



Harvard Law Record

America's Oldest Law School Newspaper

VOL. 84, NO. 1

FEBRUARY 13, 1987

25 CENTS

Review Elects Head

By Hillary Richard

Although there was no white smoke billowing from the roof of Gannett House early Monday morning, on the 9th of February, to signal that the *Harvard Law Review's* seventeen hour election procedure had ended, the new President of the *Review's* 101st volume had indeed been elected: Raj Marphatia.

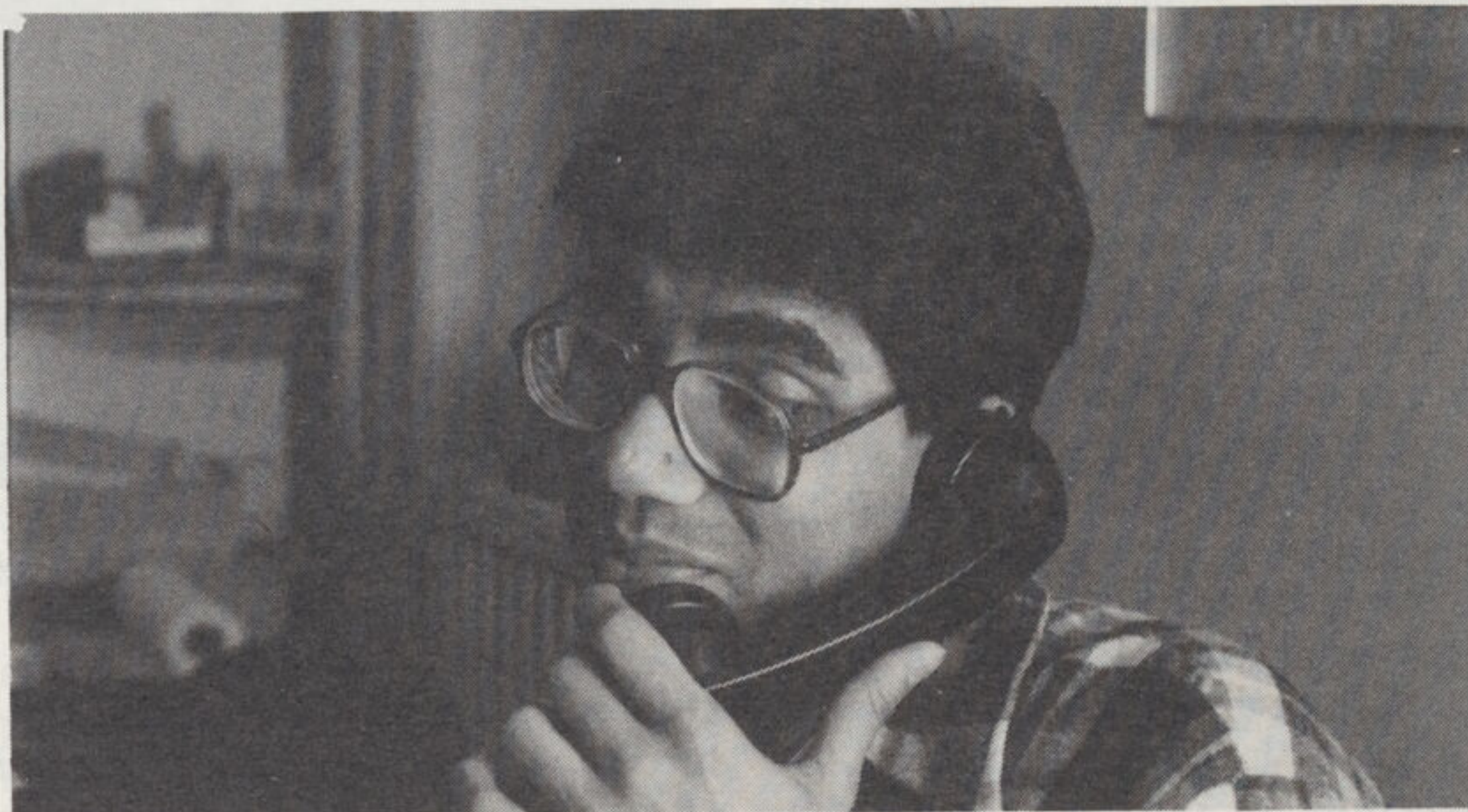
The election proceedings begin in mid-January, when the candidates announced their intent, after which "pool work" committees review and evaluate the candidates' work of the last 3-4 months. Meanwhile, the *Review* holds a forum for all editors where the candidates field questions and respond to comments.

On the actual "election day", comprehensive reports are delivered to the body by various pool work committees, at which time the voting editors can comment on the candidates. The candidates are kept outside of the proceedings, busy cooking breakfast, lunch and dinner for the eighty or so members deciding their fate. (Rumour has it that the jambalaya was exquisite.)

Candidates were eliminated in three separate rounds of balloting, until only the final two candidates remained: Nicholas Kourtis and Raj Marphatia.

Review member Patricia Borga, 2L, commented that, "Everyone felt it was a no-lose situation, because any of them would have been great. We are all real happy about how it turned out."

Commenting on his upcoming tenure, Marphatia emphasized his class' commitment to enlarging the



Hillary Richard

Newly elected President of the Harvard Law Review, Raj Marphatia

Ward And Schwartzbaum Resign

By Hillary Richard

Both the President and the Vice-President of the Law School Council resigned from their positions this week, citing "burn-out" and a desire to facilitate the effectiveness of the new officers by leaving at the beginning, rather than the middle, of the semester.

Jay Ward (3L), President, and David Schwartzbaum (3L), Vice President, were scheduled to serve the Council until mid-April. The Council will, however, now elect their successors at a Council meeting on Tuesday, February 17.

Ward explained that he had been leading the Council, effectively, all through last year. While the Council had tried to maintain a rotation schedule last year, with members taking turns at the leadership helm, the system was constantly in disarray and Ward wound up the Council's only president.

Ward pointed to a number of failed initiatives as the main source

of his disappointment in the Council, primarily the failure of a by-law that he sponsored last year, which would have required all Council members to be involved in a project at all times. Ward felt this was an important requirement, as "a lot of members just come to meetings, and don't fulfill their responsibility to the class that elected them, which is to work in the interest of the student body." His proposal was "shot down", according to Ward, because Council members complained that the Council would become "too formal."

Ward stated that in his two years as president of the Council only one or two other members had brought legislation to the Council. Both of these situations contributed, Ward said, to the prevailing criticism of the student body that "the Council doesn't do anything."

Although he noted that the first year representatives had done "a hell of a lot" this year, Ward

(Continued on Page 16)

(Continued on Page 6)

Interactive Video Program Has Day in Court

By Jeffrey Gershowitz

Law students may no longer have to go into the courtroom to learn the practical aspects of trial law. The HLS Interactive Video Project is creating supplementary educational video lessons that will allow a student, armed with a personal computer and a laser disc system, to learn the ins and outs of such areas of law as trial decorum, litigation, landlord-tenant law, criminal procedure and evidence.

Interactive video is a combination of computers and visual display that allows the user to "take an active role in learning," according to program director Daniel Burnstein. A laser disc presents a one hour long visual lesson and invites the user to comment through the computer keyboard. The program shows a scene from actual practice, such as a trial with regular breaks in the screening to quiz or accept comments and questions from the user. The trial scene can branch off to several possible alternatives depending on user response or corrects user errors through helpful hints. It also makes available research and review modes to help the user through areas of difficulty.

Henry Shattuck Professor of Law Donald Trautman has credited the program with being able to "raise the level of classroom discourse." It can in no way replace teachers and courses, he explained, for numerous reasons.

The Interactive Video Project is headed by Burnstein, a practicing Boston litigator for eleven years and director of the project since November 1986. He is supervised by the Computer Law Committee. The project was founded three years ago by Tim Hallahan, '76, and colleagues. It is being funded by the Law School on a pilot basis and is seeking outside funding sources.

In its rooms on the first floor of Holmes Hall, project programmers and system designers are planning new lessons to add to the seven existing programs. The long range goal is a library of thirty completed lessons. Finished projects include



Karen Russell

HLS students may now use Interactive Video Project facilities.

Gilbert, an evidence exercise centered on a drunk driving trial, and Harris I and Harris II, examination of a landlord and cross-examination of a tenant. Currently, lessons are being developed in real estate negotiations and civil trials with 'scripts' underway in immigration, professional responsibility, and estates and trusts.

