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25 CENTS

Faculty Grants Kaplow Tenure

By Hillary Richard

Assistant Professor Louis Kaplow — tax, anti-trust, and law and economics specialist — was granted tenure at HLS last week in the faculty's first tenure decision of the year. Kaplow graduated from Harvard in 1981 with a Juris Doctorate and a master's degree in Economics.

Although the law and economics field is generally a conservative one, Kaplow is considered to be left of center. He described himself as "liberal to progressive," while declaring his dislike for such labels. Kaplow said he is "an eccentric academic." Thus, placing him politically in too convenient a location would be misleading.

HLS tenure decisions have provoked quite a bit of dissension and infighting recently. The most controversial occasion involved the denial of tenure last year to Professors Zipporah Wiseman and Daniel Tarullo. Those decisions were seen by many in the Harvard community as reactions by the "right" against the Critical Legal Studies movement (CLS). Tarullo was an outspoken advocate of CLS.

Kaplow, currently in his fifth year of teaching at HLS, commented that people tend to define anyone interested in law with ideological leanings anywhere near the left of the political spectrum as a member of the CLS camp. He felt that rather than questioning whether someone was an adherent of CLS philosophy, people should be analyzing and then



Hillary Richard

Premier NYC band Blue Blue Blue performing at HLS

Students Rock Against Repression

By Susan Povich

On November 1, over 150 law students and Cambridge residents joined together to benefit the Vicaria de la Solidaridad, a Chilean human rights organization. The

benefit provided a chance for Bostonians to enjoy the music of two New York bands who donated their services and time, "Blue, Blue, Blue" and "Big Iron."

The music, advertised as "discordant rock and psychedelic cow punk" was supplemented by a video shot by HLS graduate Fred Galves, '86, during a recent visit to Chile and video footage provided by CASA Chile. The actual footage of demonstrations and police reactions to perceived threats, in addition to the music and numerous literature tables, helped to create an awareness of the political reality existing in Chile today.

The benefit, termed "Rock Against Repression", was the brainchild of HLS students Hillary Richard and Elizabeth Rolando, 2Ls. When asked why they chose the Vicaria over numerous other human rights organizations Richard commented that "the human rights sit-



Hillary Richard

Big Iron's lead singer Pamela, "queen" of psycho-cow punk.

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Professor Pleads For More Clinical Instructors

By Howard Meyerson

HLS should recruit more clinical professors, according to Professor Gary Bellow. Bellow, who is the only tenured clinical instructor at HLS, would like to see more skilled practitioners train students, and he wants the school to offer more courses that involve a clinical component.

In addition to convincing skeptical colleagues that HLS needs more clinical professors, Bellow and other advocates of clinical education face a second hurdle: finding people to

teach clinical courses.

HLS can look for lawyers who are currently successful practitioners, but, as Bellow warns, many lawyers are poor teachers. Bellow also says successful practitioners, secure in their positions, are reluctant to move to the academic world where they risk being denied tenure. Bellow suggests that the school invite visiting practitioners for longer periods of time than the one or two-year stints they are now given, so that they could get a better idea of their chances for tenure if

they were to stay longer.

HLS could also look at its own faculty, both tenured and non-tenured, in its search for clinical educators. Bellows says, however, that tenured professors are often too involved in their current work, while junior professors may fear that their chances for tenure would become less secure if they chose to work in a field where the standards for good scholarship are not as well established as in more traditional fields.

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CLS Group Meets To Discuss Values

By Hillary Richard

A standing-room-only crowd of 110 students filled Pound 200 last Thursday for the first meeting of the student-led Critical Legal Studies Reading Group.

Jeanne Charn and Gary Bellow, professors in Harvard Law School's clinical education program spoke on "CLS: What's the Fuss?"

Charn discussed the importance of remembering pre-HLS values in looking for jobs and thinking of one's future in the law.

"I hang out in the lowest courts of the Commonwealth," she said, describing her work at the Jamaica Plain Legal Services Center. She suggested that the promise of "importance" and prestige in work does not always give the expected sat-

isfaction, and, as for money, she said, "it is possible to have enough."

Peter Levine, 2L, one of the group's organizers, said that "people who are here are not only those who are interested in CLS, but who are looking for a better way to approach their regular studies."

Levine said that smaller groups, led by 1Ls, will read short articles and meet to discuss the specific topics of Feminist Legal Studies, CLS and Practice, "Fancy Theory," Classics of CLS and Legal Education.

Professor Martha Minow and visiting Professor David Trubeck will speak at the next general meeting of the CLS Reading Group, 6:30 p.m. Thursday, Nov. 20 in Pound 200.

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Kaplow Tenured

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discussing the qualities of CLS that they find useful.

Although there seems to be no controversy surrounding the Kaplow tenure decision, some of this year's upcoming decisions are certain to provoke debate. Coming up for tenure this year are Assistant Professors Christopher Edley, Clare Dalton (her decision having been postponed two years ago until this time), David Kennedy, Richard Fallon, and Daniel Meltzer.

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UAW Organizing Drive: 'All Guts, No Glory'

By Marla Becker

"Higher education is a huge industry, comprising more of the national GNP than agriculture and the auto industry combined. The only way workers in the education industry will get economic equity is to organize." That is the philosophy behind the organizing drive of the United Automobile, Aerospace and Agricultural Workers (UAW) to unionize clerical and technical workers at Harvard University, according to UAW organizer and Harvard secretary Jan Schaffer.

The UAW campaign at Harvard began in the mid-1970s when women workers in the Medical Area (the University's Boston area Medical, Dental and Public Health schools) affiliated with the UAW's clerical and technical District 65 started contacting the 800 Medical Area workers. They began to lay the groundwork for an election to have District 65 recognized as the exclusive bargaining unit.

Their efforts were met by intense counter-pressure from the Harvard Administration. In the first election in 1977, Harvard employees rejected the union by a vote of 56 percent to 44 percent.

The union lost the second election in 1981 as well, with 53 percent voting against and 47 percent voting for the UAW.

The union suffered another setback when, in 1984, the National Labor Relations Board (NLRB) agreed with Harvard attorneys that organization at Harvard University could not be confined to the Medical campus.

Organizers responded by moving from District 65 affiliation to establishing their own affiliated group. According to Schaffer, the

group will not have a local number until after an election is held.

Split With HUCTW

In August of 1985, the eight original Harvard organizers split with the UAW after a dispute about how the campaign at Harvard should be run. The UAW wanted to bring in organizers from other universities who had been successful in petitioning for representation, while the original Harvard organizers wanted to run the campaign only with organizers who actually worked at Harvard.

According to the *Harvard Crimson* (Oct. 2 1985), the national UAW "wanted to rely on its prestige and to organize through heavy doses of literature in the workplace while the local leaders pushed to continue their one-on-one, grassroots style of organizing."

