirkpatrick Doctrine" which she said allows the U.S. to support pro-American right-wing tyrants for "fear of getting something worse." Ferraro said she believes what she called the Reagan Administration's "double standard"

on human rights violations could be more accurately labeled the "Hold Your Nose Doctrine."

Comparisons to Nicaragua

The Reagan Administration's attempt to equate the situation in Nicaragua to that which existed in the Philippines is misguided, according to Ferraro. Unlike the events in the Philippines, the Nicaraguan situation does not involve clear-cut examples of good and evil, she said. Noting that Reagan prefers simplistic "black and white" explanations, Ferraro attacked the Administration's suggestions that anyone who opposes its policy in Nicaragua is "on the communists' side." Ferraro, who said she "abhors" communism, does not see the Reagan plan to give \$100 million in military aid to the Contras as the solution to the Nicaraguan problem.

Ferraro visited Nicaragua two years ago and said she believes that an important difference between the Philippines and Nicaragua is that the Contras, unlike Aquino, do not enjoy widespread popular support. Foreign money cannot buy a revolution, she said. Ferraro said she believes Reagan's search for what she called a "military solution" in Nicaragua is a mistake. Even if it is eventually successful, she doubts that the government that would replace the Sandinistas would be "more effective and democratic."

If there is a lesson to be drawn from this year's change of power in the Philippines, it is that a non-military, politically-motivated solution can work, according to Ferraro. She said she believes that in order to thrive in Latin America, a government must address the roots of that region's instability: hunger, disease, social injustice, poverty, and the lack of liberty.

Ferraro on the U.S.S.R.

Ferraro, who visited the Soviet Union last year, reminded listeners that human rights atrocities are a way of life in that country. She spoke with several Russian dissi-



Sal Casente

Geraldine Ferraro

dents who informed her of their belief that world opinion and the strength of the free press in the West will eventually allow them to live freely. She said that the United States should not allow the Russians' willingness to negotiate arms control to distract its attention from continuing human rights violations in the Soviet Union.

Ferraro also briefly discussed her selection as the first female vice presidential candidate of a major political party in American history. She said she believes it was important as a symbol of the demolition of another sex-based barrier. To a certain extent she believes her selection was a result of her having been "in the right place at the right time."

Ferraro's speech was cut short after a Forum spokesperson said that an electrical problem would soon black out the building. Students were later to learn that a bomb scare had occurred. According to Harvard University Police Chief Johnson, a local television station received a call from a man who claimed a bomb would "blow up Ferraro." The caller seemed to think that Ferraro was speaking at the Kennedy School. Johnson said that Forum officials, Dean Upton, and the Fire Department were made aware of the situation. Instead of disrupting Ferraro's speech, however, the police conducted what Johnson called a "covert inspection" for explosives. None were found.



How To Find Housing In The Cambridge Area

By Lisa Rodensky

Perhaps the only thing more traumatic than facing that first law school exam is the first attempt at finding acceptable housing in Cambridge. And while it gets easier or at least less painful to deal with exams, it never seems to get easier to snag those perfect digs. So what's to be done?

Dormitories are always a possibility, but chances are, if you're not a 1L (and even if you are), you may not get that much-desired housing until very late in the summer. Rocco Forgione of the Dormitory and Scheduling Office reports that of the first set of applicants from March 1985, 97 women and 195 men were contacted and offered rooms.

If dormitories aren't your thing, the next step in the housing search may be to check out the apartments available through Harvard affiliated housing. The exceptionally thorough literature put out by the Harvard Housing Office provides most of the information and statistics that the informed shopper should have. For example, one brochure reports that there are 1,600 units of affiliated housing dispersed among 11 complexes. In 1983-84, there were approximately 3,000 applicants for affiliated housing which translated into 4.6 applicants

for every apartment. To get, or at least to entertain the hope of getting something in one of the complexes, you must be on a waiting list. These lists are, quite obviously, very long, so it's a good idea to try to look for other options while waiting for your number to come up.

If affiliated housing, which rents at market prices, is either too dear or fails to open up for you, then Open Housing may be an alternative worth exploring. But, like hotel reservations for graduation, start thinking about open housing at least a year in advance. Open housing represents 950 rent control units in Cambridge owned by Harvard and available to affiliates as well as non-affiliates. As with the other Harvard buildings, you must be on a waiting list in order to be eligible. As reported in the Harvard Housing Office informational booklet, in 1983 there were 1,000 applicants for 70 vacancies.