This last program is being done by a third year student as her third year paper project. According to Burnstein, the third year writing requirement can be satisfied by creating a program and writing a short paper, overseen by a faculty member and supervised by Burnstein on a week-to-week basis. "We are looking for students to do a few additional lessons," noted Burnstein. There are approximately three openings, he said.

"The program is open to use by related Harvard courses and clinical placement," said Burnstein. "We welcome arrangements for use by staff and faculty." The program has been assigned for use by classes in evidence, comparative legal education and trial advocacy, and approximately 400 students will use the system in the 1986-87 year, said Burnstein.

The ultimate goal is availability for use to all law school students.

New equipment has been set up at various sites around the school, and future plans call for placement in Langdell and other areas.

User feedback on the program has been "enthusiastic", according to Burnstein. Of 170 student evaluations done by evidence students who used the video during winter term, 167 said they like the program.

The Interactive Video Program has hopes of being able to market its finished lessons. HLS is working with the center for Computer-Assisted Legal Instruction to distribute lessons to other law schools, and demonstration tapes and meeting have been prepared and viewed by Delaware's Deputy Attorney General and used by the Massachusetts Committee for Public Counsel Services and the Jamaica Plain Legal Services Center. Wake Forest University, Rochester Institute of Technology, New York University, Boston University and Northeastern University have all worked with the program or have had faculty involved with preparing lessons. With start-up cost of \$1,000 to \$2,000, the videos seem likely to become increasingly available as a viable legal education tool.



HLS Establishes Public Interest Grant Program

By David Snouffer

HLS administrators have not made "too much" progress in efforts begun last August to establish a summer grant for students who do public interest work, one dean said Monday, but he pledged they would "be working hard" on the project over the next six months.

A summer public interest grant is "very important" to HLS Dean James Vorenberg '51 and other administrators, Vice Dean David Smith '61 said Monday. *The Harvard Crimson* quoted HLS alumni who attended a class reunion on campus last fall as saying Vorenberg expressed support for the idea during a speech he delivered to their gathering.

Smith said the planned grant will not be available until at least 1988.

A human rights fellowship program set up four years ago has recently provided increased funding for public interest work, and three other sources also pay students who take public interest jobs, but Smith said more money is needed.

Ron Fox, who is public interest coordinator for the HLS Placement Office, has conducted studies since last summer that show that enough students are interested in summer grants to justify a program of 20 such stipends, Smith said. Fox was unavailable for comment this week.

The Alliance for Public Interest Alternatives, formed last spring, has been prodding administrators to establish a grant. Its membership has swelled since the fall. It now sends its biweekly newsletter to over 300 persons.

HLS has increased the number of its human rights fellowships from nine in 1982 to 23 in 1986. The Ford Foundation and a school endowment fund the fellowships, which provide \$1,650 to \$2,800 to students who work in the summer for domestic and international human and civil rights organizations.

In addition, about 20 students receive student-funded fellowships, and about 50 more get work study assistance for summer work. HLS also lends up to \$2,500 to students

who accept low paying law-related summer jobs.

Rising tuition costs, however, have made such loans "much less attractive" to students than they were four years ago when the program was established, Smith said. In 1986 alone, HLS tuition rose 11 percent. Whereas 35 to 40 students took out the loans in the first year of the program, HLS lent only \$25,000 through it last summer, Fox said in the fall.

HLS hopes to fund 20 fellowships of \$2,500 to \$2,800, Smith said, with smaller amounts going to students whose summer jobs already pay them a small salary. He said Fox is exploring whether \$2,500 to \$2,800 will "reasonably" support a student for a summer.

In their fundraising efforts, HLS administrators will primarily target potential alumni donors during the next few months, Smith said, although foundations will be contacted as well.

"My impression is that foundations are not very much in the business these days of funding fellowships or summer grants," and some have been shifting their giving away from universities, Smith said.

Grant awards should be made on condition that recipients find a qualifying public interest job, Smith said. Some students have complained that they were trapped between potential public interest employers who would not offer them a position until they had obtained outside funding and existing funding programs that were available only to students who already had jobs.

The planned grant program also should work "in tandem" with the existing student-funded fellowships, Smith said.

HLS administrators have been "taking stock" of the school's support for public interest work, Smith said.

(Continued on Page 12)

Grossman & Co. was founded in November 1981 with the objective of achieving consistently superior investment returns with a relatively low level of risk. Here are the results through 12-31-86:

18.6% average annual compound return.

These results have been achieved through a flexible investment strategy centered on buying undervalued New York Stock Exchange listed stocks, but including the purchase of convertible bonds and the selected selling of covered call options. Dennis Grossman, the founder and president, who managed the accounts during this period, will manage your account. The minimum initial investment is \$50,000. For further information, including a free brochure, call or write:



Grossman & Co.
INVESTMENT MANAGEMENT

90 Broad Street
New York, N.Y. 10004
212 - 422-3056

Registered Investment Advisor
Member NASD and SIPC

Somerville Bar Review Imbibes In Revival

By Michael Reilly

After several years of dormancy, the Somerville Bar Review has been resurrected, its members again converging on seedy local drinking holes in search of boisterous fun and cheap beer. The organization's rebirth can be traced to a conversation between Josie Kerlinsky, 2L, and several HLS alumni at the South Carolina law firm where Kerlinsky worked last summer. These graduates asked about the status of the Somerville Bar Review and were saddened to hear of its non-existence. Delighted by their stories of the SBR's raucous past, Kerlinsky returned to campus determined to ensure that the current generation of HLS students not be deprived of the SBR experience.

She met with fellow 2Ls Jim Caras and Paul Jakubowski and told them of her plan to reorganize the Bar Review. They all agreed, and the new Somerville Bar Review was born. Like its predecessor, the group's goal is to gather students and "descend on slimy Somerville bars" for a recreational escape from campus, Kerlinsky said. Every Wednesday night, the SBR convenes in a different bar. Some recent host bars have been: Nick's, Studley's, Whitney's Place, Georgie's, and Stephen James' Steakhouse. Important criteria in choosing the lo-

cation of an SBR session include the bar's proximity to the Cambridge-Somerville area, drink prices, ambience, and, above all, the number of dartboards.

Asking Blessing

As of now, the Bar Review is not an official HLS organization, although Jakubowski is investigating the procedure necessary to gain the HLS blessing. The costs of advertising and other incidental expenses are therefore borne by the organizers and the 30-odd "regulars" who attend SBR functions. These minor burdens have presented no problem, however, to the organization's growth over the fall semester.

The Bar Review's primary emphasis this spring will be the recruitment of 1Ls. Kerlinsky said

that many first year students are "afraid and don't understand the Bar Review." she even overheard one say, "I can't go to a bar review, I'm only a 1L."

