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25 CENTS

Bond Pushes New Movement

By Ankur Jay Goel

Former Georgia State Senator Julian Bond, a long time civil-rights activist, said last week that the gains of the civil rights movement "now seem in danger of being destroyed," and that mass participation in the struggle for equality is needed once again.

Speaking to about 100 people at an event sponsored by the Black Law Students Association, Bond said that although "the fabric of legal apartheid in the U.S. was undone" as a result of the civil rights movement, the relative economic condition of blacks has actually deteriorated since that time.

The civil rights movement has stalled, he said, because the U.S. was overcome by the "popular notion that America has done too much for the people whose skins are dark."

Furthermore, he said the struggle 20 years ago was easier to see in terms of good against evil, and figures such as "Bull" Connor helped personalize the fight. With the elimination of "legal apartheid", the civil rights movement became more diffuse and less focused.

In addition, the civil rights movement succeeded because it "insisted on maximum mass participation," which is lacking today. The success of campaigns such as the Montgomery bus boycott, he said depended on the willingness of blacks in that community to work every day for a year.

"Each person in Black America,"

(Continued on Page 11)



Yearbook

Mary Upton announced that this would be her last year as Dean of Students.

Dean Upton To Leave HLS

By Hillary Richard

Confirming rumors that have swept HLS for the last three weeks, Mary Upton, Dean of Students, announced that this would be her last year as dean.

Upton stated that she would, however, be staying on at HLS next year as a Special Assistant to Dean Vorenberg. This position will offer her an opportunity to work on some pet projects, Upton said, including "counseling" and "red-tape cutting."

Upton has worked for HLS for the past twenty years. Before serving six years as Dean of Students, Upton spent ten years as Registrar of the Law School. During her tenure at HLS, she has "done

the same kind of things for a long time," Upton said.

Many students expressed regret at Upton's decision to step down as Dean of Students. Jamin Raskin, 3L, commented, "Dean Upton's departure is a loss for our community. Speaking as no stranger to the Ad Board, I can say that Dean Upton is more of a loving Jewish mother than a Reaganite disciplinarian. She has a million friends and admirers wishing her the best."

Echoing Raskin's sentiments was Cecilia Tkaczyk, assistant to Upton. She stated that "Dean Upton is the best person to work for. I have enjoyed my year with Dean Upton immensely." Vorenberg could not be reached for comment.

Professors Plan Deli in Harvard Square

By Robyn Roth

Several HLS professors, along with some of their friends in the community, plan to open an authentic Jewish delicatessen in Harvard Square. The proposed deli, which is thought to be the first of its kind anywhere in Cambridge, will be strictly Kosher and will be closed Saturdays in observance of the Jewish Sabbath.

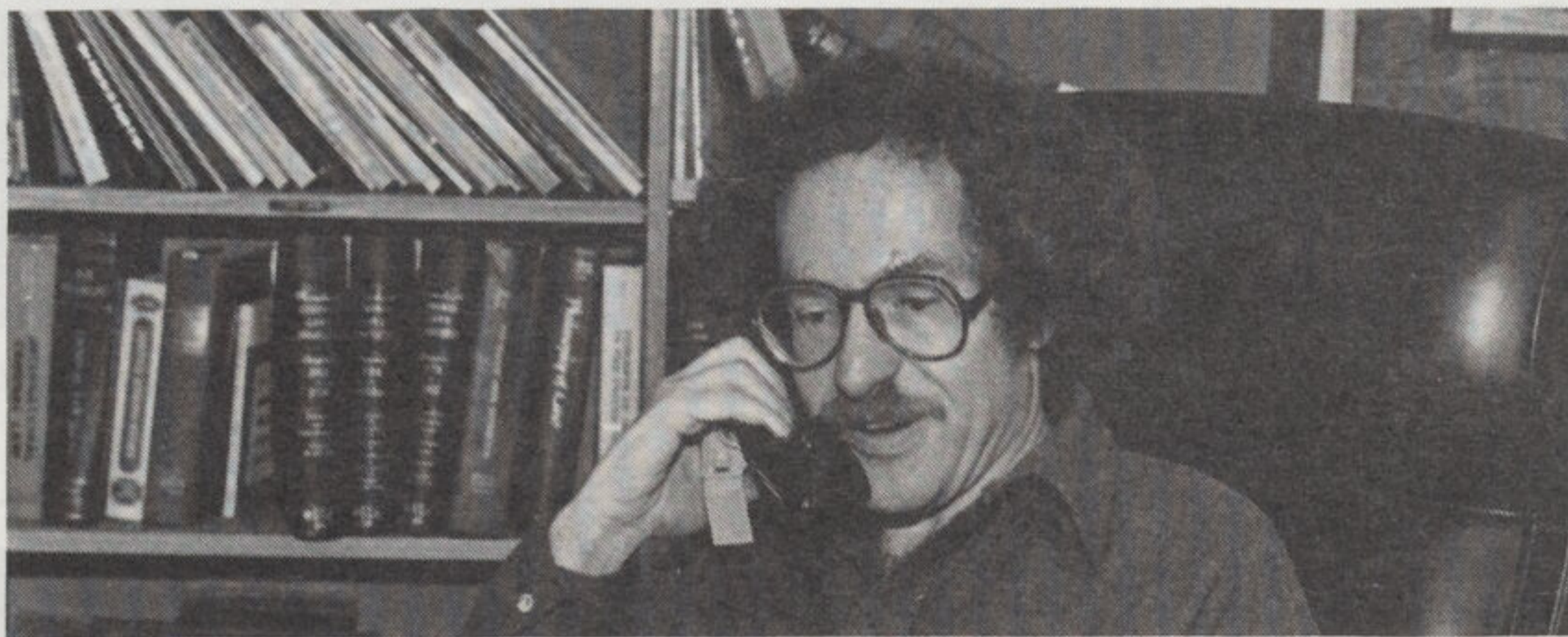
HLS professors Alan Dershowitz and David Rosenberg are among those behind this culinary enterprise. They are joined by friends to comprise the "Board of Mavens" ("Maven" is Yiddish for "experts"), the proposed deli's governing body.