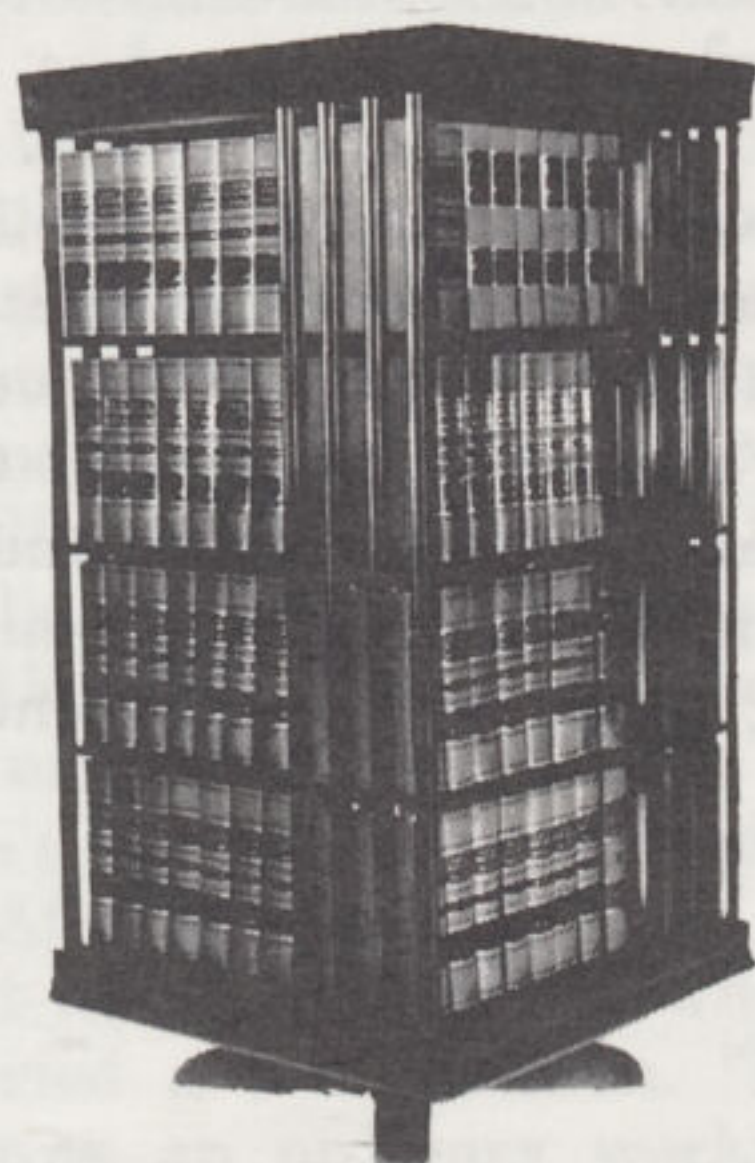
If none of the above options pan out, or if you're just tired of dealing with Harvard, then it's time to enter the real world. Jackie O'Neill at the Office of Government and Community Affairs, an office involved in relations between the University and the city of Cambridge, offers some basic advice for those who have entered the hellish world of housing-hunters. According

to O'Neill, the key to getting an apartment and keeping your sanity is to "be realistic." Don't go looking for that perfect rent controlled one bedroom with the skylight and terrace across the street from the law school. Unless you can make a substantial investment in rent, that little corner of perfection will forever elude you.

Following the sound tenets of this brand of realism, hunters should start stalking the daily announcements at the Housing Office. Start early and go frequently. The peak month for the housing office is usually August, according to O'Neill, so try to avoid that month. Also, try to explore areas accessible to, rather than in, Cambridge. Somerville seems to be the choice of Cambridge expatriates who seek affordable and liveable housing.

While all of this rational thinking may just sound like the same old song, there really isn't any new song to sing. Some new things are happening. According to O'Neill, Harvard has secured permits to build 50 more units outside of Harvard Square, but it is a drop in the housing bucket. In a high demand market like Cambridge, creativity and resourcefulness are the keys to success.

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Ginsburg Gives "Guided Tour" Of Federal Courts

By Michael Sturm

Federal Circuit Judge Ruth Bader Ginsburg addressed students last week in an event co-sponsored by the HLS Forum and the Boston firm of Sullivan & Worcester.

Judge Ginsburg, who sits on the Court of Appeals for the D.C. Circuit, began her legal education at HLS but transferred to Columbia and graduated from that school in 1959. During the course of her studies, she was an editor of both the Harvard and Columbia Law Reviews.

Judge Ginsburg began her career as clerk to a Federal District Court Judge. She continued her academic work at Columbia for two years and was then appointed to the law faculty at Rutgers, where she became a professor in 1966. She accepted a professorship at Columbia and was teaching there when she was appointed to the D.C. Circuit.

Guided Tour

In her lecture, Judge Ginsburg gave what she termed a "guided tour" of the Courts of Appeals, especially the D.C. Circuit. In particular, she focused on the process by which decisions are made in the Court.

In preparing for a case, Judge Ginsburg stated that she relies on a reading of the decision below, the briefs of the parties, and in some cases a clerk's bench memorandum. She noted that the most persuasive briefs are those that are written clearly and contain only arguments that a judge might reasonably accept. Too often, she said, briefs reflect either a lack of preparation by counsel or contain far too much chaff.

The Court sits in panels to hear most cases and the rules of rotation are designed so that each judge sits with every other member of the Court during a session. Despite this system, however, she believes there is little opportunity for litigants to choose a panel that might be more receptive to certain arguments.

Oral arguments are generally limited in duration, and in some cases each side receives only ten minutes. Although this limitation seems severe, she noted that the D.C. Circuit hears oral argument in 90 percent of their cases, whereas other Circuits may hear oral argument in as little as half of their cases. Despite the many arguments she has heard, Judge Ginsburg could recall only two cases where oral argument snatched victory from defeat. Nonetheless, she said that in many cases oral argument had resulted in probable losers becoming winners because of clarification of arguments.

Judge Ginsburg noted that in most cases the relevant law is fairly clear and that decisions are very often unanimous. Conferences are attended only by the judges on a panel, and she believes the process lends itself to compromise and moderation. Despite this, she said, the presence of five law professors among the eleven active judges can

lead to rather prolonged and heated debate.

Judge Ginsburg gave examples of the serious problems created by overcrowded dockets, particularly the delay in rendering opinions. This overcrowding often leads to greater participation by clerks in the drafting of opinions and continuing pressure to work quickly.

Despite this drawback, however, Judge Ginsburg noted that her work at the D.C. Circuit is "more satisfying personally" than any job she has held.

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Deportation Case Gets National Publicity

By Maurice S. Kane

A tidal wave of local, national, and even international publicity has engulfed a deportation case handled by the students in Professor Anker's Immigration and Asylum Law class. The case arose from the clinical placement of George Rose, 3L, with Cambridge and Somerville Legal Services, Inc. (CASLS).

CASLS is a public-interest law firm where HLS maintains an immigration and asylum law practice clinic under the supervision of Allan Tow, an immigration law specialist. The case, which originated as a routine client intake, has become a major "human interest" story for the media. Rose says that it "may also carry legislative and legal implications for immigration law in the future."