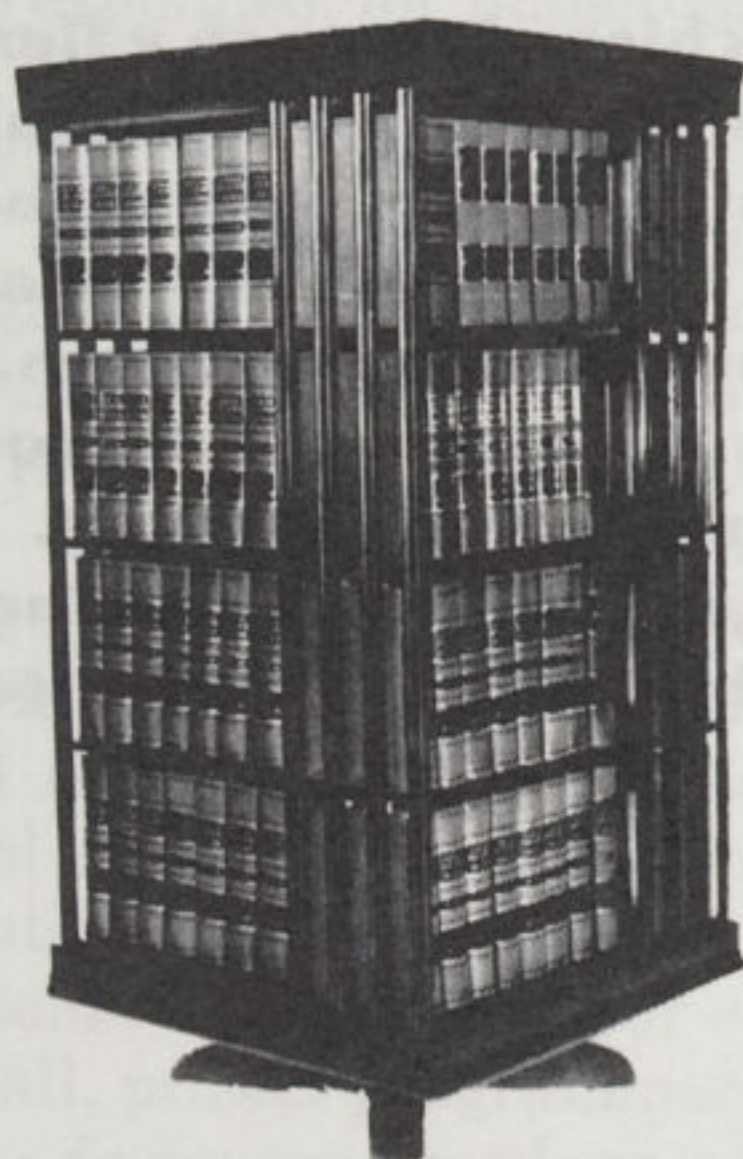
The group's organizers plan to heighten SBR's profile amongst students with several promotional events over the next few months. In an effort to broaden the SBR's core group and "keep the tradition going strong," Kerlinsky said the SBR will sponsor a "field trip" to the Saint Patrick's Day Parade in South Boston, sell promotional T-shirts and boxer shorts sporting the SBR logo, and have a "Bar Review Comes Home" party at the Pub. Finally, Kerlinsky said that the SBR will set up a suggestion box in the Harkness Commons where students will be able to recommend those "dives that you've seen but never dared to go into alone." ❦

RECORD OPEN HOUSE

February 26, 1987

6:30-7:30 P.M.

FREE PIZZA AND BEER



REVOLVING BOOKCASE
28" x 28" x 61" high
272" Total Shelf Space

a brand new very old idea...

THOMAS JEFFERSON USED ONE AND
REALIZED ITS EFFICIENCY

History records great men as using the **REVOLVING BOOKCASE**. We construct our Revolving Bookcase on the design found in London libraries using fine American hardwoods. They are hand crafted and rubbed, stable as Gibraltar's Rock and turn as smoothly as a bank vault door. One finger's pressure moves 800 pounds of books. It makes the perfect display for the serious scholar, the researcher or the professor who must sit in judgment of literary effort. Its delightful design and mellow finish enhances cultural atmosphere.

Whether you are scholarly, literary or practical, you may exhibit your antiques and mementoes in supreme elegance - Or you may simply be more efficient and put your feet up and swing the bookcase to the volume you need.

Write us - we'll call you back. Satisfaction is absolutely guaranteed.

THE LAZY LAWYER CO., DEPT. CC
203 MYRTLE AVENUE, P.O. DRAWER 638
FOLEY, ALABAMA 36536
205-943-1800

Film Festival Celebrates Black History Month

By Greg Herbert

"Now is an especially important time for blacks to feel a strong sense of pride and self-worth," explained Diana Troutman, 3L co-chairperson of the Harvard Black Law Students Association's Black History Month Committee. The HLS Black History Month celebration began February 5 with the seventh Black Independent Filmmakers' Film Festival.

Since September, BLSA has been planning this varied series of lectures, exhibitions and entertainment. The series will end with the Fourth Annual Spring Career Conference, Dinner and Dance, which will be held at the Copley Marriot Hotel in Boston. The planning committee has taken as its themes "Every Month is Black History Month" and "Reconstruction II," emphasizing the vast and diverse nature of contributions by blacks throughout American and world history. A special focus will be on future trends and strategies that can help forge the way for new progress and advances for black causes.

The events have been organized along three approaches: cultural, political and sociological. Expected highlights of the cultural aspect of the series include a tribute to black women entitled "An Evening of Song, Poetry and Dance," featuring poet Ntozake Shange as guest speaker, and a cultural show presented by the Association of Black Radcliffe Women. Former congres-



Karen Russell

Black Law Student Association President Millicent Hodge

sional candidate Julian Bond's speech, "Alternative Strategies for Black Progress," and a video presentation of a speech by Malcolm X will form the the core of the series' political focus. A symposium on the black family, moderated by HLS Assistant Professor David Wilkins, '80, will provide the sociological thrust of the month's events.

Vilna Waldron, 3L vice-chairperson of BLSA's Black History Month Committee, commented on the tension underlying any examination of black history, between the positive achievements of the past and the long tradition of mistreatment and abuse which makes up the black heritage. "Of course, we can't forget the negative. It's a

major part of the black cultural baggage," said Waldron. "But we should view past struggles with an eye toward formulating strategy for

(Continued on Page 6)

CORRECTION

In the last editorial (RECORD, Vol. 83, No. 10) we incorrectly described Steven Stark's Legal Writer class as "huge". Mr. Stark's class is actually limited to fifteen students. Further, except for the fact that is is available only to third year students, Mr. Stark's class — which involves extensive teacher-student contact — could serve as a model for further efforts. Our apologies to Mr. Stark.

Additionally, it has come to our attention that various members of the reading public — including some members of the faculty — could not tell whether we came to praise Messrs. Stark and Gopen, or to bury them. As the chiasmus in the last sentence signals, our intention was benevolent; not only are they doing a fine job, but HLS should hire 20 more just like them.

— RJP
— GMB

HAS TALENT LEFT
HARVARD LAW?

ARE THE 1976 EMANUEL
OUTLINES THE BEST
HARVARD LAW CAN
PRODUCE?

WE ARE INTERESTED IN
PUBLISHING COURSE
OUTLINES.

PLEASE WRITE TO US.

CAMBRIDGE LAW
STUDY AIDS

4814 SOUTH PULASKI ROAD
CHICAGO, ILLINOIS 60632

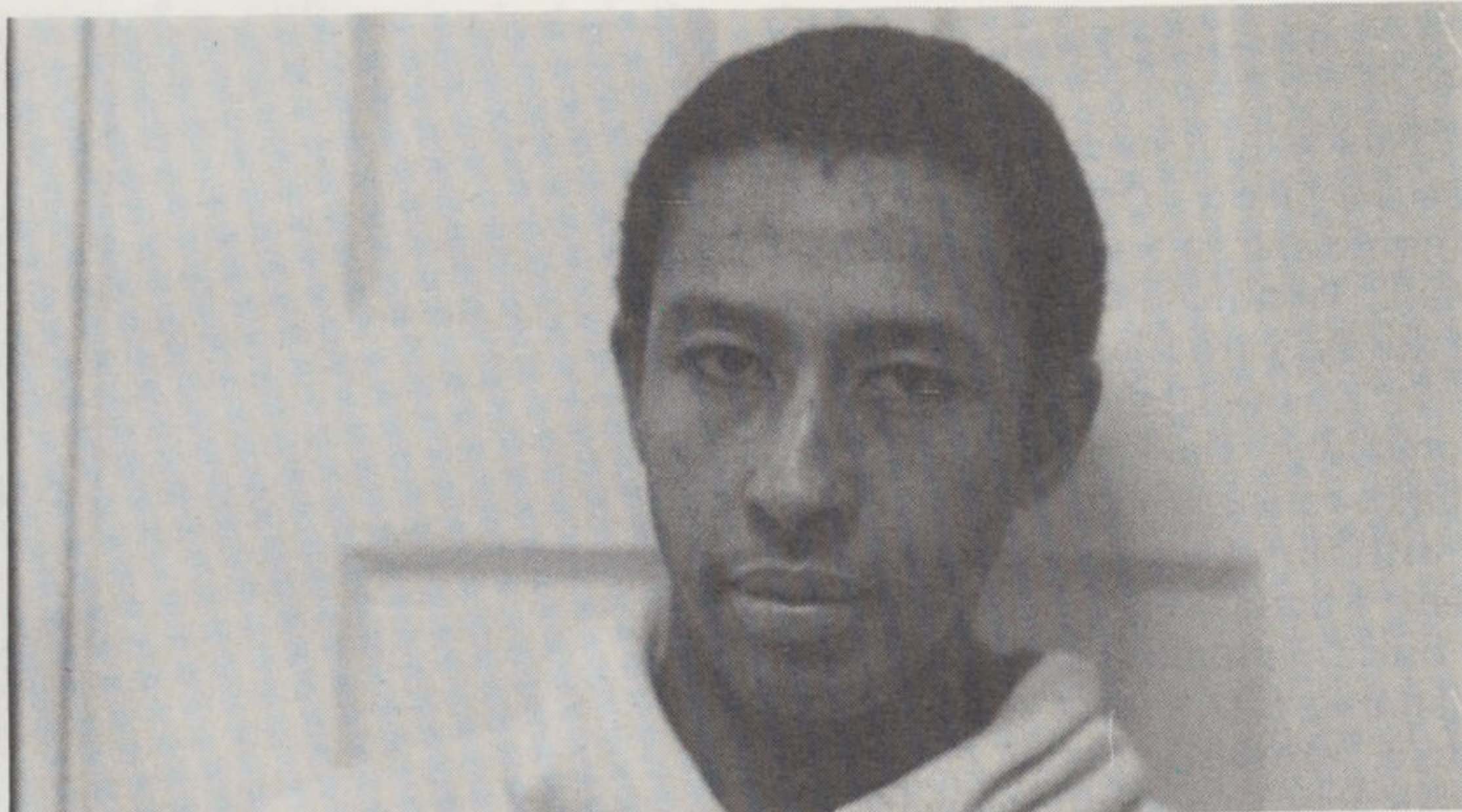
Law School Council President and VP Resign