"Everyone on the Board of Mavens must have a genetic connection to the delicatessen business," said Dershowitz. Dershowitz qualifies because his parents ran a delicatessen in Brooklyn. According to Dershowitz, Red Auerbach, Boston Celtics General Manager and a future Maven, is also the son of Brooklyn Delicatessen owners. Other Mavens, Boston attorney Marcus Weiss, traces his deli roots to Atlantic City. While, Rosenberg is the progeny of a Miami delicatessen family.

According to Dershowitz, although a site for the delicatessen has yet to be chosen, there is hope among the Mavens that the deli will be open for business sometime this fall. Still, Dershowitz hesitates to rush into anything; "This is something of a dream," he mused. "Everything has to be perfect — and it has to be fun — or we don't want to do it."

While the Mavens have yet to commit themselves to a site, they have committed themselves to a policy — that theirs will be the best Jewish delicatessen north of 14th Street. "We are not ready to take on the Lower East Side yet though," confessed Dershowitz. "But someday we will!" he added.

In addition to attracting patrons with its mouth-watering menu items, Dershowitz explained that the Mavens hope to organize evening activities which will be as au-



File Photo

Alan Dershowitz asks: "Can you send me twenty dozen bagels by tomorrow?"

thentically ethnic as the food. One evening, for example, a comedian from the Catskills might be featured. Another evening could spotlight an old-fashioned matchmaker.