"That's not the way we do our organizing," said Schaffer. "We do some literature, but our basic organizing strategy is meeting with people, talking about the union, getting them to talk to others about it — kind of like a chain letter."

The current staff believes that only the UAW has the money, expertise and legal ability to run a university-wide campaign and stand up to Harvard management. "The feeling here is that to run a campus-wide drive, we need the resources of the international to win," Schaffer said.

Two Different Unions

The UAW organizers said of the split, "It's over. It happened over a year ago. Now there are two different unions here which offer different things to workers. Now the employees here have a choice."

Schaffer described the choice as being one between an independent union that would represent only Harvard workers, and one with "a fifty year history of organizing workers in a variety of industries. We've organized over 100,000 white collar workers, and we represent workers at Columbia, Boston University, Cornell, and the current drive at Princeton."

Schaffer stressed the power of having the support of an international union. "The UAW has over \$600 million in its strike fund. That's a threat to an employer when it comes time to talk strike, and it's a reassurance to the workers at the same time. The combination of a strong committee, expertise, and the resources of a large union can really help to win an election," she said.

Since the time of the split between the UAW and the original Harvard organizers, who went on to form the local Harvard Union of Clerical and Technical Workers (HUCTW), the UAW organizers have been "rebuilding our camp. There's no doubt that the split hurt the drive tremendously," Schaffer commented.

Asked about the extent of support that the UAW has at Harvard, Schaffer said that "we have a really different strategy from HUCTW - we don't talk about numbers." Asked if it had anything to do with the amount of support HUCTW has now, Schaffer responded that "what it has to do with is the Harvard administration. You don't show your hand until you're ready. We won't show them how strong or weak we are until we're ready to show them how strong we are." The UAW does keep a close tally of supporters, Schaffer added. "People have a choice now — but the UAW is not leaving."

Schaffer acknowledged that the simultaneous organizing drives of the UAW and HUCTW create "a competitive situation. It's physically impossible not to compete with HUCTW. While it's not a vicious situation at all, we're still going after the same group of people."

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New Tax Law Prompts Some Course Revisions

By Holly House

This week copies of the 1986 Tax Reform Act hit local bookstores, giving students another 1,000 pages of new tax provisions to plough through. But the impact of tax reform at HLS was felt long before. Students in Basic Income Tax and Corporate Tax classes, along with their teachers, have been struggling with anticipated changes in the tax system since the beginning of the fall semester.

References to tax changes have permeated class discussion — sometimes yielding confusion and garbled notes. Said one student, "My notes are worthless on some points — I can't tell what *is* the law, what *was* the law. . . . There are asterisks and question marks everywhere."

Teachers too have suffered from the unavailability of concrete statutory provisions. Because the changes were pending when Professor Alvin Warren was organizing his Basic Tax syllabus this summer, he had to alter slightly the usual order of his course: areas where much change was expected, such as capital gains, were pushed to the end of the course in hopes that the Act would be approved and available for reference by the time such subjects were reached. But Warren asserts that the "underlying principles haven't changed, so teaching

the course this year is not really very different." Warren's biggest complaint about the tax transition is that presenting complicated tax concepts without the aid of developed reading materials means he has to spend more time in class going over the ideas. "I can't expect students to get the bulk of their understanding from their reading this year," he says matter-of-factly. The extra class time may mean getting behind on his syllabus, which Warren never likes. But he realizes the need to clarify the new provisions and will schedule additional study sessions to discuss the changes if need be.

Students may be relieved to know that Warren does not expect the changes in the tax system to greatly affect the final exam, though he recommends bringing both the new and old Internal Revenue Codes to the test. With a wry smile, the professor refused further comment on the coming exam.

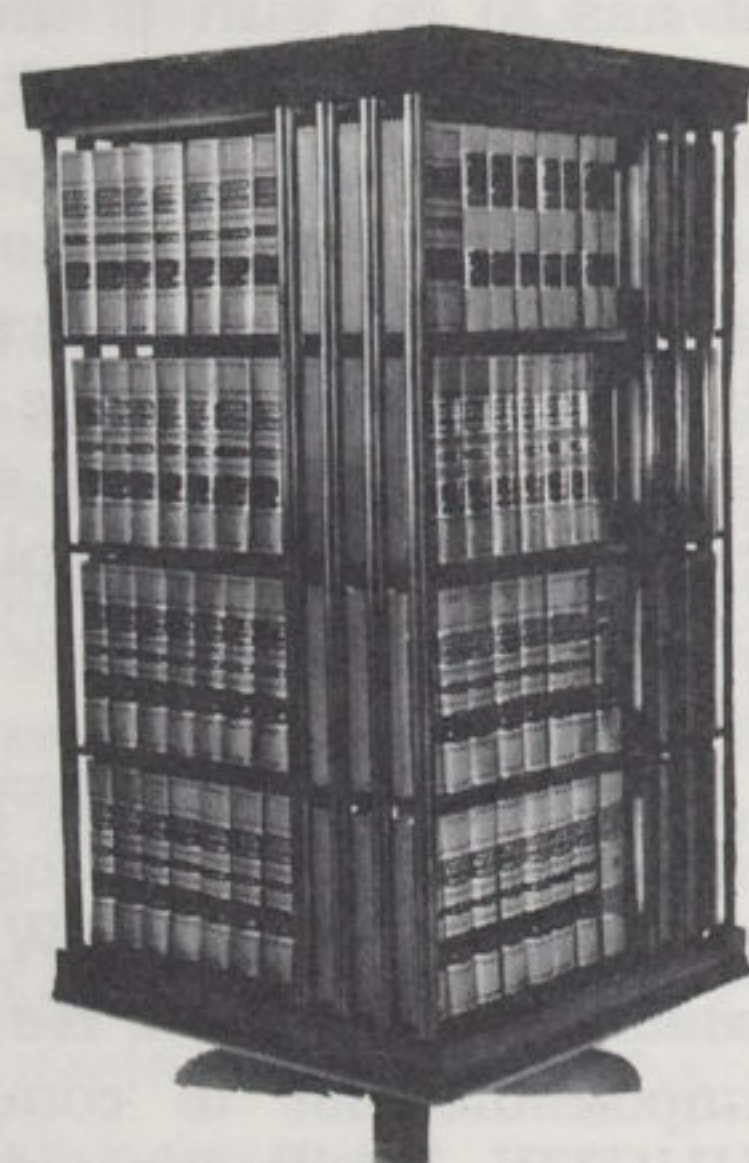
Tax reform also affected the teaching structure and organization of Professor Bernard Wolfman's Corporate Tax class. Indeed, Wolfman believes tax reform has had a greater effect in his class than on the Basic Tax course, particularly because of the repeal of the general utilities doctrine and the elimination of the capital gains preference rate.