(Continued from Page 1)

reflected that such work was responsive to the needs of a particular section and didn't really involve the Council as a whole. Since the second and third year representatives don't have sections, he said, it was more common for them to "sit around and not propose anything, and not act in the students' interests."

Similarly, Schwartzbaum had served for a full year in the capacity of LSC vice president, albeit unofficially for the first few months. Schwartzbaum said that it was "not the most gratifying job or activity at the Law School," and he thought "a lot of people feel that it is difficult to accomplish things, due to an unresponsive Administration."

Ward and Schwartzbaum both expressed an earnest desire to remain involved with the Council and to try to enlarge and improve the functions of the Council. Ward stressed his interest in a student



Hillary Richard

Former President of LSC, Jay Ward.

body referendum on the issue of student organization funding. The Council would like to participate in the allocation of money to student organizations, as he sees the Council as having no power in a meaningful sense without such participation.

Commenting on the Committee on the Quality of Student Life,

which Ward participated in the creation of, he said that while the Committee was well-intentioned, it was so concerned with niceties and procedures that it would most likely get bogged down without achieving anything.

The candidates who have already declared their intentions to run are: Neil Quinter (2L), Bill Sarraile (1L, Sec. 4) and Natalie Hanlon (1L, Sec. 3) for president, John Vein (1L, Sec. 4) for vice president, and Pat Wood (1L, Sec. 4) for secretary. (Julie Chiu resigned as LSC secretary early last semester.)

Black History: Positive, Negative

(Continued from Page 5)

future gains. We want to leave people with a very positive feeling."

Although no specific events dealing directly with the current prominence of racial issues in the media were planned, recent occurrences both nationwide and here in Cambridge make the celebration of Black History Month especially relevant. Topics such as the racially-motivated attack in Howard Beach, NY, the controversial marches in Forsyth County, Ga and the re-

peated stopping and questioning of black HLS students by Cambridge police are certain to surface during the month's activities.

In addition to the scheduled events, BLSA will be selling Black History Month T-shirts in the Hark and at all the events. "We encourage everyone to attend all the activities. It should be educational and also a lot of fun," Troutman promised. BLSA's Black History Month posters will provide a calendar of events and other details.



HEADQUARTERS FOR RACQUET SPORTS

- SQUASH
- TENNIS
- PLATFORM TENNIS
- RACQUETBALL



**Tennis and
Squash shop**

67 Mt. Auburn St.
Harvard Square Cambridge
864-8800

EST. 1924

Largest selection of squash
apparel and rackets in this area.

*Wanted:
Autographs*

of Presidents and Famous People.

*Old Stocks & Bonds
Political Pins, Ribbons,
Banners, Baseball Memorabilia
and Baseball Cards
High prices paid*

PAUL J. LONGO, BOX 490-HL,
SOUTH ORLEANS, MASSACHUSETTS
02662
(617) 255-5482

**Next
RECORD:
Friday
February
27,
1987**

HLS Student Recommends Agent to Testaverde

By Jonathan Grunzweig

The world of Langdell Hall and Miami's Orange Bowl may seem far apart, but Chris Rosado, 2L, has been doing his best to bring the two closer together. As the life-long best friend of Heisman Trophy winning quarterback Vinny Testaverde, Rosado has been putting his legal studies to use in order to help the future number one draft pick prepare for his professional football career. When Testaverde called a press conference January 22 to announce the selection of Boston sports attorney Bob Woolf as his agent, Rosado was by his side at the dais.

Born one day and two houses apart, Rosado and Testaverde "have always been like brothers," relates Rosado. "We actually played football together in the eighth grade," he recalls, although when Rosado's growth slowed at 5'4" he allowed his friend to continue without him. "But I never thought he'd be *that* good."

Rosado attributes Testaverde's success to hard work as well as to natural ability. "People don't realize how much Vinny puts into football." Testaverde was not very heavily recruited out of high school, but an extra year at Fork Union Military Academy brought several offers. Rosado admits that his friend did not need much advice as far as choosing a college was concerned. "Miami's passing game and climate were all that Vinny wanted."

An upcoming professional career is rekindling Testaverde's reliance on Rosado, who has been researching sports law since last spring in order to prepare himself to help Testaverde choose an agent to represent him in contract negotiations and financial management. In addition to substantial reading, which included Bob Woolf's *Behind Closed Doors*, Rosado sought advice from HLS Professor Paul Weiler. According to Rosado, Weiler limited himself to general recommendations from an academic standpoint.

Weiler named several agents and stressed Woolf's role in originating the field of sports law.

On Rosado's advice, Testaverde chose Woolf and now joins a clientele which includes Larry Bird and Doug Flutie. "We're already discussing some endorsement possibilities, and I'm going to be able to observe everything," says Rosado. "Bob Woolf is genuinely trustworthy and honest, and he calls me periodically with updates."

While Testaverde will be spending the next few months at scouting camps, awards banquets and the golf course, Rosado is not complaining about being tied to Langdell Hall. "This has been an absolutely phenomenal experience for me. I mean, here I am — very interested in sports law — and how many students get this sort of chance?"