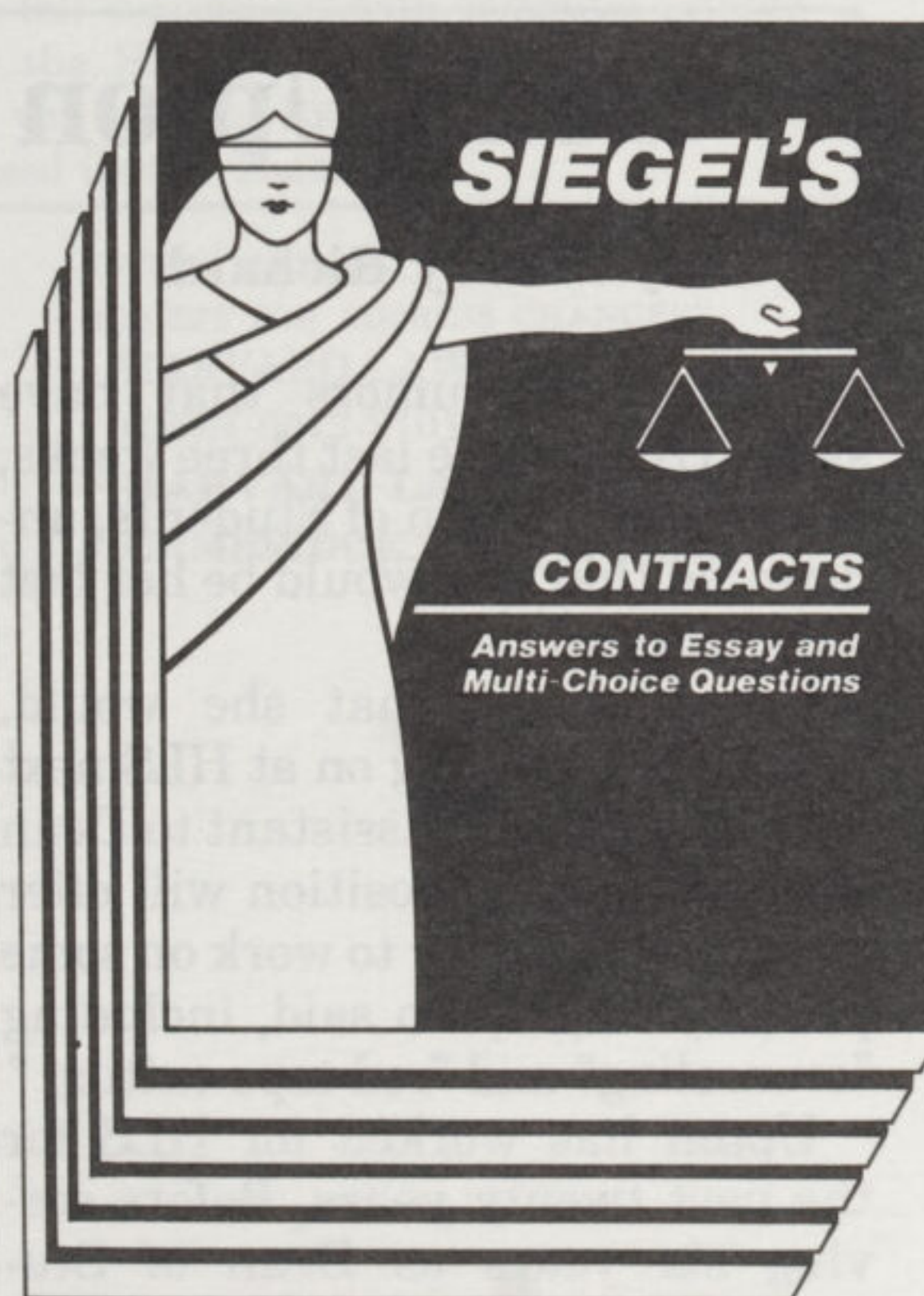
Dershowitz stressed the importance of the coming of the deli to Harvard Square. "Besides my cou-

sin's home, there is very little Jewish food in Cambridge. It is definitely a culturally deprived city." Things are so bad in Cambridge for Dershowitz that "my mother sometimes has to send me food via Federal Express."

57

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HLS Expands Aid to Public Interest Grads

By Vince Chang

HLS Dean James Vorenberg approved this week a recommendation by the School's financial aid committee to implement dramatic changes assisting graduates who take low-paying, law-related jobs and struggle with high educational debt obligations. Graduates who accept law-related jobs paying under \$29,000 are eligible for significant help with law school loan repayment.

Harvard's Low Income Protection Plan (LIPP), established in 1978, was the first of its kind in the country to assist graduates taking low-paying, law-related jobs and even before the expansion was considered the most comprehensive law school loan assistance program, according to a recent *Yale Daily News* survey.

The changes will, according to Administrative Dean A. Simone Reagor's prediction in the *Harvard Crimson*, increase the number of students receiving LIPP aid from the current total of 40-50 by between 25 and 100 percent, causing costs of the program ultimately to "triple or quadruple."

"Several years ago the School decided to move towards a financial aid package that relies heavily on loans," Vorenberg stated.

"Most of our graduates enter high paying positions in the legal profession and with those salaries can afford the repayment of loans. We established the LIPP program because we recognized that some students with high debt burdens may wish to make career choices in lower paying areas of the law. We want to help students pursue the legal careers of their choice, regardless of salary," he said.

The newly extended LIPP will, some feel, generate new opportunities for HLS students seeking to go into public interest jobs. The *Boston Globe* quoted Barbara Arnwine, executive director of the Lawyer's Committee for Civil Rights Under Law of the Boston Bar Association, as saying, "This [the new loan forgiveness program] is a major breakthrough. In the

last five years we have seen a serious problem with people wanting to enter public service law and not being able to bear the cost. No one in my office, no matter how many years' experience, earns what first year lawyers earn at New York's most prestigious firms."