The contested deportation order concerns Roger Alexander Hobbs, his wife, and their teenage sons, all of whom are British subjects. The family entered the United States in 1984 on tourist visas, but they overstayed the visas and have been residing illegally in Richmond, Maine. Their story has recently been told in the *Boston Herald*, several local radio and TV news and talk shows, and the *British Sun* newspaper. They will be featured in *People* magazine in May.

The father, Roger Hobbs, was born illegitimately as a result of a wartime romance between an American G.I. and a young widow from Cardiff, Wales, whose husband had been killed in a German air raid. After a passionate love affair, the American soldier, Floyd Alexander of Richmond, Maine, left his pregnant girlfriend to participate in the 1944 Allied invasion of Normandy. Roger Alexander Hobbs was born several months later.

Hobbs's father never returned to Wales. After the war was over, he resumed his life in Maine, where he married a local woman. "My father was an ordinary working bloke and did not know what to do with me and never had enough money to go back to Cardiff to see me," said Hobbs in an interview

with the *Boston Herald* last March. However, Hobbs was not forgotten. His father, who had become a fisherman, told his family and friends about his little boy in Britain, whom they nicknamed "Buddy."

In fact, although separated by the Atlantic Ocean, Hobbs' two families corresponded with each other regularly during the 1940s and exchanged photos, cards, and presents for little Roger.

Unfortunately for Hobbs, Floyd Alexander never formally acknowledged his son as legitimate. In 1949, his mother, Sarah Hobbs, married a Cardiff man. The ties between the American and British families were severed. Sarah Hobbs never told her son who his actual father was because her new husband "hated Americans," according to Hobbs.

Fateful Discovery

However, after his mother's death, Hobbs, now a married adult, discovered old letters that informed him of his roots. After reading a wartime letter, Hobbs learned that he was part American. He soon called every Alexander in the state of Maine and eventually found his relatives. He also learned that his father died in 1970.

Hobbs and his British family went to visit his American relatives and decided to remain in the U.S. because, as he said, "America is my country, too." But the Immigration and Naturalization Service (INS) has been seeking his deportation since the agency discovered his visa overstay.

Rose notes that "because Hobbs was not legitimated as a son of an American before he was 21 years of age, he is not eligible for American citizenship through his father" under the old Immigration and Naturalization Act of 1941. In addition, Hobbs's illegitimate status prevents his American half brothers and sisters from helping to give Hobbs legal residency in the U.S.

"Roger Hobbs is a victim of blatant gender discrimination," said Rose. This is because the

illegitimate offspring of American mothers acquire citizenship through their mothers at birth. Fathers, though, must go through formal legitimation procedures before their children can derivatively acquire their male parents' U.S. citizenship. Rose noted that Congress perceived no strong ties between illegitimate children and fathers. "The law discriminates against certain aliens," said Rose, on what he described as the "impermissible basis" of the gender of the parent who is a U.S. citizen.

The United States Supreme Court in *Fiallo v. Bell* (1977) (per Powell) refused to overturn this illegitimacy distinction. As the Court is wont to do in matters involving immigration, said Rose, the justices recognized that there might be gender bias in such cases, but held "we have no judicial authority to substitute our political judgment for that of the Congress."

There is hope for Hobbs, however, said Rose. "There is a strong movement in the state of Maine to have their senators sponsor a private bill to grant Hobbs permanent residency," Rose noted. Hobbs collected more than a thousand signatures under his private bill petition, and the City of Richmond even passed a resolution asking the Senate to pass the measure.

Newspapers, television, and radio stations have been dynamic forces in Hobbs's cause. Individual reporters, according to Rose, were very helpful in working alongside Maine residents and CASLS to assemble a package of documents that Hobbs will present in Congress to achieve his dream of American citizenship. "This has been a great matter to work on. It goes to show how an ordinary law school clinical placement can become crucial in helping individuals in a very important case," said Rose. He added, "I think we will help Hobbs quite a lot, now that we have the press on our side." Hobbs is just as optimistic and determined. "My dream was to come to America. I'll never give up."

Waiting For The Dough

A law school. A desk.

Evening

Estrangedone sits at the desk with a copy of Gilbert's on Corporate Taxation. He tries to read for a while, cannot concentrate, leafs through the book and finally puts it down.

Estrangedone: Nothing to be done.

Gladimhere: I'm beginning to come around to that opinion. For years I've thought that all I've had to do was work a little harder and the meaning would be clear. But, in the end, no.

Estrangedone: Why don't we go?

Gladimhere: Because we're waiting for The Dough.

Estrangedone: Ah! (Pause). Are you sure it was here?

Gladimhere: What?

Estrangedone: That we were to wait?

Gladimhere: They said by the World Tree.

Estrangedone: It should be here.

Gladimhere: They didn't say for sure it would come.

Estrangedone: And if it doesn't come?

Gladimhere: We'll come back tomorrow.

Estrangedone: And then the day after tomorrow.

Gladimhere: Possibly.

Estrangedone: And so on.

Gladimhere: The point is —

Estrangedone: Until it comes.

Gladimhere: We're penniless.

(Pause.)

Estrangedone: *(Begins stacking thick red, brown and blue books up to ceiling.)* Why are we still here?

Gladimhere: Because they told us to wait.

Estrangedone: What should we do? We're doing the same things we did yesterday.

Gladimhere: And we will continue to do the same thing tomorrow.

Estrangedone: This is awful! (Pause.) What will happen when The Dough comes?

Gladimhere: We'll be saved.

They sit and wait.

Apologies to Mr. Beckett.

G.K.K.

HARVARD LAW RECORD

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Fenno

"This place is great!" Fenno exclaimed to the Harvard junior on whose plush couch he relaxed as he opened up another beer. "Wall-to-wall carpeting, wide-screen color TV, VCR, sophisticated sound system and a wet bar. I might stay a while."

She replied, "You can stay only if you're committed, like I am. You must believe. You must devote yourself and be willing to sacrifice. Only then can you live here, in my shanty."