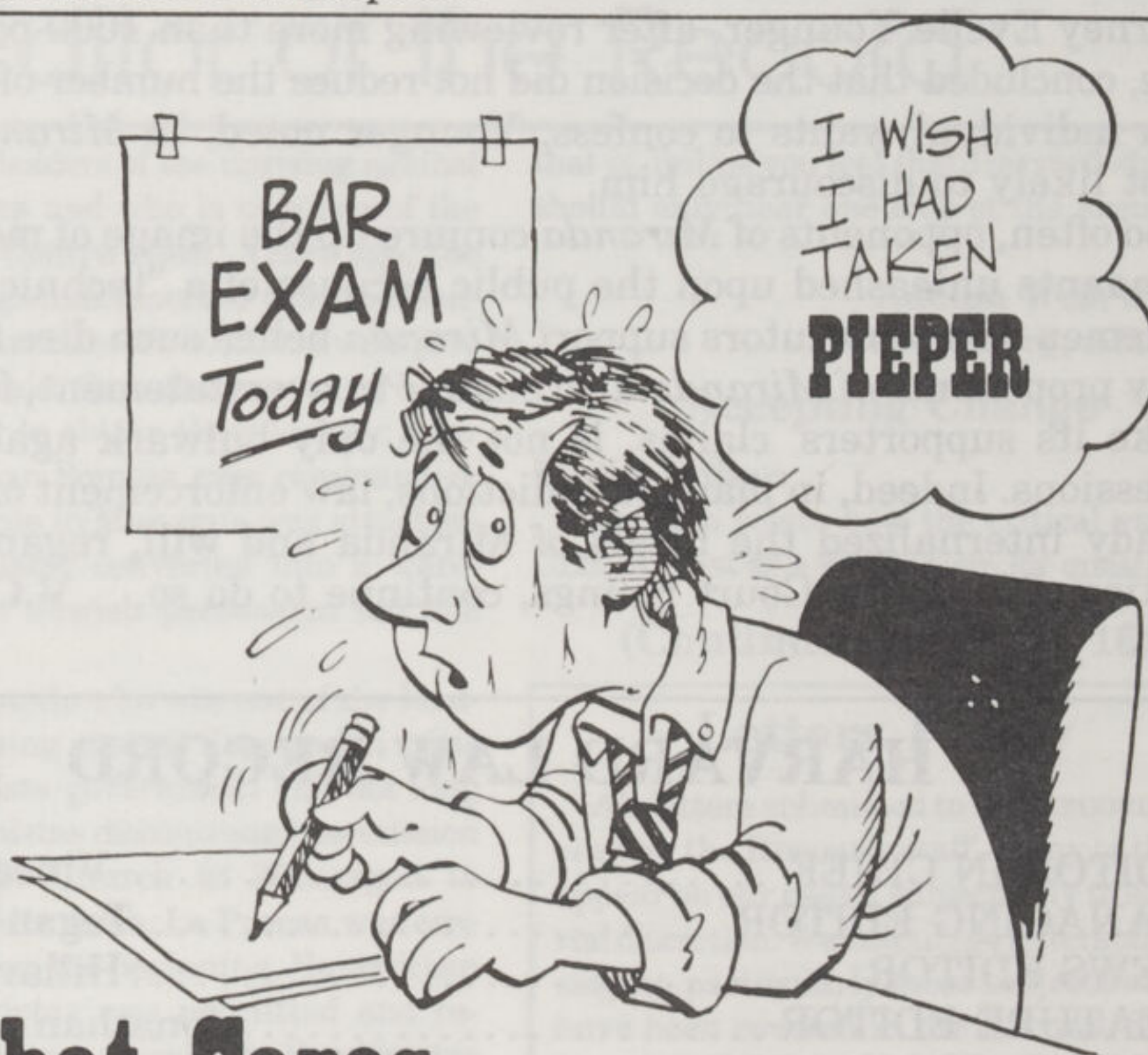
PASS WITH PIEPER

The Bar Course That Cares

For information see your Pieper Reps or contact:

PIEPER NEW YORK-MULTISTATE BAR REVIEW, LTD.

90 Willis Avenue, Mineola, New York 11501 • Telephone: (516) 747-4311



The Right To Remain Silent

Rarely before has the privilege against self-incrimination been so prominently in the news. Even as Attorney General Edwin Meese captured headlines by denouncing the *Miranda* decision, former Reagan national security officials Oliver North and John Poindexter have become staunch devotees of the Fifth Amendment, continually invoking the privilege while refusing to testify.

The juxtaposition of the two events has sparked media attention and academic debate over the right to remain silent. But much of the discourse misses a crucial point: *regardless* of whether the Irangate special prosecutors grant immunity and regardless of whether the Supreme Court embraces Meese's constitutional "interpretations" as its own, *Miranda* has already wrought a sweeping — and perhaps irreversible — change in police and prosecutor tactics.

Forced to adopt tactics more professional than reliance on quick and easy confessions, the nation's police have become more sophisticated and effective. Today, half of all police have earned at least some college credits; police chiefs now use the latest crime-solving technology actively strive for better community relations.

Indeed, while academics slug it out, many policemen have already made up their minds on *Miranda*. "If it is overturned, I don't know that I'd order my officers not to give the *Miranda* rights," said Cambridge Police Chief Polillo at a recent Mass. Police Assoc. meeting. "They can't tell me not to," he added.

Boston Police Commissioner Francis J. Roache echoed the sentiment, expressing the surprising consensus of the Mass. Police: "*Miranda* made us more professional . . . it forced us to appreciate the Constitution."

Nor are the Mass. Police hopelessly out of step with law enforcement officials in the rest of the nation. In Los Angeles, for example, District Attorney Evelle Younger, after reviewing more than 1000 post-*Miranda* cases, concluded that the decision did not reduce the number of convictions. If an individual wants to confess, Younger noted, "a *Miranda* warning is not likely to discourage him."

Too often, opponents of *Miranda* conjure up the image of mobs of guilty defendants unleashed upon the public because of a "technicality." That policemen and prosecutors support *Miranda* belies such dire threats. But many proponents of *Miranda* also engage in overstatement, for *Miranda*, unlike its supporters' claims, is not the only bulwark against coerced confessions. Indeed, in many jurisdictions, law enforcement officials have already internalized the ideals of *Miranda* and will, regardless of the niceties of Supreme Court rulings, continue to do so. V.C.

Fenno

When Fenno first came to HLS, he expected everyone to be the star-studded resume type — the ones that have it all: high cheekbones, joint degrees, and summer condos in Rio. But since he had soon learned that HLS admissions' special committee only allows in extremists, neurotics and nerds, he knew he would have to trek down to the undergraduate lair, the Filly, to celebrate the America's Cup Victory. There he might be able to talk sensibly with someone about ethnocentricity, White Man's burden, biological Darwinism, Manifest Destiny, the importance of imperialism, Dennis Conner's tan and the lack of any really good skiing this side of the Mississippi. This year's yachting victory was especially sweet for Fenno, since a partner in an Australian firm had had the gall to laugh at his mention of Foster's Lager in his resume's personal section.

Wandering through Harvard Square with these thoughts, he soon found himself at his destination, surrounded by cosmetically-clefted chins, lacrosse team jackets, and talk of awesome fake IDs and being drunk as SHIT. He gulped a few beers and noticed a young couple who seemed to have stepped out of *Yachting* magazine, probably from an L.L. Bean ad. She was wearing his crew team sweatshirt, skipper's hat and the intentionally-unkempt-but-shimmering-hair-style so popular in *Espirit* ads that revealed how hard she strove for the "I don't try to look beautiful" look. He wore the obligatory shirttail-hanging-out-of-the-Polo-sweatshirt, a three-day Don Johnson scruff, a milk-white toothy smile, green plaid pants and well-worn Timberlane topsiders, revealing well-tanned ankles. Feeling soothed by their casual seaside manner, Fenno essayed a conversational volley: "Where was old Crocodile Dundee when those bloody Aussies needed him, huh?"

"Sorry guy," the male said jauntily, "can't quite say that I follow you."

"You know," Fenno winked, "America's Cup, cultural superiority and all that."

"Chad and I don't follow sports much," the talking skipper's hat said.

"Well what do you do?" Fenno was confused.

"We spend most of our time trying to perpetuate a stereotype," the hat said tersely. "We were just now concentrating on facial expressions and stances. Tomorrow is opportunism and political apathy."

Fenno sighed. Thank god, he thought, at least the *undergrads* aren't a bunch of intellectual elitists and social misfits.

HARVARD LAW RECORD

EDITOR IN CHIEF Vincent Chang
 MANAGING EDITOR Tegan M. Flynn
 NEWS EDITOR Hillary Richard
 FEATURE EDITOR Jonathan Grunzweig
 BUSINESS MANAGER Marla Becker
 COMMENTARY EDITOR Eric Sullivan
 EDITORS EMERITI George M. Borkowski, Risé J. Peters
 STAFF: Fenno, Ken Fisher, Carla Foran, Jeff Gershowitz, Greg Herbert, Adele Hendrix, James F. Hoffman, Julia A. Loewy, Susan Povich, Jamin Raskin, Mike Reilly, Walter Sargent, David Snouffer
 PHOTO EDITOR Sal Casente
 PHOTO STAFF: Adele Hendrix, Suzanne Jackson, Hillary Richard, Karen Russell

TOM THE DANCING BUG

BY RUBEN BOLLING



Letters to the Editor of the Record

Broken Promises

To the Editor:

I have just read "Ramirez Speaks on U.S. and World Court."

In the last two months the Mayor of Bluefields, Nicaragua spoke to students at Alabama State University in Montgomery, Alabama and the Vice President of Nicaragua spoke to Harvard law students in the Ames Courtroom.

It is high time U.S. citizens understand the nature of the Sandanista propaganda campaign. (In this regard, would Nicaragua permit Mayor Koch or Vice President Bush to speak to the students in their country?) Regardless of the World Court's rulings one must remember that the Sandanistas are waging aggressive warfare in Central America. For instance, just recently Sandanista forces crossed the border into Honduras.