Likewise, Ron Fox, director of public interest placement at HLS expresses hope that the changes will "make more people aware that there are public interest options that they can think about." Fox is excited about the new program and comments that "it eliminates some of the barriers to participation in the LIPP." Fox adds that "studies and surveys indicate that a large number of people are interested in human services, public interest, or public service." One hundred students take public interest or similar jobs in the summer after their first year, he states.

Harvard's expanded program begins loan forgiveness immediately

after graduation. Previously, the program deferred loans in the first two years and began forgiveness in year three. HLS also raised its salary ceiling from \$25,799 to \$29,000. Under the new plan, if a new graduate earns under \$29,000 in a law-related position, a calculation would be made to determine the total educational loan payments due annually. HLS will absorb any payments exceeding six percent of the lawyer's annual salary. The percentage of salary that the graduate would pay in loan payments would decrease for lower salaries. For persons earning under \$20,000 in law-related positions, HLS would pick up all loan payments due for legal education.

Assistance begins when a graduate's loans come due and continues yearly for as long as a graduate remains below the salary cap. Moreover, a salary ceiling increase

(Continued on Page 6)

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One-L's Protest Moot Court Scheduling

By David Snouffer

First year students' complaints about their mandatory moot court exercise have prompted leaders of the Board of Student Advisers, which oversees the program, to pledge that the student-run organization will give next years 1Ls more advance warning of what the first year Ames exercise entails.

In a petition signed by more than 60 percent of the 1L class on Feb. 13 and 17, students told HLS Dean James Vorenberg '51 that the BSA had been "inconsiderate and insensitive" by failing to give participants "adequate notice" of their first writing assignments and by requiring "many" of them to attend several strategy sessions on weekends.

"This isn't the way to treat adults," said Michael Linfield, 1L, the petition's author, in an interview this week. "One can schedule things in advance."

In a press release Linfield distributed Monday, he repeated his charges and said both the BSA and HLS administrators were to blame. "The rude, discourteous and downright inconsiderate manner in which (the first year Ames moot court) has been scheduled has dampened our enthusiasm for participating in this project," said Linfield.

The BSA issued materials for the exercise to roughly half the 1L class on Friday, Feb. 6, and the rest of the class received theirs on Thursday, Feb. 12. They included a short written assignment that students were to turn in the Sunday after they received the materials. Stu-

dents were asked to identify issues that would be disputed in their simulated appellate cases and then analyze what legal arguments each side could advance to support its position.

Linfield said some students had to cancel travel plans at the last minute so they could complete their assignments. "Lots of people" had planned to leave town for the Presidents' Day weekend, which was when the second batch of assignments were due, he added.

"Nobody's complaining about having to do the moot court," Linfield said.

In a letter to Vorenberg, BSA President Andy Kingston, 3L, said his group "could have done more to inform students of the program's requirements," but he said the BSA "followed the same schedule it has used in past years." The first assignment students received "was not very demanding and could easily (have been) completed in time for the weekend," he said. Kingston gave the RECORD a copy of his letter.

Some students received their first assignments just before the holiday weekend only because Harvard's 350th anniversary celebration last September pushed the academic calendar back a week, Kingston said in an interview this week. "That was a once-in-50-years occurrence," he added.

A number of students believe BSA members were intentionally "haz-

ing" them by withholding word of the first assignment until a few days before it was due, Linfield said. One student told him her BSA adviser had confirmed this, he added.

"Certainly there's room for improvement, but we're not holding anything from anybody," Kingston responded. "We have tried to give students as much information as possible as far in advance as possible."

Kingston said the BSA had no choice but to schedule some meetings between 1L moot court teams and their BSA advisers on weekends because HLS does not have enough classrooms to accommodate all 675 conferences and 135 oral arguments on weeknights during the seven-week exercise, which runs until March 26.

Weekend sessions are "no more popular with BSA members" than they are with 1L's, Kingston said.

Linfield said teams might not need HLS classrooms for all their meetings with BSA advisers, but Kingston said there was "no alternative" to holding the strategy sessions in reserved rooms.

After meeting on Monday with a group of 1L's who circulated the petition and with a delegation from the BSA, Vorenberg agreed that the BSA could improve its notification procedures but said he did not know if weekend strategy sessions could be avoided.

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Correction

In the February 13 issue of the RECORD on p. 1, the RECORD incorrectly identified the *Harvard Law Review* presidential candidate, and runner-up, as Nicholas Kourtis. The name should actually be Doug Curtis. The RECORD regrets the error.