Fenno noted three full cases of Meister Brau stored in between the jacuzzi and the sauna. "Oh, I am devoted," he lied. "Ask me anything you want. I'll prove it."

"Well, for starters," she said, "tell me about divestment."

Fenno thought for a moment. "Divestment is a very complex phenomenon and very much desired. It is the object of all my activities."

Pleased, the junior nodded her approval. Fenno continued, "It hopefully occurs late at night after I say, 'Well, baby, how about a night-cap back at my place.'"

"Oh, I see what you mean," she said. "We can't limit our diligence to the daytime. We must pursue the Cause twenty-four hours a day. And we should be very giving in our efforts to achieve social bliss. Tell me what other protests you've been involved in."

Fenno proudly stated, "I led the fight to preserve the Back Bench Pub from certain destruction at the hands of a Botha-like law school dictator. In fact, we staged a three day lie-in. It started as a sit-in, but then we started drinking."

Fenno stroked his chin and continued. "I went down to Washington to march with N.O.W., the homosexuals, the pro-choicers and the N.R.A."

"Wait," she said. "All those groups marched together? Why was the N.R.A. involved?"

Fenno answered, "Too much time had passed without an issue rising. They all just needed to march. So we protested for the rights of lesbian fetuses to own and bear arms."

"I like that," she said. "Real dedication. You've proven your true commitment to truth, justice and whatever way we think is right. You can stay."

"Great," Fenno said and looked around. "The only thing this place needs is a skylight."

"What an idea!" the junior responded. "I'll have Daddy put one in today. They don't even have one at the shanty at Dartmouth."

☞

TOM the DANCING BUG BY RUBEN BOLLING



Great Moments in the Law

The April 14th vote in the United States House of Representatives on a bill to loosen federal controls over the sale and registration of firearms had the following interesting characteristic:

The 185 Congressmen who consistently backed the gun lobby's position during three votes in the debate received an average of \$3,773 from the lobby and PACs of civilian firearm manufacturers. In contrast, the 135 congressmen who voted against the lobby on each vote received less than \$500 each in contributions and expenditures from the gun lobby.

The gun lobby and manufacturers gave nearly one million dollars in contributions to and political spending for Congressmen who voted on the issue. Groups opposing the easing of the restrictions gave approximately \$87,000.

The Boston Globe,
April 14, 1986.

Letters to the Editor of the Record

To the Editor:

I have a theory about the monopoly power enjoyed by institutions like HLS. The classic economic model is that monopoly occurs when there are barriers to entry in a given industry. The greater the barrier, the greater the monopoly power, but the greater the monopoly power, the greater the incentive to enter the industry and take a piece of the action. In Harvard's case, the barrier to entry is a myth backed up by hundreds of years of tradition.

A lot has been written about the Harvard myth. It is a myth because, well, we are *not* the best and the brightest either because we get in or because we get out. Nonetheless, the myth is powerful and grants Harvard monopoly power capable of abuse.

The abuses of monopoly power are twofold: 1. The customers get soaked, and 2. inefficiencies result from the freedom not to maximize profit. We students of Harvard are the customers and we are getting soaked. Take Vorenberg's explanation of the budget, for example. The law school is going to raise tuition while accumulating wealth. Why

didn't I go to Berkeley and save my money? Because Berkeley is not HARVARD. There is no better reason. None of us can say with confidence, "because Harvard offers a superiority of education worth the eight to nine thousand dollars per year differential." In fact, most of us would laugh at such a statement.

The law school is the part of Harvard which enjoys the strongest myth, propagated by books, films, television series. Predictably, because of such monopoly power, the law school is the ghetto of Harvard U. It is ugly and dirty. Most of our professors, for all their prominence, teach poorly. Attendance is low. The maintenance workers are slopates who cannot even fly the flag properly. The Business School is paradise by comparison, but that will not last. If its myth continues to grow, the B School will be like the law school in 50 years.

As long as Harvard's myth survives, the incentive to improve it will be low. Meanwhile, the administration is squirreling away profits to fend off upstart institutions in case some rainy day in the future assails the

Harvard myth. I hope to precipitate that rainy day by refusing to contribute to Harvard's fund-raising efforts or to Harvard's myth.

Michael Christian, 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.

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.

HFIPIL Awards Public Interest Fellowships

By Brian D. Rance

On April 18, the Harvard Fellowship in Public Interest Law ("HFIPIL") held a reception in honor of its four fellows for the 1986-87 academic year. They are Josie Foehrenbach '85, Hope Lewis '86, Jim McLindon '86, and Laurie Peller '86.

Funding for these fellows comes from the pledges of graduating law students and from alumni/ae who have renewed their pledges of past years. Each member of HFIPIL contributes 1 percent of his or her annual income to create year-long public interest law positions for HLS students and alumni/ae.

Foehrenbach will use her HFIPIL grant to work for the Virginia Poverty Law Center in Richmond. She plans (1) to monitor and contribute to the work of a state commission formed by the Virginia legislature to address Virginia's infant mortality, maternal and child health, and teen pregnancy problems and (2) to review and analyze proposals to encourage the recipients of welfare and other benefits to resume or begin work. In the process, Foehrenbach hopes to promote the economic sufficiency of female-headed households that are currently confined in the "airtight cage of poverty."

Foehrenbach will also be involved in the representation of individual clients at Central Virginia Legal Aid.

Foehrenbach, who is currently clerking for a federal judge in North Carolina, is the first graduate of the law school to receive a fellowship. All of the previous recipients have been graduating 3Ls. This year, four of the 13 applications for HFIPIL fellowships came from HLS alumni/ae.

Human Rights Fellow

Hope Lewis, 3L, will use her fellowship funds to work as a human rights fellow at TransAfrica Forum, the research and educational affiliate of TransAfrica, Inc. Although TransAfrica is best known for its work against apartheid in South Africa, Lewis plans to monitor and publicize human rights violations in countries throughout Africa and the Caribbean and to work with policymakers to prevent future violations.