Let us remember what was promised upon the overthrow of General Somoza; free elections within six months, freedom of speech, freedom of religion, freedom of the press. At that time the United States sent aid to Nicaragua. Although the junta consisted of three hard Communists, it also included Violeta Chamorro, the widow of the *La Prensa* newspaper editor whose assassination touched off the uprising against Somoza. Also it included Mr. Robelo, an industrialist who

was one of the leaders of the uprising against General Somoza and who is now one of the leaders of the Contra effort. Years ago, the *Economist* magazine reported that the Sandanistas had an army of 200,000: a well paid army; better paid than the average Nicaraguan in order to obtain their loyalty; a far larger force than Somoza ever commanded.

The synagogue in Managua was attacked, set afire and later converted into a warehouse. Most of Jewish persuasion left the country.

Cardinal Obando who was one of the leaders in the uprising against Somoza is a critic of the Sandanista government and not long ago the Sandanistas discontinued permission of the Catholic Church in Nicaragua to broadcast over its radio. *La Prensa* was censored almost from the beginning. No criticism of the Sandanistas was permitted and recently the paper was closed. The Sandanistas cleverly say that it was owned by the CIA which is ridiculous. Two recent articles in *Commentary* magazine and in *Foreign Affairs* magazine reveal the truth of the matter.

Elections were held in Nicaragua several months ago. The opposition candidate was not permitted to use the media in his campaign and he quit the campaign. His name was Arturo Cruz, one of the leaders of the Contras.

It is suggested that you see to it that HLS invites Mr. Robelo to speak to its students,

that is, unless you feel that Harvard students should only hear one side of the argument.

Adolph Weil, Jr., '38
Montgomery, Alabama

Accepting Change

To the Editor:

I want to relate how the critical value of CLS, at least as a mechanism for questioning

(Continued on Page 16)

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.

Student Advocates Several Fundamental

By John T. McNeil, 3L

In 1950, just after the completion of the Harkness Commons and the accompanying dormitories, Walter Gropius asked for "the success of these eight buildings to be measured primarily by their impact upon the minds and the lives of those who will use them." Since that time, and especially in the last ten years, student criticism of these buildings has been nearly unanimous: Gropius' legacy to the Harvard Law School has been an abysmal failure. Not only do these cold and disfunctional buildings fail to meet students' needs, but they also have adversely affected the quality of life at HLS by imposing barriers to student interaction.

The primary problem with Gropius' buildings is not merely their cold and barren appearance. Their fault lies in the way they treat the students who use them. Gropius chose to make efficiency the paramount feature of the buildings. In the pseudo-scientific Bauhaus fashion, Gropius carefully calculated the movements and activities that were to take place in his buildings. Yet, the efficiency of his design left no room for casual human interaction — for spontaneous activity, for flesh and blood. Gropius brought Bauhaus efficiency to HLS but he left the real student out of his design. His students, like the characters in Bauhaus paintings, are mechanical beings, robots to be programmed.

The Harkness wrenches students from Austin Hall's arches and the columns of Langdell to thrust them into the student factory of the future. Students are fed into the Harkness hallway through two narrow entrances, blended, and diced with other students in front of the Coop, whipped onto the ramp, fed into a cafeteria line and then spilled down stairways on either side of the building. The Harkness has fed and socialized Gropius' students in record time; its factory-

like efficiency leaves them to rush off to the library, to class, or even to their equally efficient dormitory cubicles. Taylorian scientific management has been realized in academia by Walter Gropius.

This is not to criticize Gropius' desire to challenge Harvard's traditional architecture, but to condemn his myopic conception of what a modern graduate student should be. Gropius saw the Graduate Student Center as the focus for a radical departure from the school's complacent and aristocratic past. He defended his design by asking: "how can we expect our students to become bold and fearless in thought and action if we encase them in

Taylorian scientific management has been realized in academia by Walter Gropius

sentimental shrines feigning a culture which has long since disappeared?" At the same time, this missionary for the machine age could not adapt his concept of a unified technology, art, and architecture to a living space for students. His desire to create a new society of graduate students blinded him to those students' need to have something more than efficiency.

Nor is this a criticism of the entire Graduate Student Center. Many wonderful aspects of the Harkness Commons should not be overlooked. The Albers fireplace in the pub is a fine example of Bauhaus art/architecture. Incorporating such artwork into the structure of the building, rather than simply hanging it on the building, was a great concept. Gropius' unique sense of aesthetic is also highlighted by the fine curves in the Harkness, visible on the east facade of the building and the west wall of the hallway. The ramp from the first to the sec-

ond floors also has a grace to it, but a grace that, unfortunately, is hidden because the ramp is crammed into a small space.

Attempts At Improvements

Of the several attempts to salvage the Harkness over the years, most have only slightly improved the building while turning Gropius' efficiency into chaos. In the early 1970s, because the Harkness was rarely used by students, the student mailboxes were moved into the Harkness building in an attempt to attract students. Though the mailboxes were a sufficient magnet to draw students into the building, chaos ensued, namely the familiar pandemonium of crowds attempting to get mail at noon. Several years later, couches were added to the hallway. Motivated by the good intention of encouraging socializing in the barren place, the change nonetheless backfired. Unfortunately, only a few enjoy sitting, while the rest trip over the couches and collide into other students trying to avoid the couches.

When students vociferously complained about the Harkness in the late 1970s, a committee of students and administrators was formed to consider alterations to the building. Students were surveyed, an architect was hired, and the architect's renderings of major changes were copied and sent to each student for comments. Unfortunately, the changes were either too daring or too expensive for the Administration, prompting Dean Vorenberg to reject the plan in 1981.

Since then students have seen little positive change in the building. The original committee to improve the Harkness disbanded after the proposal was turned down. The changes made in the building have been piecemeal and without any evaluation of their success. Most have been only band-aids — short-sighted, small scale attempts at solving a large scale problem.

Design Changes for Harkness Commons

Again there is change afoot. The student mailboxes have been moved and a coffee shop has opened. Interviews with Administrative Dean Reagor and several other members of the new committee to improve the Harkness revealed that these changes may only be the beginning and more might to be made over coming months.

Despite the good intentions of this new committee, their efforts are likely to deteriorate into bandaids similar to those that have been placed on the building in the last ten years. A lasting change — more than a token to students and one which is not an insult to Gropius — demands more than this committee is setting out to achieve. The limits they have placed on their efforts to change the building are both unnecessary and in the long run wasteful. The Committee is still acting within the conservative framework created by Dean Vorenberg's rejection of the last proposal.

Piecemeal Plans Fail

The primary flaw with the new committee's agenda is that it has limited its scrutiny to the ground floor of the Harkness. Though the ground floor is used by many more students than the second floor and badly needs improvement, redesigning it alone will not solve the problem. The building, like a balloon, if squeezed in one place will bulge in another. Redesigning this building piece by piece has failed in the past and will fail in the future because piecemeal changes only confuse the structure and delay necessary large scale improvements.

For instance, the recent relocation of the mailboxes into the lounge area will focus the congestion which previously caused havoc in the hallway on the two access points to the lounge. To relieve this congestion, the lounge may need to be opened up to the quad to allow additional access. Such a change, if

combined with altering access to the quad, could draw the focus of the law school's outdoor life from the south side of the building (where it is crowded on a number of concrete benches) into that currently deserted but pleasant grassy quad area.

The new committee also seems to falsely assume that the Harkness possesses some landmark status which restricts change in the structure. (Three members of the new committee noted this problem when discussing possible plans to change the building). In fact, no laws effectively limit building changes. According to Charles Sullivan, Director of the Cambridge Historical Commission, the City has nomi-

The building must be radically altered to correct design flaws

nated the Graduate Student Center for the National Register of Historic Places. The buildings are already on the State Register of Historic Places, but neither the state nor the National Register restricts the rights of the property owner to alter or demolish structures when using private funds. Nor do the City of Cambridge or the state intend to subject the buildings to more restrictive local preservation laws.

The present plan also suffers from insufficient student input. Other than the few students who attended the meetings of the Committee on Student Life and a few DSAC representatives, the people who use the building daily have not been consulted. In contrast to the dialogue between students and designer created by the Harkness committee of the late 1970's, the present committee has worked with the architect since early fall without opening up this process to the student body. Students' opinions should be fun-

damental to any redesign, especially when flaws in the existing structure result from the architect's misperception of the students' needs.