"The building blocks are no longer the same," he asserts. While the transition to the new tax law has created some confusion on the part of students and has given him some organizational headaches, Wolfman believes the changes have made his classes all the more interesting and dynamic. "Student interest is higher now because students are thinking through the reasoning of these fundamental changes," he asserts. "Taking tax now has given them an opportunity for extraordinary enrichment."

Some students may disagree with Professor Wolfman's assessment of the benefits of exposure to the tax changes for the first time. But they may be heartened by his assurance that ultimately the '86 Tax Reform will simplify transactions and that "20 to 30 percent of tax lawyers will be available for other pursuits from the elimination of the capital gains preference rate alone."

Whether taking tax as the law changes will inspire students to become tax lawyers and enjoy the benefits Wolfman sees remains to be seen. Perhaps Wolfman's final exam will be the telling factor in the students' decisions. But, like his colleague, Wolfman has "no comment" on that subject.

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Trade Official Observes America While Teaching

By David Snouffer

A Chinese trade official who is teaching an HLS course on Sino-American business relations said instructing inquisitive U.S. students is "a lot of fun," although American society puzzles him at times.

Visiting Professor Liu Chu, who is on leave this fall from his post in the Chinese Ministry of Economic Relations and Trade, has teamed up with HLS Lecturer Jerome Cohen to teach an elective course on "Legal Aspects of Doing Business with China." He is the first citizen of the People's Republic of China to receive a faculty appointment at HLS.

"The American students ask many questions, so it's a lot of fun to discuss [issues] with them," Liu said last week, midway through the fall term. Chinese law students, who study the subject as an undergraduate concentration, "tend not to ask many questions," he added. "They just listen to the teachers and make notes, but the American students are very active."

U.S. society is not new to Liu, who is deputy director of the Peking trade ministry's Department of Treaties and the Law. After spending the 1980-81 academic year as a visiting scholar at Columbia Law School, he has visited the country repeatedly and has participated in a series of Sino-U.S. trade talks.

Nevertheless, Liu said, the American people continue to intrigue him. For example, he noticed the emotion many fans showed during last month's World Series.

"I think the [baseball] audience is very exciting, even more exciting than the players," said Liu, who admitted that he had pulled for the Red Sox.

Americans in Court

Americans' willingness to go to court when they want to settle a dispute also has impressed Liu. In China, although all large universities and a number of independent law schools are turning out attorneys, the number of lawyers per

capita pales in comparison to that of the United States.

"China has a tradition not to go to court," he said, explaining that his countrymen usually settle disputes "by negotiation and discussion." So he finds *The People's Court*, a syndicated U.S. television program, "very funny."

Plaintiffs on the show sue over "very minor" grievances, Liu said. In one episode, he recalled, a couple sued a high school football coach who they said had unfairly cut their son from the team. Such a case "would never go to court" in China, he said.

Disputes in China

Liu said that in his country, disputants often can resolve differences because their work supervisors or social group leaders customarily intervene on their behalf. "The Chinese philosophy is that the leader of an organization must take care of his subordinates on all matters, including his family life," he said.

Neighbors too often intervene in disputes. "In China," Liu said, "everybody knows everybody [else's] matters. There is less privacy in China [than in the United States], but there is more mutual concern."

China's code-based legal system is novel to many HLS students, who

are used to the U.S. reliance on case precedent for court doctrines, Liu said. And other classes do not fully prepare them for the extensive codes and regulations they must read to learn about Chinese law, he added.

"I think [U.S.] courts make law," Liu said. "In China, the courts are just implementing the laws. They're not making their own laws."

He conceded, however, that even in China courts must interpret codes in order to apply them.