Lewis believes that, "[f]aced with economies undermined by the lingering effects of colonialism, rising bank debts, and military destabilization efforts, new governments must respond to the need for rapid development without allowing the recognition and enforcement of human rights to fall by the wayside."

A former HFIPIL fellow at TransAfrica, Cecelie Counts '83, is now its general counsel. Counts is also a founder of the "Free South Africa Movement."

HFIPIL fellow Jim McLindon, 3L, proposed a two-pronged attack against racism in Boston. First,

McLindon will aid the Boston Lawyers' Committee for Civil Rights Under Law as an employment rights specialist. In this capacity, he plans to "provide the [Committee] with necessary legal services, especially the analysis of data on corporate employment patterns and the preparation and litigation of suits to end employment discrimination in Boston."

Second, McLindon will assist the Committee's Project to Combat Racial Violence. According to McLindon, the Project represents victims of violence in a variety of ways: cooperation with the victims and police in the prosecution of perpetrators of violence; civil suits for damages and injunctive relief against perpetrators; and defense of civil and criminal complaints brought against victims by their assailants.

The fourth HFIPIL fellow, Laurie Peller, 3L, will act as assistant general counsel to the National and New York Coalitions for the Homeless. Robert M. Hayes, a distinguished attorney whose work for civil rights and the right to shelter has earned him an award from the MacArthur Foundation, will supervise Peller.

Peller's responsibilities will include persuading states other than New York to guarantee the right to shelter, recommending action to increase the supply of low-income housing, and challenging discriminatory practices that compound the suffering of the homeless (e.g., forcibly separating children from their parents simply because a family has lost its housing).

Audrey Selden, 3L, the President of HFIPIL, states that she is "extremely pleased that the number of 3L contributions increased from 175 last year to about 210 this year. The concern for public interest issues and the generosity of graduating HLS students is what makes possible the outstanding work that our fellows undertake. We're also very happy to have over 30 alumni/ae as re-pledgers."

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Symposium Highlights Children's Problems

(Continued from Page 2)

cently joined children from nine other families in initiating federal court-ordered desegregation in Atlanta's schools — some of them despite their parents' opposition. When the all-white crowd around them in the gymnasium grew more and more hostile to the boy, Cole repeatedly suggested that the two of them leave, but the teenager steadfastly refused.

After the game, the teenager explained how he had become determined not to give in to racism after an experience about 10 years earlier, when he saw how frightened his mother became when a white woman rebuked her because she had let him grow restless.

Capable as they may be, children find it "difficult" to assert their own rights because they are denied the vote and other privileges that many adults enjoy, Horvath said.

The conference, which received funding from the United Nations International Children's Fund and the Ford Foundation, explored problems Third World Children face during a morning panel discussion April 12 and focused in the afternoon on U.S. children.

Children in such countries as Brazil and the Philippines suffer from "more massive" hunger and malnutrition than do their counterparts in the United States, said Jack Tobin, administrator of the Human Rights Program, who oversaw the conference. And children



Adele Hendrix

Akmal Hussain of Pakistan spoke on child labor in the Third World.

in various countries suffer special problems. Children in Lebanon and Northern Ireland risk death in war, while others in El Salvador must struggle as refugees, Tobin said.

Children who live in peaceful countries often have to work at an early age, Horvath said, because their economies depend on child labor and their governments cannot afford to outlaw the practice.

U.S. children, by contrast, face problems of a "different order of magnitude," Horvath said. Some become "pawns in divorce disputes," while others run away from unhappy homes. Still others are unable to break the "cycles of welfare dependency," he added.

Horvath said Children's Rights Project members want to "bring children's issues into the forum here at the Law School" and hope eventually to establish a clinical program in a juvenile court.

Committee Tables Tenure Decision

By Vincent Chang

According to a letter that 3L Nathaniel S. Lawrence distributed to students enrolled in Professor Zipporah Wiseman's Commercial Transactions class, the consideration of Wiseman for permanent appointment to the HLS faculty "has been unexpectedly and inexplicably tabled by the Appointments Committee." The letter went on to explain that "if the faculty as a whole does not direct the committee to report out her [Wiseman's] nomination, with or without a recommendation and the dean does not act, her candidacy will die in committee without ever having received due consideration by her colleagues." RECORD sources, however, indicate that after faculty criticism of the decision, HLS Dean Vorenberg has brought the matter up before the full faculty for a vote on April 30.

The decision to table the matter departs from standard procedure in such cases. Generally, for visiting professors, such as Wiseman, the Appointments Committee renders either a decision of "favorable, unfavorable, or no recommendation." The decision — failing to make even a report of "no recommendation" — is unprecedented in cases involving

visiting faculty who are still present at Harvard. Occasionally, the committee has failed to vote on an appointment. However, in most such cases the nomination is not considered in committee until the year after the visiting professor has left the law school. Wiseman's case seems unique in that the non-decision comes when the visiting professor is still at HLS.

In response to the Appointments Committee action, a petition was posted in the Harkness Commons and was signed by 150 HLS students. The petition, an open letter to Vorenberg, asked that the whole faculty consider Wiseman's tenure decision, rather than letting the matter die.

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Forum Lawsuit

(Continued from Page 1)

justiciability. Judge Skinner wrote that, according to precedent, the court "did have a limited role in determining whether the denial of a waiver of excludability was constitutional," and the case then would not be dismissed as a nonjusticiable political question.

The opinion next turned to the merits of the case, where the court decided whether the plaintiffs met the following four-pronged test in order to entitle them to a preliminary injunction: "1) they will suffer irreparable harm if the injunction is not granted; 2) such harm outweighs any harm that granting injunctive relief would cause the defendant; 3) plaintiffs will most likely succeed on the merits; and 4) the public interest will not be adversely affected by the granting of the injunction."