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Law School Council Elects All-1L Interim Board

By Hillary Richard

The Law School Council elected a new Executive Board last week in response to the resignations of Council President Jay Ward and Vice President David Schwartzbaum. The interim board, which will serve until regular LSC elections are held in April, is composed solely of first year students. Bill Sarraille (Sec. 1) is the newly elected president, Jon Vein (Sec. 4) is the vice-president and Pat Wood (Sec. 4) is serving as treasurer.

The three worked closely together on the Council during the Fall semester and ran in hopes of working together as an executive board. This, Sarraille felt, would ultimately make the council perform more effectively, as they would each work an "equal share."

One of the first changes the board made was a proposal to amend the LSC constitution to require only two-thirds of those present and voting to pass legislation, as opposed to the old clause which required two-thirds of all members to pass a bill. Sarraille feels that passing this amendment was an important step towards eradicating the "bureaucracy" that has been hampering the Council. The amendment was passed by the Council, 12-1.

The three new executives spoke animatedly about their plans for the Council, citing projects that had already been successfully completed, as well as up and coming projects for their two month tenure. Vein described the "theme" of their plans in two words: student input.

The LSC hopes to start their "student input offensive" with the Administrative Board. Sarraille and the others hope to arrange a meeting between LSC members and Ad Board members to discuss potential changes in Ad Board procedures. This is due, in part, to complaints by some students concerning the Ad Board's recent handling of the case of second year student Wilson McLeod. The specific objection was to the Ad Board's initial statement that they would not prosecute McLeod and their subsequent de-

cision to launch an investigation and then call him in to testify.

Another familiar theme being advanced by the new board is the student funding issue. Sarraille noted the "perception of arbitrary conduct" that colors the current allocation procedure. He hopes to lead the administration toward a new system, in which some administration members, including the Dean of Students, and a group of students will determine appropriations to student organizations. Additionally, the troika is agitating for placement of LSC representatives on search committees for new administrators.

Some achievements already under the belts of the newcomers include a number of changes instituted through DAKA. Jon Vein has been working closely with DAKA on responding to student concerns, and he says that DAKA has been "very responsive." Some of the changes are: you can drink with dinner, vegetarian courses at every meal, the hoagie bar, pizza, Sunday brunch, and most importantly, the opening of a second register during lunch "rush" hours. Vein and 2L Representative Ron Davenport are working to lower prices, as well.

Other changes include a proposal to give priority to first year students in dormitory selection, as 1Ls responded to an LSC survey with feelings of disenchantment at being forced to live off-campus. Sarraille reported that they did not feel "integrated."

The LSC is also working on a student activities calendar, which will attempt to alleviate the simultaneous scheduling of events by different groups and to inform the student, in one comprehensive calendar, of what exciting events are taking place at HLS.

Vein stated that he believes the 1Ls are "enthusiastic," which he attributed to the good works of Ward and Schwartzbaum. "Jay and David did a good job of getting the Council started," commented Vein. "They got a lot of positive things accomplished."

Sarraille stressed the importance of student opinion/activism in get-

ting proposed plans implemented. "We have no control over the implementation," Sarraille stated. "It is up to the Administration. The students must show enough interest to convince the Administration that we do, in fact, want these things."

Illustrating the effectiveness of the Council to date, Sarraille pointed to two areas: financial aid and security. Section Three LSC representative Natalie Hanson brought student complaints to student representatives on the Financial Aid Committee (a standing student/activity committee), and together they worked to "hammer out something specific," Sarraille said. One manifestation of this cooperation is the new Low Income Protection Plan.

The LSC has also been active in improving security around campus. After an attack on a woman in the parking lot behind the law school, LSC representative Walter Effross (3L) organized a resistance clinic for law students, which was presented by Cambridge police. They also won from the Administration a promise to improve the lighting around the law school.

Another LSC project that inspired enthusiastic discussion among the new executive board was the possible renovation of Heminway Gym. Citing the "poor utilization of space" and the "lack of regular cleaning," Sarraille proposed that the Law School buy the gym from the University and expand it. They spoke

(Continued on Page 11)

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HLS Student Breaks Bank on Game Show

By Jonathan Grunzweig

While most law students relish the visions of summer associate programs which dance through their heads, few would dare to dream of a bonus exceeding \$42,000. Yet Bob Gilbert, 3L, received just such a windfall as an indirect result of last summer's efforts in Los Angeles. Rather than meriting that huge sum on the basis of legal acumen, however, Gilbert earned his prize under the national spotlight as a successful contestant on the hit game show, "Wheel of Fortune."