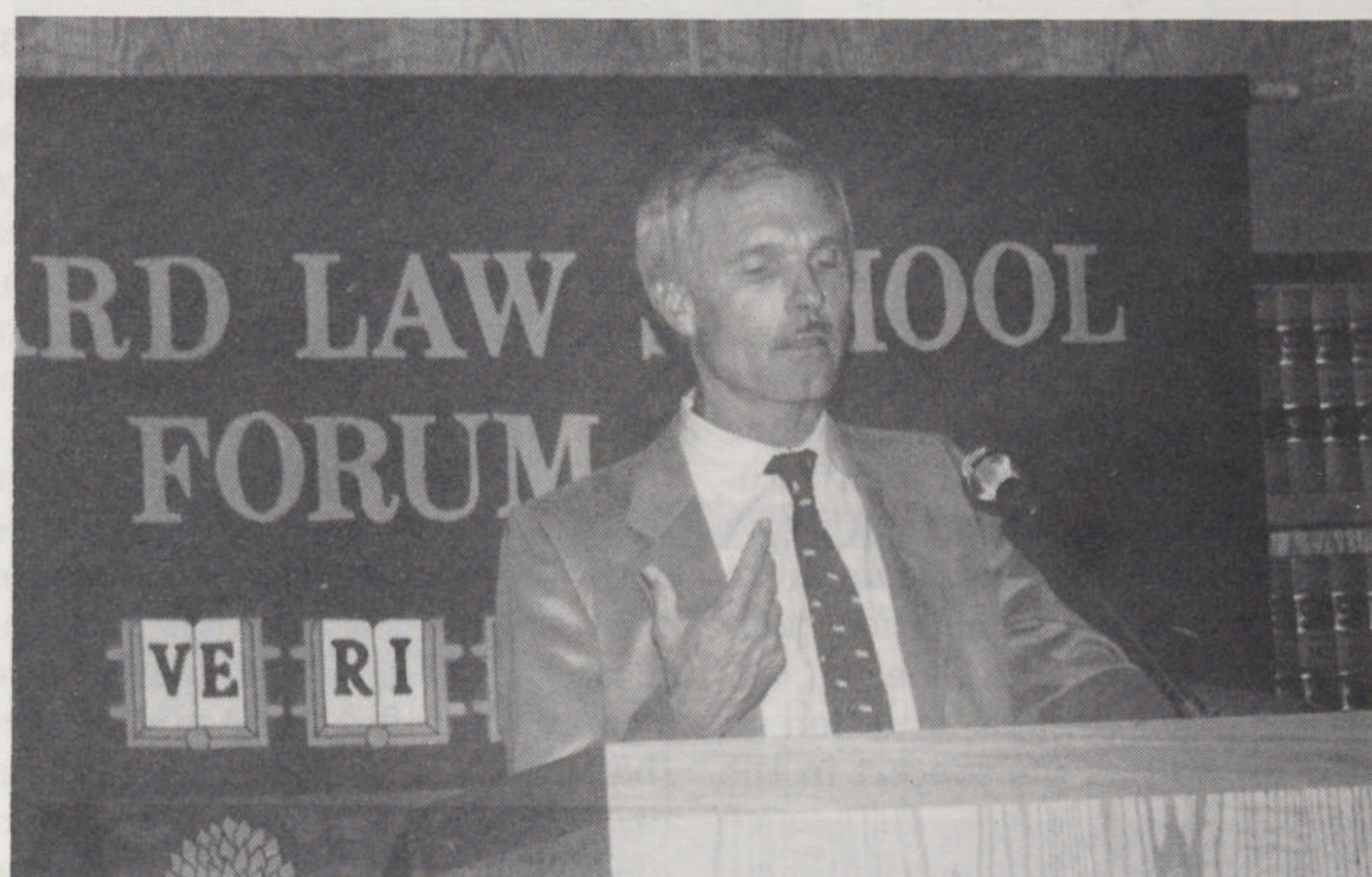
Chinese Legal History

Liu compared the Chinese legal system to the Continental System inspired by the 19th century Napoleonic codes, but he cited one major difference: Chinese statutes are "a lot older" than the European civil code. According to tradition, Chinese lawmakers 2,000 years ago engraved their laws on a great iron bell that all citizens could see and obey.

"The Chinese people were making laws a long time before Napoleon," he said. "This bell was before Jesus Christ."

Liu tells his students that recent Chinese legal reforms allow Americans to do business with his country in 18 different ways, ranging from direct sales, loans and technology

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Sal Casente

Ted Turner, head of Turner Broadcasting, addressed the HLS Forum.

Psychedelic Funk, Cow Punk To Benefit Chile

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uation in Chile had reached the point where we felt that it was absolutely necessary to draw much needed attention to the worsening conditions. Elizabeth had worked in the Vicaria this past summer and her enthusiasm for the group encouraged all of us to do what we could to further its mission."

Another consideration, according to Richard, was that "We were certain that if we gave the money to the Vicaria, it would directly benefit victims of repression by helping them to finance their legal battles, a surety that was not present with some other organizations."

The Vicaria is an organization of the Chilean Catholic Church in Santiago, traditionally a rallying point for those who work in the struggle for human rights. Founded in 1974, the group provides emergency legal assistance and documents records of human rights abuses by the military and state security forces.

Vicaria Expanded Program

In its 12 years of operation, the Vicaria has expanded from its crisis intervention status to an institution dedicated to providing various sorts of legal, medical, and psychological assistance to victims of violence as well as acting as a poverty relief program in the shantytowns surrounding Santiago. The organization publishes biweekly, monthly and annual human rights reports and aids the attempts of families to locate missing and detained relatives.

Tickets for the benefit were available in Harkness Commons prior to the concert and many students contributed to the Vicaria even though they were unable to attend the concert. In addition, posters designed by Luke Cole, 1L, advertised the perilous situation in Chile as well as the concert in the Hark.

The National Lawyers Guild co-sponsored the event with the Chilean Solidarity Project and Dean of

Students Mary Upton, who helped the preparations by offering both advice and financial support to help defray some of the expenses associated with the entertainment.

Several literature tables operated throughout the night, including one staffed by the American Committee on Human Rights, an offshoot of Physicians for Social Responsibility. ACHR's table displayed powerful and disturbing photographs of repression and violence on the streets of Santiago, one of which became the logo for the benefit concert. Jeff Selbin, 1L, chaired the table for the better part of the evening, dispensing literature and information on the organization and the political situation.

The recently founded Human Rights Yearbook, as well as Amnesty International and CASA Chile, set

up tables providing information on their organizations. In the spirit of the upcoming elections, "Vote No On One", a pro-choice lobby and "Vote Yes On Four", a group dedicated to the clean-up of hazardous waste, dispensed literature and buttons in support of their respective referendum positions. The newly organized Harvard Union of Clerical and Technical Workers also attended, in an attempt to win more support for their growing list of members.

At the time of publication, the official receipts were not yet available, although a rough estimate places the profits above the \$1000 mark. The benefit provided an opportunity for the Harvard community to enjoy some out-of-town music, while raising its political consciousness.

UAW Rebuilding Its Drive

(Continued from Page 3)

Schaffer related that a fellow organizer once told her, "in organizing, its all guts and no glory." At present, Schaffer explained, "we're in the guts stage. It's very driving work to talk to people about organizing. There's not a lot of public hoopla now. We want to save it until we need it, and when we need it is when there's an election."

The major issues that the group is organizing around are wages (Harvard secretaries earn in the upper-\$14,000 to \$15,000 range while those in private industries earn about \$18,000), the establishment of a grievance system, fringe benefits, more realistic job descriptions, and health and safety.

One issue that will surface is that of pay equity for minorities and women, as about 83 percent of the nearly 4,000 clerical and technical workers at Harvard are women. Schaffer related the fact that the UAW "just won an election at Columbia University. We bargained an equity fund right into the contract."

The union's major goal now is to

rebuild the organizing drive, Schaffer explained, by organizing one-on-one, talking to employees over lunch, and trying to bring employees into the process. Small informational meetings are held in the buildings where most of the employees work.

In addition, campus-wide issue-oriented meetings are held weekly, focusing on issues such as the concerns of long-term employees, maternity and parental leave, and minority affirmative action at Harvard.

Schaffer told the RECORD that "the law school is not one of our strongholds. It's pretty much an area that HUCTW has a lot of people."

Asked about the future of the organizing effort of the UAW, Schaffer said she was unsure of when they would petition for an election; "we won't until we're really strong. Harvard can use a really sophisticated anti-union campaign. They have the skills right there in Hoke Center — they don't need a fancy law firm" to help them win an election against union representation of their employees.

Shattuck Calls For Associate Advocates

By Michael Reilly

Despite threats of disciplinary proceedings from the Alabama Bar Association, Robert D. Shattuck, Jr., '72, remains optimistic that his proposal for a radical alteration in traditional associate-partner relations will provoke thought and discussion on the severe power disparity in American law firms today.

Shattuck's call for use of a firm outsider to lobby for associates was published in the April 4, 1986 edition of the *RECORD* as well as in the Summer 1986 edition of *The Shingle* — a publication of the Philadelphia Bar Association. Shattuck, a partner at the Birmingham, Alabama firm of Haskell, Slaughter & Young, said that he has made no attempt to implement his proposal at his own firm. His fellow partners have tolerated, but "not approved" publication of his article.

The specifics of the article were only put down in their current form after Shattuck made partner. He claims that the overpopulation of the profession, a situation which he believes will last for at least another decade, creates a "zero-sum" game in which the associates lose and the upper-tier partners win. To surmount the bargaining difficulties that young lawyers face, a "lobbyist," outside of the firm, would negotiate on behalf of the junior attorneys.