My skeptical view of the plans of the new committee is confirmed by the committee's present activity. The two "experiments" — the moving of the mailboxes and the opening of a coffee shop — though good ideas, are poorly planned. For instance, the new manager of DSAC's coffee shop hopes to gauge student interest in an "alternative to the institutional setting of the dining areas" and will emphasize "quality." Yet how is a shop in an unadorned glass box at the end of the lounge, with furniture collected from other parts of the building, and with a manager and staff who, though well intentioned, are completely inexperienced, supposed to gauge student interest in an alternative to an institutional setting or in a quality coffee shop? This coffee shop will be as effective at gauging student interest in a quality alternative as the pub is at gauging interest in a piano bar.

The new committee has failed to realize that the building must be radically altered to correct design flaws. Redesigning the traffic flow or moving furniture are only small parts of the solution. An architect should be given full license to redesign the entire interior of the building and the grounds surrounding it. Such a major alteration could be phased in over a number of years according to a master plan, as funds allow.

If the new committee is committed to making a lasting change in the Harkness it must attack fundamental design flaws in the building. This requires that they move beyond their self-imposed limits to reconceive the entire building and the surrounding grounds as a whole. It also requires that the committee come out from behind closed doors and allow students to play a central role in the master plan's formation.

HLS Ad Board Considers Protestor's Case

By Hillary Richard

The HLS Administrative Board is investigating second year student Wilson McLeod for his alleged participation in the blockade of Harvard's 350th Anniversary Dinner at Memorial Hall. Divestment activists prevented guests from entering the Hall, and the Dinner was cancelled by University President Derek Bok.

Although the Board has not formally issued charges against McLeod, it has been investigating his actions at the Dinner since September. When McLeod attempted to register for classes at the beginning of last semester he was informed by the Registrar's Office that his registration packet was being held and that he must see the Dean of Students, Mary Upton. Approximately one week after his initial conversation with Dean Upton, Wilson was told by her that there were no charges being filed against him by the Ad Board.

McLeod heard no more about the alleged incident until the beginning of December, at which time he received a letter from Stephen Bernardi, Dean of Academic Affairs.

During his meeting with Bernardi, McLeod was informed that there was additional evidence against him, which indicated that he had been actively involved in the blockade, and that he had physically threatened the donor of the evidence. Although Bernardi would not reveal McLeod's accuser, McLeod was later informed by Ad Board Chairman Frank Sander that it was Corporation member Charles Schlichter who had reported these allegations.

McLeod characterized the time lag between the Ad Board's initial contact with him and the December revelations "harrassment." "I think they are making this a political show trial," stated McLeod, "I believe they're making me a scapegoat for the Law School community, to prevent activism on the divestment issue." He also referred to the holding up of his registration packet as petty harrassment, pointing out that he has "a house, a phone number, a number on campus and a mailbox on campus."

Third year student Michael Anderson commented: "The one thing that's always gotten under the Harvard Corporation's skin is that it has been unable to crack down on divestment protestors the way [it] would like to, because of the irritating detail of due process. The Ad Board is caught in an impossible

situation. Anyone on the Ad Board in contact with the case knows that they have nothing to pin on Wilson McLeod, but accusations are being made by a powerful member of the Corporation and the Ad Board is not at liberty to dismiss the charges."

McLeod has asked Visiting Professor Charles Ogletree to represent him in this matter. McLeod has declined one request to appear before the Ad Board to "informally" comment on the allegations against him, although he has submitted a written account of his position, and has been requested to appear before the Board in mid-February.

Ad Board Chairman Frank Sander declined to comment.

✽

HLS Solicits For Fellowship

(Continued from Page 3)

Fox is working on a short brochure that will describe such public interest opportunities as courses and clinical programs, student groups and the school's loan forgiveness program for graduates who work a required number of years in qualifying low-paying jobs.

Smith said administrators are also thinking about student suggestions that the loan forgiveness program, officially called the low income protection plan, adopt a higher maximum salary and that it change the way it treats income earned by students' spouses.

HLS deans believe summer public interest work exposes students to an important facet of the legal profession, Smith said. "Even those who don't go on to public interest careers will make public interest undertakings a part of their agendas," he said.

A recent survey of the HLS class of 1981 shows that almost 90 members of it — more than a sixth of the class — now hold government or public interest jobs. The number is "quite substantial," Smith said, "and I think it's more substantial than many people realize."

✽

**\$10-\$360
WEEKLY/Up**

Mailing Circulars! No quotas/
bosses. Sincerely Interested RUSH
Self-Addressed Envelope: Rose-
mary, 804 Old Thorsby Road,
Clanton, Alabama 35045

Published ten times each semester by the Harvard Law School Record Corporation, 23 Everett St., Cambridge, Mass. 02138-9984. Telephone (617) 495-4418. Subscription price: \$8.00 year mailed; \$10.00 year mailed outside U.S.; students \$4.00 year distributed at the Law School. Individual copies including back issues: 50 cents at the Law School, \$1.00 mailed. Second-class postage paid at Boston, Mass.

Copyright 1986 by the Harvard Law School Record Corporation and by the contributors.

POSTMASTER: Send address changes to Harvard Law School Association, Harvard Law School, Cambridge, Mass. 02138.

ALUMNI/AE ADDRESS CHANGES: Alumni/ae who receive the Record as a result of membership in the Harvard Law School Association should mail change-of-address information to the **Harvard Law School Association**, Harvard Law School, Cambridge, Mass. 02138.

Each alumnus/a receiving a Record subscription through the Harvard Law School Assn. should be on notice that \$5.80 of H.L.S.A. annual dues are used to purchase the Record subscription he or she receives. Dues paid at any time during the H.L.S.A. fiscal year that began in April 1986 and ends in March 1987 will purchase a subscription that begins in September 1986 and expires in May 1987, and so on in following years.

\$

\$

SAVE \$ TODAY

HELP SECURE SUCCESS TOMORROW

GET THE BEST FOR LESS

JOSEPHSON * KLUWER

TAKE ADVANTAGE OF THE TERRIFIC DISCOUNTS
ON OUR BAR REVIEW COURSES*

MASSACHUSETTS

\$575

California \$ **920**

Michigan \$ **735**

New York \$ **790**

Pennsylvania \$ **665**

CLASS OF 1987

New York \$ **735**

Pennsylvania \$ **610**

CLASS OF 1988, 1989, 1990

(OFFER GOOD UNTIL MARCH 20, 1987)

FOR FURTHER DETAILS SEE YOUR JOSEPHSON/KLUWER CAMPUS REP
OR CONTACT

*Net Course Prices

**JOSEPHSON
* KLUWER**
LEGAL EDUCATIONAL CENTERS, INC.

677 Beacon Street, Suite 201
Boston, MA 02215
(617) 267-5452 or (800) 421-4577

\$

\$

© 1987, Josephson/Kluwer Legal Educational Centers, Inc.

Reptile Emphasizes Intersubjective Zap

By Jamin Raskin

The middle-of-the-night Feb. 5 deposit in the Hark of the premiere issue of *The Reptile*, the organ of the "Militant and Cultural Tendencies of the Counter-Hegemonic Front," occasions a small sense of satisfaction in this reviewer. Since my 1-L days, I have been vaguely aware that small, sectarian, subterranean CLS-inspired cells of students have practiced hit-and-run attacks on the HLS Establishment. The spirited and anonymous Reptile Collective now continues that grand tradition of sophisticated radical theory and infantile schoolyard pranks; these are the people who talk about "cultural hegemony" and share me-down; these are the people your O-group leader warned you about.

The *Reptile* ("Cite as 1 Reptile 1, 1987") claims a Gramscian heritage "with The Militant Tendency Seeking to advance the cause of socialism and the Cultural Tendency emphasizing the importance of intersubjective Zap." (1 *Reptile* 1, 1987) Translating this vintage crit-chat for the uninitiated, this declaration of principle means that half of the collective (probably two people) likes to go to protest demonstrations while the other half prefers to get drunk in Somerville bars. The writings of both tendencies are suffused with the spirit of Professor

Duncan Kennedy, whose politico-cultural graffiti-style rag, the *Lizard* obviously inspired this effort.