Defendants contended that the plaintiffs could show neither irreparable harm nor a likelihood of success on the merits. The court quickly dismissed the first argument, as "a loss of First Amendment freedoms constitutes irreparable injury."

The second argument proved more persuasive. Judge Skinner defined the issue in the case as "whether the Secretary of State can constitutionally deny the travel request of a UN Observer on the basis of the Observer's intention to participate in a political debate with American citizens." He held that such a denial is "not facially legitimate because it is related to the suppression of protected political discussion," and is therefore likely to be held unconstitutional on First Amendment grounds.

Judge Skinner next held that the public interest was overwhelmingly in favor of preserving "free and open debate on precisely such subjects . . . as mandated by the First Amendment, and as being at the heart of our survival as a free people." He proceeded to grant the plaintiffs' motion for a preliminary injunction.

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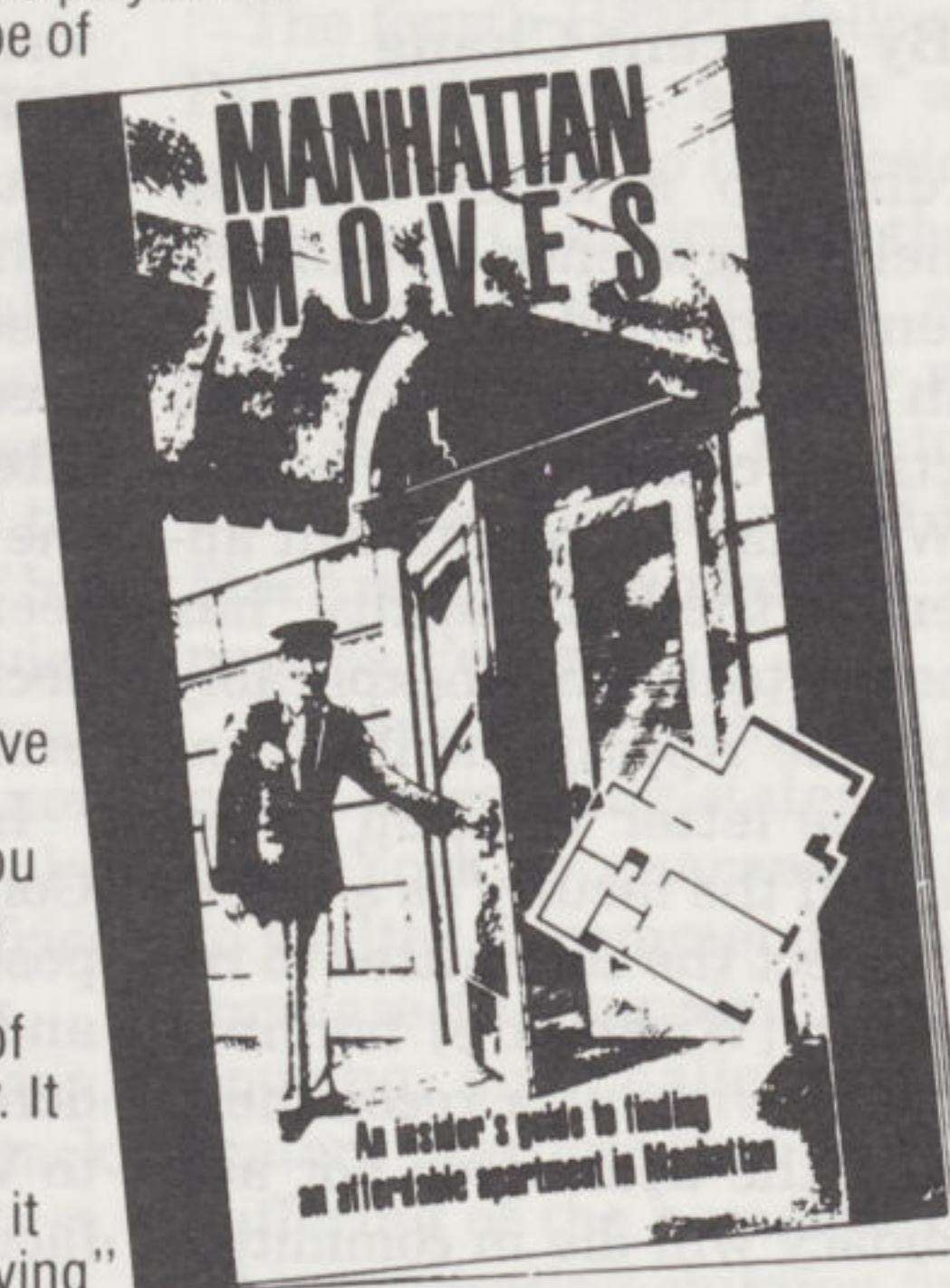
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Cartoons, Words Of Wisdom Adorn One-Ls

By Marla Becker

This is the season when the yard around the Hark starts to smell funny, 3Ls skip classes to hang out at Red Sox games, and 1Ls vote on their section T-shirt slogans and caricatures. Section representatives to the Law School Council have been organizing each section's selection for the past few weeks, and the results will be seen on the backs of about 580 1Ls by early May.

According to Neil Quinter, Section One's representative, their election winner was a quip by Civil Procedure Professor David Shapiro. After reading to the class a *New York Times* article about the recent exploits of the medical profession, Shapiro observed that "Lawyers may not have done as much good as scientists, but I'm not sure they've done as much harm, either." As of now, there is no cartoon slated to adorn Shapiro's quote. Anyone willing to draw for Section One should contact Neil Quinter.

Several students interviewed expressed their preference for something Professor Duncan Kennedy said in one Contracts class. Commenting about sacrificing a plaintiff's rights in favor of formality, Kennedy told one student, "You have to break a few eggs to make an omelette — you just happen to be an egg." Paul Bolen, a student in that class, described the quote as pointing out the conflict Kennedy saw between "Corbinistic Mushiness" and "Willistonian Formalism."