Shattuck's initial effort at putting his ideas into practice was a mail campaign directed at associates in the Philadelphia area, in which he held himself out as a lobbyist who would work for associate groups. Eventually, the Alabama Attorney General discovered Shattuck's activities, and informed the Atlanta Bar Association. That organization's disciplinary committee gave Shattuck a private reprimand on grounds of improper solicitation, but dropped the sanction when Shattuck threatened to appeal their decision.

Since then he has primarily tried to publicize his proposal in various journals. Shattuck says that publications "controlled by those who feel threatened" by his ideas have

rejected the article. In the face of this problem, Shattuck has conducted several direct mail efforts to associates and law students.

This fall Shattuck mailed a copy of his article to all HLS students. Similar mailings have been made to law students at New York University, and to associates in large cities. Response to these mailings has been minimal, Shattuck reports, but he is confident that they are feeding thought. For now he is satisfied with this result.

Shattuck sent some associates a survey requesting associate perceptions on the relevance and appropriateness of his ideas. An understandable hesitance in some of

the responses, Shattuck said, makes him want to "increase the breadth of the survey" in order to better gauge the reception of his proposal.

Shattuck is trying to spread his ideas and spur debate on alternatives to partnership tiers "which will remain embedded for a long time." He has submitted his proposal to the Young Lawyer Division of the American Bar Association and to its committee on "Issues Affecting The Legal Profession." The committee members may consider it in their next meeting.



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Moral Complicity

Two heinous crimes, separated by a continent, have shown once again how a party not directly involved in an occurrence may nevertheless bear the bulk of the moral responsibility for its happening. One crime affected only an individual, but devastatingly so. On or near the law school campus, a young woman was raped on the morning of October 30.

The assault took place in the parking lot between Perkins and Richards Halls. If one walks through that area, it is difficult not to be struck by the absence of emergency telephones. Granted, there are two telephones on the other side of Perkins, near Oxford Street, but that is small comfort to a woman not on that street, about to be viciously violated, who looks around in desperation for any chance, however slim, of saving herself from the horror of rape. But that chance never materializes, as the University has left that area, like most areas of our campus, effectively cut off from any emergency contact with the police.

Anyone taking a nighttime stroll on campus soon experiences a similar situation: numerous secluded, dark areas entirely devoid of emergency telephones. It may well be true that no number of phones could have prevented what took place on October 30. But we cannot be sure of that. Certainly, installing telephones in areas that desperately need them is one way of improving the chances of someone in trouble to receive assistance. Until this simple and concrete step is taken, all the words of safety and care coming from University administrators are best treated for what they are: hypocritical rationalizations uttered for no other reason than to allow those responsible to sleep soundly while continuing their ineffectual "actions."

The other heinous outrage has been taking place for a long time and on a far broader scale. It involves the Reagan Administration's repulsive attempts to overthrow the legitimate government of another sovereign state by supporting a band of sleazy, drug-running criminals to whom the destruction of villages and wanton murder of innocent civilians is standard operating procedure. Into this scenario drops one Eugene Hasenfus, a poor schlep apparently trying to make a few bucks by doing the CIA's dirty work. Mr. Hasenfus, understandably, is now on trial in Nicaragua for his acts.

The most aggravating aspect of the Hasenfus incident is that those truly responsible for this grave violation of international law not only are sitting safely in their marble pinnacles of power, but they coldheartedly deny any involvement in the affair. While certainly a trademark of the Rambo Brigade, such cowardly hypocrisy and disingenuous lying nevertheless manages to offend anyone with even a touch of decency or intelligence. The saddest part of the entire incident is that poor Mr. Hasenfus may well bear the full brunt of however the case is resolved. More satisfaction would be had if those ultimately responsible were now sitting in a courtroom in Managua.

G.M.B.
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COMMENTARY EDITOR Eric Sullivan

Fenno

Fenno couldn't believe his eyes. Stuck between three past-due tuition bills, some paper tiger threats from the "Coop" to cancel his credit, and his second eviction notice from the Slumerville rent control board lurked an envelope bearing the inscription "Somebody, Somebody, Somebody & Them, Attorneys at Law."

Fenno managed to retrieve it without disturbing any of the other mail and dragged his beaten body up three flights to his bedroom. He searched his few remaining functioning brain cells for a clue as to the possible contents of this very official looking envelope.

They wanted him back; it was an offer for a flyout. After 156 law school interviews he had received his first fly out. He immediately telephoned the recruitment coordinator to set up a date. In just seven days he would be off to Albuquerque, New Mexico.

The date finally arrived. Fenno made sure that he brought along the recently distributed pamphlet *How to Maximize Your Income While On A Flyout*. Fenno bowed his head and thanked God for the Counter Hegemonic Front. Fenno followed the instructions very carefully. He took the "T" to the airport and bribed a driver in the Square to sign a receipt for 45 dollars in return for free legal assistance when he graduated.

When he got to the airport he cashed in the regular "coach airfare" on TWA that the recruitment coordinator had sent him and purchased a People Express ticket at one-half the cost.

The plane landed three hours late, but the driver holding the sign with "Fenno" written on it was still there. Fenno ignored this man and boarded the bus to downtown.

The scenery out of the bus window was captivating. Fenno fantasized about actually moving here and, heaven help him, working for a firm. A near collision with a family of muskrats brought Fenno back to reality. "Never," he thought to himself, "never."

The firm was located in a tall thin building with small fat law nerds running around the lobby. The elevator smelled like Georgio perfume. The receptionist at the firm was gracious, but then again, any firm that would call back Fenno was scraping the bottom of the *Meister Brau* barrel.

Fenno managed to sit through five interviews without taking a beer break. He said the same thing to each lawyer. He was bored.