In an episode airing February 19, Gilbert trounced opponents Becky and Bill and came away with cash and prizes totaling \$42,733. The victory marks the culmination of an arduous course of preparation which began when Gilbert was a summer associate with the LA law firm of Latham and Watkins.

In light of Gilbert's success on the show, it is fair to say the tryouts last summer represented the deepest chuckhole on his road to riches. While Gilbert recalls that he evidenced a thorough knowledge of the game and an ability to clap his hands loudly and frequently, the intelligence test nearly tripped him up. Gilbert barely exceeded the minimum of eight out of fifteen correctly solved "hangman" puzzles, scoring 9 out of 15 in the five minute exam. He notes in his own defense that a cousin from the University of Chicago Law School flunked this same test.

Gilbert was accepted as a contestant several days later and began training shortly thereafter. "I played the home version religiously," he admits, "and got some freshmen from the dorm where I live to play the principal characters. It was a huge production." Taping was scheduled for January 19. Gilbert claims to have flown to LA a few days early in order to avoid jet lag and indicated that he switched into Legal Writer in order to facilitate his Winter Term departure.

Armed with "a master plan — a very scientific approach," Gilbert arrived at the studio at midday. His

was the third of the five episodes taped that day, and the combatants took the stage at 4:00 P.M.. "The puzzle board is huge," reports Gilbert, "about the size of a classroom wall." Though he estimates that the audience numbered 400, he cannot recall even hearing them: "I was surprised at how wrapped up in the game I got."

—nd—rw—r?!

The first puzzle, a "thing," read "B—ER SHORTS" when Gilbert managed to solve it. With \$1300 to spend in the "bedroom" prize area, he somehow came away with a trip to Puerto Vallarta.

In the second round, Gilbert had to buy three vowels before he recognized the phrase "CONSERVATIVE REPUBLICAN." In the process he picked up a \$22,000 Jeep, then selected a \$400 print and a table worth \$500 from the "den."

The third round again went to Gilbert, who bolstered his efforts with free spins before deciphering the phrase "I COULD WRITE A BOOK." Purchases from the "outdoors" area brought his winnings to \$28,316.

Refusing to rest on his laurels, Gilbert charged ahead to the bonus round, relying on "the ubiquitous 'E,'" to solve "ONE-HORSE TOWN." For this he received a speedboat, bringing his total earnings to \$42,733. Becky and Bill received consolation prizes which included, but were not limited to, press-on nails, lotion, antacid, furniture refinisher, and a shop vac.

Gilbert was quickly joined onstage by his brother and cousin. Two Latham and Watkins lawyers, too shy to rush up, instead bought dinner that night. Before leaving the studio, Gilbert did receive a marriage proposal; already engaged, he declined. Gilbert's fiancée has taken a cue from her future husband and plans to appear on "Sale of the Century."

Vanna "Vacuous"

Gilbert expressed great happiness over the outcome of his appearance

on "Wheel of Fortune," but he was disappointed by "the coldness of [host] Pat Sajak, and even [by] Vanna White, who was nice but vacuous."

Though the prizes will not be coming for three months, Gilbert has already consulted a tax lawyer. As a result of California's 5 percent tax, and the 35 percent federal rate which he will have to pay, some sacrifices have to be made. "The boat's got to go to pay the taxman," sighed Gilbert, who added that if term bills become a problem he may sell some luggage, too.

Gilbert's efforts earned him the congratulations of HLS Dean James Vorenberg, who is willing to "assume that at least part of [Gilbert's] guesses is attributable to [his] two and a half years at HLS." For his part, Gilbert remains pleased with the choices he made. "My mistakes didn't come back to haunt me," he noted. "If I had to do one thing differently," Gilbert stated, "I would have worn a bow tie."

Loan Protection

(Continued from Page 3)

of \$1500 for each year after graduation is provided, so that a graduate four years out of law school, earning \$33,500 is still eligible for the program. Alumni who have been in private practice but are considering a lower-paying position in law might, under the new program, find themselves eligible for assistance in repayment of their law school loan obligations.

Qualifying graduates who are married will remain eligible as long as the couple's average income is below \$29,000. The program also increases eligibility by \$3500 for each minor dependent and allows, plus reasonable expenses incurred for child care.

Most of the 100-125 HLS graduates who annually become judicial clerks will not normally be covered under the program because, as a

(Continued on Page 16)

Surgeon General Speaks on AIDS Problem

By Karen Russell

On Tuesday, February 10, the Surgeon General of the US, C. Everett Koop came to the Kennedy School to discuss the topic "A.I.D.S."- An Agenda For Action."