One of the runners-up included David Shapiro's admonition to his section, "Let's move on — in the interest of motion, if not progress."

All of the quotes from Section One came from the fall semester because, according to section member Bridget Maloney, "There has been a drop in the humor level this semester — either they're just not being as funny, or we're just not listening any more."

Legal Fabrication

Section Two members elected not to have any pictures on their T-

shirts, just a simple quote. According to section representative Debbie Schachter, the winner was some advice Torts Professor Morton Horwitz gave to his class just before it broke for winter exams. Horwitz advised, "It's almost always wiser to make up the law than to look up the law." That quote was voted in by a wide margin, and will shortly be immortalized on poly/cotton along with the Torts seating chart on the back.

The only close competition came from Horwitz himself, when he was talking about the *Pinto* products liability case and the fact that cars such as the 1960's Corvair sports car were incredibly sporty, but real lemons. According to one student, Horwitz then posed the question, "So what do you do? Sex or safety? Are sex and safety mutually exclusive?" He concluded with the observation that "There's always a tradeoff between sex and safety."

Section Two professors were the only ones to receive stiff competition from students themselves. Two of the favorite gems of common sense uttered by section members included a statement by Bob Wake,

pointing out that "People have been wronged for millions of years; most of them are dead," and this unprovoked statement by Joel Waltzer, "Mitigate the freakage." Waltzer could not be reached for comment.

Julie Chiu and Scott Kline, Section Three representatives, worked together to offer their section 100% cotton T-shirts, baseball jerseys, and even sweatshirts.

According to Chiu, the section voted on a rare mixed metaphor uttered by Civil Procedure Professor Arthur Miller, when he exclaimed that "If a pig is at the justice trough, you can be sure that it'll come home to roost."

According to Section Three member Holly House, "Art tends to get a bit effusive at times, and this was the culmination of a particularly juicy tirade. Everybody just looked at each other and started to laugh. He gets so carried away with himself sometimes that he doesn't even listen to his own words."

Josh Rawson of Section Three was the artist who caricatured Miller, Property Professor Lance Liebman,

(Continued on Page 16)

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Harvard Shantytown Faces Opposition

(Continued from Page 1)

university," and have encouraged students and professors to schedule activities there. Two rallies have been held, one on Tuesday, April 15, and one on Saturday, April 19. Each was attended by over 200 people. SASC members Dorothee Benz and Damon Silvers and HLS students Michael Anderson, 2L, and Jamie Raskin, 2L, were among the speakers addressing the crowd at Tuesday's rally.

Saturday's rally featured 1L Tom Fox, Nobel laureate George Wald, and two candidates for the 8th Congressional district, George Bachrach and Thomas Gallagher.

The shantytown has sparked debate in several HLS first-year classes over whether to hold class there.

Michelman will be conducting a seminar on the proposed Nicaraguan constitution there this week, and Professor Michelman will hold a Property review session in the shantytown today, with the same material to be reviewed in a classroom tomorrow. Professor Duncan Kennedy has announced that he will conduct his regular class in Housing Law there today.

The Law Student Anti-Apartheid Council (LSAAC) has declared each Thursday night "Law Students' Night" at the shantytown. The night of Thursday, April 17, saw the first organized effort by law students to man the shanties, and "was a great success," according to Joanne Lichtman, 1L. Approximately 45 law students met in Harkness Commons marched to the shantytown.

About 20 HLS students stayed in the shanties overnight.

There has been no violence at the shantytown to date, to the relief of both University officials and the divestment activists. In response to a bomb scare on the night of April 17th the University has increased police patrol of the shantytown and installed better lighting. The perpetrators of the threat have not yet been identified.

Signs have appeared on the walls of various dormitories in the Yard, bearing such slogans as "What About Afghanistan?", "No Frisbees, No Shanties!", and "Hey, Hey, Ho, Ho, These Ugly Shanties Got to Go!"

A second-year law student, requesting anonymity, complained that a sign he posted at the shantytown condemning the African National Congress as "murderers" was first moved and then ripped. SASC representative Damon Silvers said shantytown organizers moved the sign to a designated free-speech area of the shantytown, but said he did not know who destroyed the sign. The student brought a second sign to the Yard the next day, and it remained undisturbed in the shantytown's designated area.

Silvers said protest organizers put messages from outside persons in designated areas so that they will not appear to represent the views of students manning the shantytown.

The Harvard-Radcliffe Conservative Club erected its own single-shanty "town" late Monday night, April 21. The Conservative Club named the structure the "Closed University" and said it represents the Gulag, which consists of "all the nations and oppressed people in the Soviet Empire."

No one will be sleeping in the new shanty, according to a statement released by the Conservative Club, and the Club has offered to dismantle the structure before Commencement. When asked for her reaction to the Conservatives' structure, SASC member Mikka Negroni ('87) said she thought it was "great."

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First Year Sections Select T-Shirt Designs

(Continued from Page 13)

Criminal Law Professor Alan Dershowitz, and Torts Professor Henry Steiner at the trough of justice (see photo).