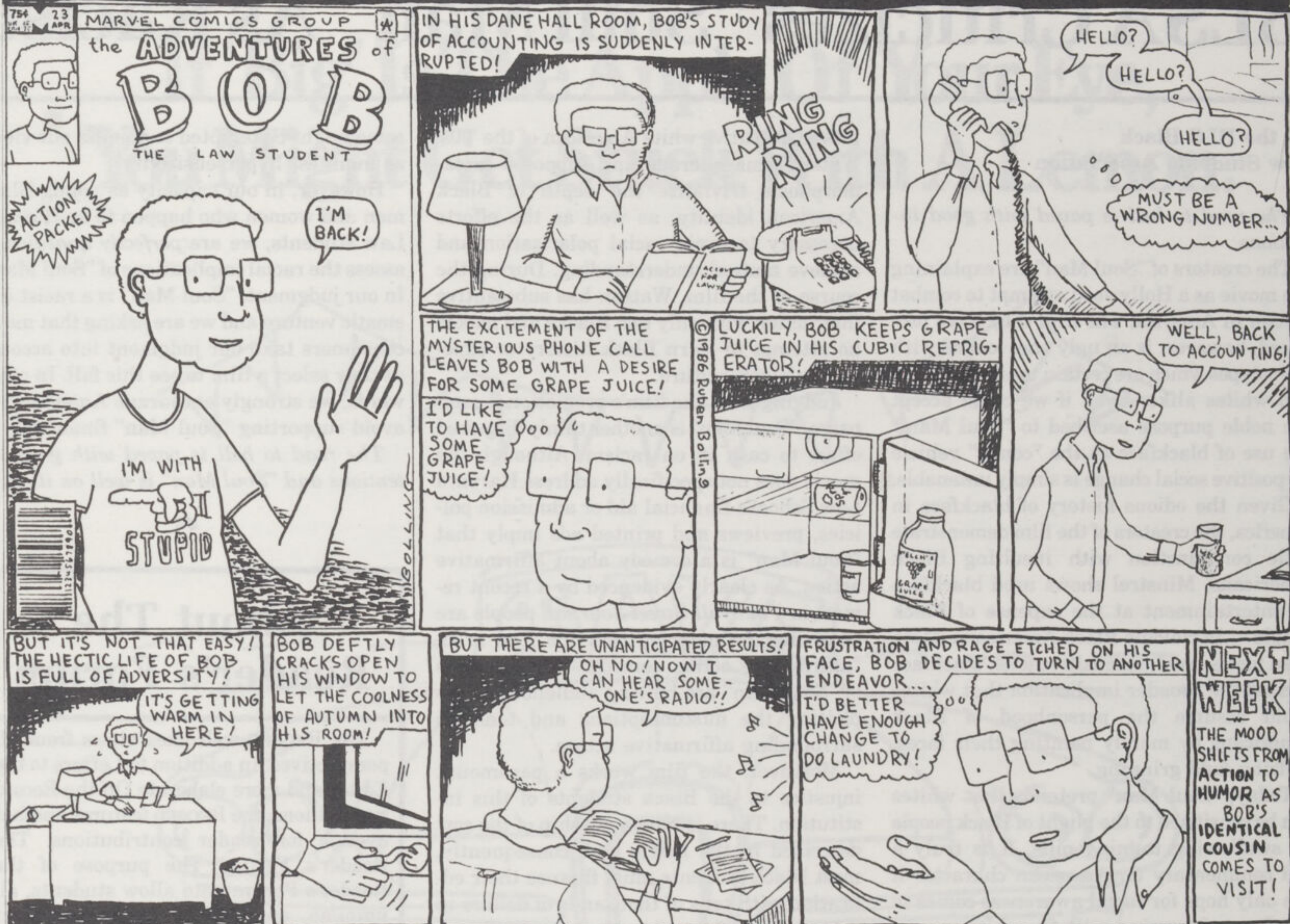
After an unmemorable night on the town — that is he could not recall exactly what happened after the woman clad in the leopard outfit offered to show him her cage — he boarded the plane back to Boston. Estimated income for the trip, over \$120.00.

Fenno thought, "Gee this is more than I make gathering beer cans. Maybe I should become a Professional Fly Out King!" Recalling the boredom of the five interviews, he quickly changed his mind.



TOM THE DANCING BUG

BY RUBEN BOLLING



Letters to the Editors of the Record

"That's A Joke, Son, You're Supposed To Laugh"

To the Editors:

I was happy to see in your most recent issue two whole essays devoted to the character, temperament, and personality of my former law partner, William H. Rehnquist, our new Chief Justice. In reading these essays, however, I was struck by a certain suggestion of smugness and even of malice, even (I hesitate to say it) a certain sleaziness.

But in fairness to you we all need to recognize the difficulty of your position. There are probably no two callings in the country that require a higher commitment to the herd instinct than those of student and of journalist, and there you are trying to function right at the very vortex. A heavy task indeed! So even if you were serious you are entitled to forgiveness. Independence of thought is a luxury not generally available to institutional minds anywhere. Why should Harvard be different.

I maintain the secret hope, however, that it was simply a failed joke. You meant to be funny and it didn't quite come off. You gave us a slightly befuddled law student

and let him masquerade as a U.S. Senator and you gave us a spooky reader of tea leaves and let him masquerade as a student of law. No other explanation seems possible for the appearance of two such pieces in a journal edited by responsible people.

If I am mistaken, and you did in fact mean to be taken seriously, please, for all our sakes, keep it a secret. Do not tell.

James Powers, '50
Phoenix, Arizona

Seyfarth, Shaw Ethical, Fair, Reasonable

To the Editors:

I graduated from the Harvard Law School *magna cum laude* in 1961. For the last ten years I have been the general counsel of a very large industrial company, whose chief labor counsel is Seyfarth, Shaw, Fairweather & Geraldson, one of the firms which I note from *The New York Times* some of the students at Harvard Law School are boycotting on the grounds that it is anti-union.

I happen to be very close to the union movement. My wife's grandfather was pres-

ident of the International Ladies Garment Workers Union, and her father has been an attorney for that union throughout his career.

When I joined my present company, I asked the general counsel of the ILGWA about the

(Continued on Page 12)

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.

Reader's Forum

BLSA Criticizes "Soul Man" As Racist

By the HLS Black
Law Students Association

The road to hell is paved with good intentions.

The creators of "Soul Man" are explaining the movie as a Hollywood attempt to combat racism in America. The film they have produced, however, is an ugly one, loaded with stereotypes which are certain to offend Blacks and whites alike. Even if we could accept the noble purpose ascribed to "Soul Man," the use of blackface as the "comic" vehicle for positive social change is simply untenable.

Given the odious history of blackface in America, the creators of the film demonstrate little compunction with insulting Black Americans. Minstrel shows used blackface as entertainment at the expense of Black people — to ridicule Black Americans. More than just a cruel, insensitive joke, blackface carried the broader implication that whites could assume the personhood of Black Americans by merely painting their faces, dancing, and grinning.

Today, "Soul Man" pretends that whites can be sensitized to the plight of Black people by swallowing tanning pills. It is truly a sad commentary on American character if the only hope for racial awareness comes in the form of tanning pills for white people. The contemporary problem of racism is at once complex, deeply rooted, and often subtle. It warrants treatment which would encourage audiences to think without laughing, not laugh without thinking.

In various post-release public statements, the producer of "Soul Man" contends that illustrating offensive stereotypes will ultimately benefit Blacks. The film's creators dispute objections voiced in the Black community with patronizing rationalizations that whites must be "shocked" into racial sensitivity. It is not clear, however, why they propose that Blacks must be forced to "pay" for the education of white racists — pay by suffering with the blackface remnants of Jim Crow and immoral racial slurs. The defense of "Soul Man" as an ugly means to a valid end strongly smacks of paternalistic nonsense.