AIDS — acquired immunodeficiency syndrome — is an incurable disease that cripples the immune system, leaving the victim susceptible to a debilitating succession of infections. AIDS is spread only through the most intimate forms of human contact like sexual intercourse or the sharing of contaminated blood or needles. AIDS mainly affects homosexual men and intravenous drug users. However, heterosexuals now account for 4% of the reported 30,000 AIDS cases. Koop noted that scientists estimate that in the U.S. 1.5 million people are carriers. Koop personally feels that this estimate is too low. Moreover recent evidence suggests that at least 50% of those infected will develop the full-blown disease. Koop

predicts that by 1991 the number of heterosexual cases will increase 20-fold. In Africa, the AIDS epidemic primarily affects heterosexuals, striking down men and women in equal numbers. Overall by 1990 he estimates that 270,000 Americans will be exposed to the AIDS virus and that 54,000 will die. To illustrate the proportions of AIDS grisly toll, Koop noted that the 1990 projection of 54,000 is roughly equivalent to the number of Americans who died during the Vietnam War.

Koop outlined the history of the disease and made some grim predictions about the future. In 1981 scientists at the Center for Disease Control discovered the virus and in 1984 several teams of scientists simultaneously isolated and subsequently cloned the virus. In 1985 a blood screening test was developed and a screening program was implemented. Koop does not predict that a vaccine will be developed in "the foreseeable future." He stressed

that it took the scientific community 10 years to develop a vaccine for Hepatitis-B. Hepatitis-B is an "easy" virus in contrast with the more complex AIDS virus. Thus, he concluded that a vaccine wouldn't be developed in the next 10 years. Koop also had grave reservations about the azidothymidine (AZT), the 'wonder drug' that the FDA is expected to approve. He stressed that AZT is not a cure and has serious drawbacks and side effects.

Until a vaccine is available, Koop urged that condoms and education can be used to prevent the sexual transmission of AIDS. Koop, acting in his role as the nation's Chief Health Officer issued a report on the AIDS problem last October. He summarized his key findings in this speech. AIDS cannot be contracted through saliva. Only blood and semen can transmit the AIDS virus. He explained that certain homosexual activities, particularly anal intercourse, "traumatize" the body and put homosexuals at high risk. Koop observed that the homosexual community has successfully used education and information to contain the spread of the deadly disease. A study conducted at the University of California, Berkeley has confirmed that the rate of infection among gay men in San Francisco fell from an 18% increase per year during the years 1982-1984 to a 4% increase in 1985.

Koop wants to take the 'safe sex' message to the general public especially to young people. Targeting

Ad Bd. Drops Investigation

By H.E.G. Richard

After almost six months of investigation, the HLS Administrative Board decided last week that it would discontinue its inquiry into 2L Wilson McLeod's conduct at the Memorial Hall blockade during the 350th Celebration last September.

Ad Board Chairman Frank Sander called McLeod's lawyer, Professor Charles Ogletree, on February 15 to tell him that charges against McLeod would not be pursued. A Board meeting scheduled for February 18 was cancelled.

Harvard Corporation member Charles Slichter had alleged that McLeod had participated in a violent, physically threatening blockade on the south side of Memorial Hall.

While satisfied with the disposition of his case, McLeod was angered by the Board's procedures, which he called "Kafkaesque." "This business has been a travesty. There

was no regard for due process," he said.

The Board never voted formal charges against McLeod. In McLeod's view, however, this allowed the Board to conduct its investigation in a "secret and arbitrary fashion," rather than follow its appointed procedure. McLeod pointed to the extensive delays and "laughable excuses" as substantiation.

McLeod described the allegations against him as "pathetically feeble, and bordering on perjury." Slichter had expressed a fear that McLeod might have incited a physical attack against him, a charge McLeod labeled "idiosyncratic."

"The demonstration was deliberately organized so that only alumni would be blockading. I can understand how Harvard wanted to lash back, but they just didn't have the facts," McLeod said.

Professor Sander declined to comment.

(Continued on Page 14)

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HLS Is More Than Just Greed

"'Veritas' is in danger of giving way to 'What's the *per diem* rate'" — David Nyhan, *Boston Globe*, February 22, 1987.

"While most of the top law schools . . . offer some breaks for students entering public service law, Harvard's plan appears to be by far the most generous." — Ethan Bronner, *Boston Globe*, February 19, 1987.

It is hard to believe Nyhan reads his own newspaper, for his sweeping denunciation of Harvard — and of HLS — as more "greedy" than other schools does not square with the reality of an HLS public interest law commitment which surpasses that of any other school.