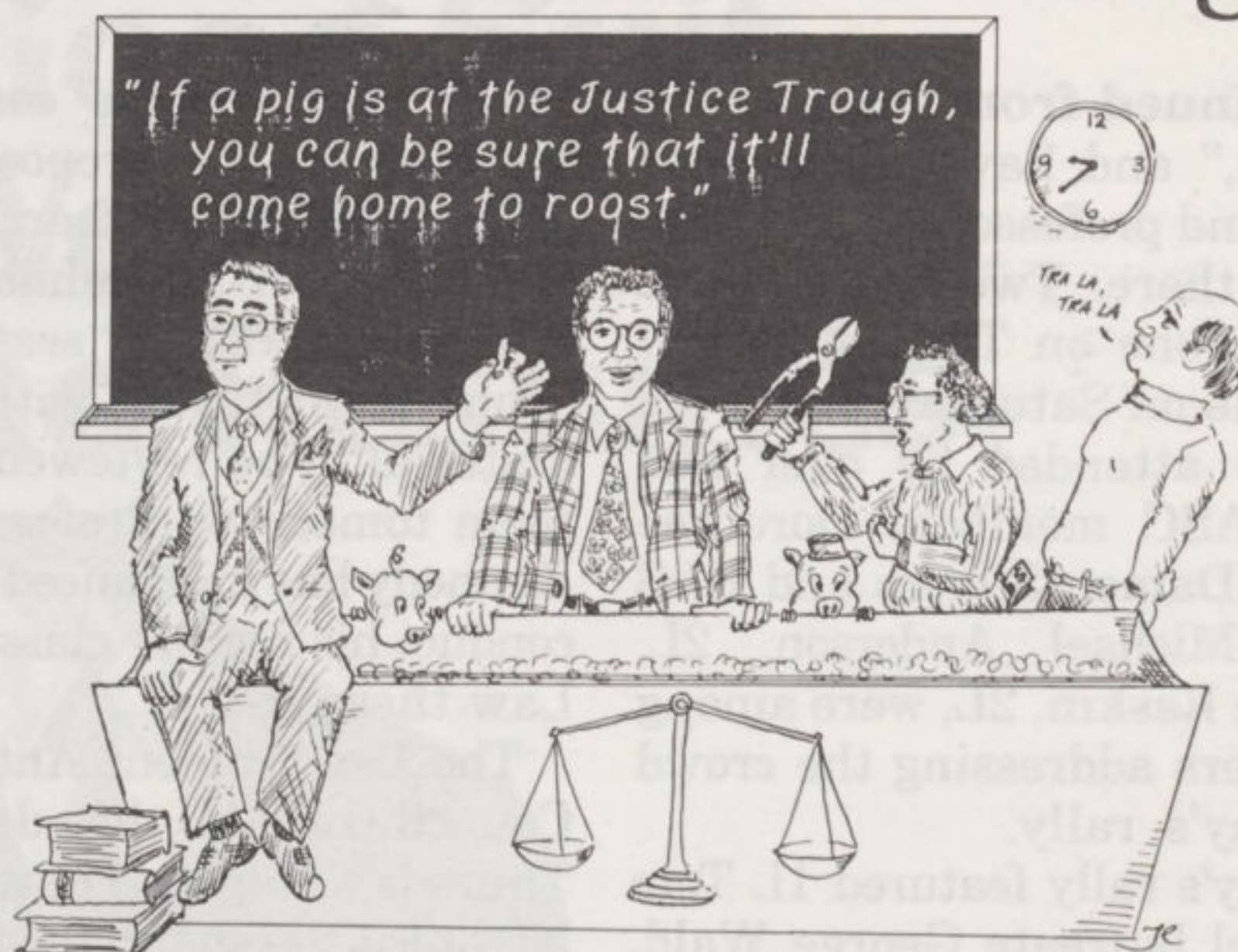
Rawson said of his artistry, "It was the most fulfilling experience in my first year at Harvard Law School — I'm definitely putting this on my resume."

The closest runner-up to the pig quote was Arthur Miller's explanation to Section Three of how he'd most like to remember it: "I think you'll go down in my book as the section that made me sick." As Peter Csathy of Section Three explained, "I like the Miller quote, 'Make me sick,' because it is personalized to our section; what better thing is there to do than make Arthur Miller sick?"

Clearing Court Calendars

Other Arthur Miller runners-up included his solution for overcrowded court calendars: "If you want to reduce the burden on the courts, shoot every third litigant," and his solution for trigger-happy plaintiffs: "Proposition I: If it's moving, sue it."

Professor Alan Dershowitz was not overlooked either. Favorites included one judge's admonition, "Mr. Dershowitz, the Court would greatly appreciate it if you would put away your tool," as well as Dershowitz's advice to his section, "Common



The prize-winning T-shirt design of 1L §3, designed by Josh Rowson of §3, features Professors Miller, Liebman, Dershowitz and Steiner.

sense is stupidity repeated over and over again until it becomes confirmed."

Section Four decided to break with tradition, according to Section Representative Ted Johnson, by doing away with the seating chart on the back of the shirt. Instead, it will feature caricatures of all five professors with a quote or two from each professor, spread over front and back. The shirt will be captioned, "The Experimented-Upon Section," and the group's own slogan, "When the going gets tough, the tough contract out."

Contracts Professor Todd Rakoff will be featured spluttering, "I flabbergast easily when it's pedagogically useful to do so" and "I guess you're all from the Rhett Butler school of journalism," a comment prompted by the "Frankly my dear, I don't give a damn" re-

action of the class to a springtime bridge session.

HLS Wrestling Team

Phil Heymann, Professor of Criminal Law, will be pictured advising law students that "You might feel better knowing that you are wrestling with some very, very difficult issues, while at the med school, they're just screwing around with the common cold."

Torts Professor David Rosenberg will be depicted telling first-year students, "You're too caught up in this fairness crap." His response as a defendant to jury trials will also be immortalized: "Jury? That plaintiff-loving group of twelve imbeciles?"

Martha Minow, Assistant Professor of Civil Procedure, will be remembered by the punchline to a joke she delivered one day in class: "With all this manure, there's got to be a pony in here someplace." See Section Four students for the rest of the joke. A close runner-up for Martha Minow immortality was her tip on how to spend the reading period before first-semester exams: "If you stop going to the movies, you're gonna get sick."

Finally, Property Professor Frank Michelman will be shown carefully explaining the fact that "I don't know and the reason I don't know is ... I don't care." His tendency toward long-winded garrulousness will be memorialized by "... i.e. ..."

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