We believe that "Soul Man"'s resort to sophomoric comedy to "enlighten" audiences is patently disingenuous. Little can be accomplished by the film's barrage of tired old ethnic jokes and racial slurs — unless the goal is to support white misconceptions about Black people. Given the virtual absence of any commentary on the racial issues purported to underlie its humor, "Soul Man" miserably fails to use comedy as a catalyst for meaningful reflection.

Mark Watson, the "Soul Man" character, purportedly evolves into the new and im-

proved, sensitive white American of the '80s. Watson's masquerade and supposed metamorphosis trivialize the depth of Black American identity, as well as the efforts necessary to avoid racial polarization and achieve mutual understanding. During the course of the film, Watson has substantive interaction with only two Blacks and makes no attempt to learn Black history or experience Black culture.

Judging from the film's promotional campaign, "Soul Man" is another thinly disguised effort to cash in on racism. Although the movie does not specifically address Harvard Law School's financial aid or admission policies, previews and printed ads imply that "Soul Man" is a comedy about affirmative action. As clearly evidenced by a recent review in *The Wall Street Journal*, people are receiving the message that the film is an "affirmative action comedy." The creators of "Soul Man" are baiting audiences by exploiting the misconceptions and tensions surrounding affirmative action.

Moreover, the film works a paramount injustice to the Black students of this institution. There is no scholarship of the sort described in the movie and, consequently, most Black students must finance their education with tens of thousands of dollars in debt. In fact, financial aid at Harvard Law is in no way related to race. When Hollywood's first and only view of Black Harvard Law students centers on a non-existent "free ride" scholarship, the sacrifice and hard work of the some 150 Black students unjustly fall by the wayside.

Racism, whether intentional or not, cannot go unchallenged. Naturally, the Harvard Black Law Students Association is aware that in dislodging "Soul Man"'s pretense of noble purpose, unwarranted attention will possibly befall a worthless film. Similarly,

some might be tempted to dismiss our views as manifest hypersensitivity.

However, in our capacity as young Black men and women who happen to be Harvard Law students, we are *perfectly qualified* to assess the racial implications of "Soul Man." In our judgment, "Soul Man" is a racist cinematic venture and we are asking that movie consumers take our judgment into account as they select a film to see this fall. In other words, we strongly encourage Americans to avoid supporting "Soul Man" financially.

The road to hell is paved with good intentions and "Soul Man" is well on its way.



About The Reader's Forum

The RECORD welcomes views from all perspectives. In addition to Letters to the Editor and more elaborate Off-the-Record ruminations, the RECORD features another avenue for reader contributions: The Reader's Forum. The purpose of the Reader's Forum is to allow students, alumni/ae, and faculty to express their thoughts on various areas of the law, the profession, and life at HLS; we would like to stress that we welcome all viewpoints on subjects outside the scope of Harvard Law School as well. Please limit Forum pieces to a length of 500 words or less. The Editors reserve the right to edit Forum submissions for length or objectionable language.

Forum submissions are due by 5:00 p.m. on the Monday preceding the issue in which they are to appear.

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Carazo Pushes Education For Central America

By Francine Alfandary

Education is the key to resolution of Central America's present conflicts according to Rodrigo Carazo, former president of Costa Rica. Carazo, who was his nation's head of state from 1978-1982, made his remarks at a lecture at HLS on October 27 sponsored by the HLS Sociedad Intra-Americano.

According to Carazo, Costa Rica is unique among Central American nations in two respects. First, the social stratification typical of the region is not present in Costa Rica. In other Latin American nations, Carazo noted, the same "fourteen or fifteen families" in each country have been the ruling elite and major landholders for several centuries. "Together with the armed forces," he said, these families "have been controlling the national politics of each country." By contrast, coffee, Costa Rica's major export, is grown on small plantations which are farmed by their owners, Carazo said.

Costa Rica's population is significantly better educated than are those of neighboring countries.

Approximately 96 percent of all Costa Ricans are literate. The former president characterized other Central Americans as "a large, very poor, non-educated population" of peasants. Education, Carazo stressed, would permit lower-class Central Americans "the chance for progress and the possibility to im-

prove" and would ultimately lead to positive social change in the area.

Costa Rica's other distinguishing feature is its neutral stance. The nation's constitution forbids the existence of an army. Even the police, Carazo said, are not permitted to make a career of law enforcement. The absence of an established military is one explanation for Costa Rica's freedom from the conflicts that plague neighboring countries.

Carazo criticized the policies of the International Monetary Fund. Costa Rica presently grows sufficient rice, beans, and corn to feed its population according to Carazo. The nation's meat and dairy industries are also well-developed, he said. Yet, said Carazo, the IMF is encouraging Costa Rica to phase out production of these staples in favor of flowers and pistachios. These luxury items would be exported abroad, and Costa Rica would in turn import its basic foodstuffs. Carazo was joined by his former Vice-Minister, Carlos Manuel Echeverria, in complaining that the IMF does not understand the economic needs of developing agricultural nations such as Costa Rica.

Carazo said he is equally disappointed by wealthy Central Americans who choose to invest in Florida rather than at home. "Today, the financial capital of Central America is Miami, and that is why we cannot get investment of our own people in our own country," Carazo said. The former head of state added that it is "impossible to get foreign investment because of the political unrest in our own area."

Carazo said he is hopeful that peaceful solutions may be reached through the efforts of the Contadora group. The Contadora nations are Mexico, Panama, Colombia, and Venezuela, and Contador support countries include Brazil, Peru, Uruguay, and Argentina. Representatives of these nations meet to discuss ways to resolve their common difficulties. Although the U.S. government officially supports Contadora, it has not heeded the group's recommendation to cease its financial support of the contras of Nicaragua.

More Letters

(Continued from Page 9)

Seyfarth firm. He described them in very complimentary terms. Even though they represent the management side in labor matters, this distinguished and very intelligent union attorney had the highest respect for them.

In the services they have performed for our company over the last ten years, I have found their advice and advocacy entirely ethical, fair and reasonable.

Therefore the boycott by the Harvard Law School students of this distinguished firm seems totally unjustified. By para-logic they should be boycotting Professor Dershowitz's classes because he has represented criminal defendants. According to these students' logic, therefore, he must be in favor of illegal conduct. Once again students at the Harvard Law School have evidenced an intellectual blindness derived from the assumption that they are smarter than anyone else. The syndrome was evident twenty-five years ago and is still there.