The *Reptile* surpasses the *Lizard* (I'm sorry to say, Dunc.) with its clean graphics and palpably collaborative approach. It is also funnier for students since it is more interested in subversion from below than how to lie low and get tenure. In a tantalizing how-to guide for the radical takeover of HLS, for example, the authors urge a coup at Lincoln's Inn, a power move on the Committee on Sports and Entertainment Law ("These people have more energy than most oil wells; they also have the most ambitious speakers program in the Western Hemisphere,") and a seizure of the means of reproduction-Legal Copy. The yippie-like "How Fluoridated Water Turns Kids Into Crits" is clever, and no one should miss the (presumably genuine) Counter-Hegemonic Mail Order Supermarket. You can order the following cultural artifacts: "Grades Are Random" T-shirts; now-famous CHF posters like "End Loan Slavery," and "Fly Out Everywhere"; (I recommend, à la CHF, you just remove the ones you like from the bulletin board), and, best of all, a "Nutshell" on Marx's "On the Jewish Question," that staple food in the predictable CLS mind-diet.

The best features in the *Reptile* are a sensible and sober account of what it is like to lawyer in probate court, where all of our social problems explode, and the comic strip whose style seems to be at least mildly plagiarized from the RECORD.

No matter: the cartoon "Gambling Man" features likeable Biff Blowhard, a generic-faced 1L who finds HLS a series of losing lotteries (admissions, housing, grading, jobs, law reviews, etc.) until he . . . joins the CHF!

At times, the *Reptile* succumbs to a wearying seriousness. The "Manifesto" slips easily into dumb solemnities ("Harvard Law School is also a counter-hegemonic enclave, an institution that challenges and threatens the corporate system," uh, sure), incomprehensible calls to arms ("substantive resistance to the formal inculcation of corporate values must develop as a constant process" — o.k., why don't we start by writing in English?), and a slightly alarming paranoia ("... this alienating atmosphere arises from deliberate strategy to extirpate their previous systems of belief and thereby make them vulnerable to powerful outside influences" — yeah, and the guys at Three Aces are putting LSD in your meatball sub).

The Letters column, "Ms. De-meanor" points out that *The Paper Chase* is not about a law student's love for his contracts professor's daughter: "Ha! law students know it's about something more profound: a law student's love for his contracts professor." Why then does the author indulge in a conservative generalization like "the same attraction that inspires men in their studies distracts women from theirs."?

Without mistaking this effort for a real student radicalism (alumni, relax), sympathetic readers can take the *Reptile* as a tiny sign of counter-institutional memory and vision at HLS. What's more, these people have a sense of humor, which bodes well for the next wave of student radicalism when it comes. So read the *Reptile* (if you can find one) and buy a T-shirt. But remember: liberate the poster. It's not worth the price.

JAMES F. BRINE INC.
29 BRATTLE ST.
HARVARD SQ. 876-4218

SPORTS EQUIPMENT AND APPAREL
FOR THE ENTIRE FAMILY

SOCCER	JOGGING	SQUASH
SHOES	WARM-UPS	RACKETS
BALLS	SHOES	SHOES

ATHLETIC SHOES BY:
ADIDAS, TIGER, ETONIC, NIKE,
BROOKS, LE COQ SPORTIF.

WARM CLOTHES FOR FALL &
WINTER
DOWN PARKAS & VESTS, WOOL
SHIRTS, RUGBY SHIRTS, WOOL
SWEATERS.

"BETTER BUYS AT BRINE'S"

\$1,250 WEEKLY HOME-MAILING PROGRAM!

Guaranteed earnings. Start immediately. FREE DETAILS, Rush stamped, self-addressed envelope to: Rosemary, 804 Old Thorsby Road, Clanton, Alabama 35045

HARVARD STUDENTS:

THE BAR/BRI INFORMATION TABLE WILL BE BACK IN OPERATION BEGINNING ON TUESDAY, FEBRUARY 17. THE TABLE IS OPEN IN THE HARK, WEEKDAYS FROM 11:00 A.M. UNTIL 2:00 P.M.

APPLICATIONS FOR THE BAR/BRI MPRE PREPARATION PROGRAM, THE NEW YORK CPLR COURSE AND THE VARIOUS BAR/BRI BAR REVIEW COURSES WILL BE AVAILABLE AT THE INFORMATION TABLE.

MARCH 1987 MPRE EXAMINEES:

FRIDAY, FEBRUARY 13 IS THE POSTMARK DEADLINE FOR REGULAR APPLICATION FOR THE MARCH MPRE. YOU CAN OBTAIN APPLICATION FORMS FROM THE LAW SCHOOL REGISTRAR'S OFFICE, OR CONTACT JIM PECK-GRAY AT THE FORUM OFFICE.



160 Commonwealth Avenue, Unit L-3 • Boston, Massachusetts 02116 • (617) 437-1171

Review

(Continued from Page 1)

number of minority women recruited for the *Review's* writing competition. "Women and minorities are traditionally underrepresented on the *Review* and one of our priorities is to work on recruitment. We want to try and convince people that the *Review* is not a completely anal, competitive place; you can learn a lot in a friendly, non-intense atmosphere."

Marphatia said that he had the utmost praise for Adam Cohen's "low key" style as president. "I was very spoiled because Adam was a very good president. He de-emphasized any sense of hierarchy," said Marphatia. Though there is usually a schism between the second and third-year classes, he commented, this year was not like that.

A few administrative changes reflecting the 2L commitment to dismantling hierarchical traditions were made during the winter term transition period. The most significant change was made in the masthead. Previously, the President and the officers were set apart from the body of editors. This volume will list all editors in alphabetical order, without titles.

Address changes for Alumni subscribers (all subscribers with computer-printed address labels) should be sent directly to the Harvard Law School Association, Cambridge, MA 02138. Prompt notification will save the RECORD the postage which is charged for returning incorrectly addressed issues. Thank you.

SECOND-CLASS POSTAGE
PAID AT BOSTON, MA

(Continued from Page 9)

some of those unarticulated prejudices we all possess so amply, dawned upon me, perhaps ironically, after an evening which started with dinner at the Hark. It was Tex-Mex special night, and I had asked my friend from MIT to come over — he was South African too, and neither of us thought the food bad, having been through South African University residences (even the white ones). After dinner the third member of our party, a 1L who in his day had played rugby for the United States, recounted a tale of a rugby team of South African mine workers, most of them migrant blacks, who were touring the United States and who had dined at some fancy Manhattan restaurant (Mama Leones). There, after a few beers, they started chanting in the way that black mine workers do in South Africa. This is melodious and rather beautiful. As a white man I won't presume to describe it.

We imagined how bizarre it must have sounded to the other patrons of the restaurant, the chanting competing with the violin and accordion of the table musicians, and laughed a bit, partly in the natural admiration one has for the idiosyncratic, but also for other reasons. And that, in retrospect, should have become clear when we moved to the next topic of South Africans, the political future of their country. We accepted the inevitability of black majority rule, and not grudgingly but because we think it, as any good liberal would, a "good thing." We were more hesitant about the form black

Letters (Continued)

majority rule might take. Nationalization is contrary to the liberal ideal, is it not? Will South African blacks be able to run the style of democracy that meets the expectations of western observers? Whatever the answer, such a question is not the point. In the same way that we ought to have realized that we thought chanting contrary to the norm, we should have questioned the assumption that the western legal tradition is indeed appropriate to South Africa. The fact is that we were requesting that the hierarchy be reproduced — classical CLS language.

Perhaps if the CLS point is taken to make us as South Africans more aware of our bigotry (liberal though such preconceptions might be), it may also make it morally more comforting to accept whatever permutations of black rule are to come about. Is this pragmatic? I don't know. But that isn't the point of CLS, is it?

Gawie M. Nienaber, LL.M. '87
Cambridge, MA

**Professional Dry Cleaning
and Shirt Laundry**
at

Rite-Way
DRY CLEANERS, INC.

547-8008
4 Hudson St., Cambridge
(off 1672 Mass. Ave.)

**Koby
Antupit**
PHOTOGRAPHERS

Creative Portraits
Resume & Publicity
Photographs
Instant Color Passports
Harvard Square
8 John F. Kennedy St.,
(formerly Boylston St.)
Cambridge
547-7552

RETURN ADDRESS
(EXCEPT FOR ADDRESS CHANGES):
HARVARD LAW RECORD
(ISSN 0017-8101)
HARVARD LAW SCHOOL
CAMBRIDGE, MA 02138-9984