Roland A. Paul, '61
Greenwich, Connecticut

Discover Supply And Demand

To the Editor:

Through the magic of the U.S. Postal Service, I received your Sept. 19 and Sept. 26 issues on the same day. The first issue included an article citing student complaints that the financial aid office is unduly tight-fisted because it attempts to direct the limited funds available to students who (or whose families) do not have assets that they can liquidate or borrow against in order to finance their own education. The latter issue

(Continued on Page 16)

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Chinese Visitor Urges Sino-U.S. Trade

(Continued from Page 5)

transfers, to more innovative forms of investment. A law promulgated last year allows foreign companies to operate wholly owned subsidiaries in China. This year the Chinese have begun offering stocks and bonds in state-owned enterprises to foreign investors in order to raise capital.

Such U.S. companies as Coca-Cola, Pepsico and Occidental Petroleum operate either wholly owned subsidiaries or joint U.S.-Chinese ventures in China. Since 1979, some 150 wholly owned subsidiaries of multinational companies and over 7,000 joint venture firms have been set up in China, where the United States is the second largest foreign investor after the British colony of Hong Kong.

The new opening to the West reflects the Chinese government's widespread efforts to reform the country's economic structure, Liu said. In past years, he explained, Chinese leaders patterned their economy after the Soviet model of socialist development. Today, however, the Chinese want to imitate successful strategies from all over the world and "build an economic system with Chinese characteristics," he said.

"We don't reject any good experience from other countries," Liu said. "We learn from other countries. We're sure we can learn a lot from developed capitalist countries."

Although foreign entrepreneurs exploited the Chinese a century ago,

China's leaders now welcome foreign investment, Liu said. "We are not afraid of foreign investors, because the Chinese now really govern the country," he said. "We're not under unequal treaties, under the presence of foreign imperialists."

Liu said his government sent him to Cambridge to promote better understanding of China among HLS students, who he said "will be the chief forces" in U.S. business, government and law firms in a decade or so.

Liu added that China is a natural trading partner for the United States. "The United States is the biggest developed country, and China is the biggest developing country in the world," he said.

Professor Oliver Oldman '53, who directs the HLS East Asian Studies Program, said Liu complements his fellow instructor, Cohen, by offering the perspective of the Chinese government, while the American Cohen, who largely developed the Asian practice of Paul, Weiss, Rifkind, Wharton & Garrison, a New York-based law firm, tends to sympathize with U.S. traders.

Few Chinese legal experts speak English well enough to teach at HLS, Oldman said, but Liu, who

did his academic work in engineering, speaks with ease.

Rejecting the "not very good" food that many Chinese restaurants in the Boston area serve, Liu said he lets his wife, Zheng Shu Hui, cook for him when he wants authentic Chinese cuisine. But Liu raves about Boston seafood, especially its large sea crabs and lobsters. The couple share an apartment in Dunster House, an undergraduate dormitory in Harvard College.

Zheng, a geologist, is working in Harvard's Center for Earth and Planetary Sciences. The couple occasionally mingle with undergraduates over a meal in the Dunster House cafeteria.

A native of Shanghai, a city of 10 million, and a resident of Peking, which boasts a population of 8 million, Liu finds Boston "not so crowded." He appreciates the Boston subway, which he found much safer and cleaner than its New York counterpart, and more like the one in Peking.

Oldman, who holds the Learned Hand Chair at HLS, said he hopes a scholar from the Republic of China on Taiwan will teach at HLS next year.

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The HLS Black Alumni Association presented a portrait of the late Clyde C. Ferguson, Jr. by Melvin Robbins. Family members, including Ferguson's three daughters and son-in-law Joseph Garcia '84, pose at the unveiling Oct. 25. Ferguson taught civil rights and international law at HLS until he died in 1983.

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Letters to the Editors (Continued)

(Continued from Page 12)

contained a long article by students organizing a group called "N.O.P.E.", pledging never to contribute money to the school, which is described by at least one student as a "vehicle of expression for students who are affected by financial aid policy at the school."

The ironic juxtaposition of these two articles provides, in my mind, compelling evidence of the HLS' wisdom in encouraging students to spend a year or two in the "real world" before entering law school. During that experience, they may discover the apparently unfathomable concept that if alumni refuse to contribute to the law school, there may be even less financial aid available for those who followed in their footsteps. In the business world, this unusual concept is sometimes quite cleverly referred to as "supply and demand."

Stacey Olliff '78
Beverly Hills, California

NOPE Signer Values HLS Experience

To the Editors:

The Letter to the Editor from John M. Freyer ('60) [RECORD Vol. 83, No. 7] assumed an attitude of participants in NOPE which I can only clarify on a personal level. Although the petition is signed for a myriad of reasons, not all signers are disgusted by the opportunities which HLS provides. I may value my experience here as much as Mr. Freyer.

He states, however, that he would not have been able to attend HLS without the financial aid created largely by alumni/ae contributions. Mr. Freyer's praises may not resound

as confidently if he had not been able to receive that aid. My fears about how those contributions are administered through current policies are what motivate me to seek more direct ways to help future students.

I do not want my money passing through a decisionmaking process which discourages and potentially cuts off nontraditional students. Rather than being treated as if they (along with each other individual) enrich the HLS environment, students who do not fit into the mainstream for which the rules are made are often bypassed.

As a minor example, I am cut off from participating in what is generally considered an honors program simply because of funds. A loan repayment burden of \$10,000 per year in conjunction with a Low Income Protection Program which locks in just below judicial clerkship salaries is not just an inconvenience, it is an effective, "No." Complaining now will not help me. Mr. Freyer may place me in the slob category for whining about money, but in reality I am as concerned as he about expanding opportunity for others.

Nancy A. O'Neal, 3L

"Diatribes" Inaccurate

To the Editors:

Somebody should tell Jamin B. Raskin that strongly emotional writing like his September 26 diatribe against Rehnquist, when served up to an audience of HLS people, loses credibility even faster than more sedate stuff does from factual inaccuracy.

He said: "Nixon ended up appointing Rehnquist to the Court when his first-choice nominees bit the dust in the Senate."

Fact: "Nixon's first Supreme Court appointment arose from the Fortas resignation

in 1969. The Senate rejected first Clement Haynesworth, then Harold Carswell, in 1969. Nixon ended up appointing Blackmun. Not until October 1971, following the almost simultaneous retirements of Justices Black and Harlan, did Nixon come up with the Powell and Rehnquist nominations, which were confirmed by the Senate in December.

For the record (and the RECORD), I'm no more enchanted than Mr. Raskin at having a far-right judicial activist like Rehnquist as Chief Justice of the United States. I'm not, however, quite ready to call my HLS contemporary, Nino Scalia, his "ideological soulmate" — only time will tell, and predicting the decisional behavior of "the new guy on the Court" has always been a risky business.

Elise B. Heinz, '61
Arlington, Virginia

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