In a breathtaking logical leap, Nyhan denigrates the entire Business School on the basis of insider trading committed by one 25-year old HBS student, two HBS alumni and one Harvard "benefactor" (Ivan Boesky only gave money to Harvard; he never attended school here). But even more mind-boggling is Nyhan's attempt to saddle not just HBS, but also HLS, with the sins of Boesky *et al.*

Nyhan took pains to blast the schools on "both banks of the Charles," quoting one unnamed HLS student who helpfully revealed that "greed is pretty important at the law school." To his credit, Nyhan's source conceded the possibility that greed might be a smaller motivating factor at HLS than at HBS, but in the same breath, wound up baldly asserting, "I think the lawyers are just as bad, frankly."

While criticism of the avarice of the legal profession in general might be reasonable, attacks on the institution of HLS as particularly exemplary of "Harvard's age old problem with money" are simply off the mark.

In fact, as Bronner's *Globe* article pointed out, HLS was the country's first law school to offer compensation to graduates taking public interest jobs. Moreover, HLS has unveiled a new effort which is "hailed as a major breakthrough" by public interest lawyers, according to the *Globe*.

Nyhan also ignores statistics such as the fact that, despite the average HLS student's debt burden of \$36,000, 150 HLS students annually go to low-paying judicial clerkships, public interest jobs, or government posts. Ninety members of the HLS class of 1981 still hold similar low-paying jobs.

Instead of talking to just one anonymous HLS student, Nyhan could have spoken to members of HLS's Legal Aid Bureau, which is currently representing indigent tenants in a class action or to any of 200 HLS 3L's who have pledged \$200-\$600 for a fellowship in public interest law.

HLS is by no means above reproach. But HLS grads take jobs running the gamut from Legal Aid to investment banking. Any Harvard bashers whose disregard this reality do a disservice to their readers.

V.C.

HARVARD LAW RECORD

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Fenno

Course Selection Time at H.L.S. Fenno needed twelve credits. He could take corporate tax, corporate finance, and antitrust. But this would mean Fenno would have to do some studying. Instead, Fenno searched for gut courses. Fenno thought of cross-registering in "Kindergarten and the Law" at the Ed. School or "Theoretizing about Theory" in The College. But deep down, Fenno knew that only in the law school itself could he get a B or B+ by reading an outline in 2 days and have the luxury of a 3 month vacation. Fenno's main goal was to use the Frequent Flyer miles he had built up. Fenno thought about the 19 flyouts he had done to Newark in interviewing season and realized that spring semester would be an ideal time to cash in on the big miles he had built up. Naturally, Fenno planned to redeem his miles by making repeated fun-filled trips to the Exit 16 W Resort in Central New Jersey.

To facilitate this plan, Fenno found his solution in the self-righteous liberal courses. He immediately signed up for American Slum Law, Vagrancy Law, Public Welfare Law, and Civil Rights Legislation. As useless as these courses were given the current political climate, Fenno reasoned they were no more useless than learning about the capital gains deduction before tax reform or about antitrust, a course useful only in ancient times before Reagan. Fenno figured he'd learn all he needed to know about law in the bar review course anyway.

With plenty of free time at his disposal, Fenno decided to build up his resume by advising an Ames Alternative Case. Fenno heard of a 1-L protest about having moot court assignments due over the 3 day Presidents Day weekend. He could not understand why anyone would protest something that could be easily blown off. After all, it wasn't as if the school was doing something drastic like making class participation or attendance mandatory.

Fenno remembered his own moot court experience. He had drunk a sixpack of Meister Brau, the most popular drink in Toledo, before the painful oral argument. But when the smoke had cleared Fenno had won accolades for his "relaxed" and "natural" presentation. Nor did he suffer on the merits. The silk-suited, bow-tied practitioner judge simply could not agree with the Critical Legal Studies Professor Judge who was clad in blue jeans and sneakers.

"Goddamn pinko," the practitioner muttered as he stormed out of the heated judging session, leaving Fenno free to drink more Meister Brau.

Fenno decided he would communicate his Ames wisdom to his advisees. He glanced over the briefs and scribbled but one inspiring comment: "If Ames is moot, why bother?"

☞

tom the dancing bug ^{the ubiquitous "e"} BY ruben bolling



Letters to the Editor of the Record

Editors "Impudent"

To the Editor:

I find your editorial in the October 24, 1986 issue, "In Salute of Bernard Kalb", to be objectionable on three grounds.

For you to condemn the Government's use of misinformation as a tactical weapon against an enemy nation and to liken it to ordinary lying is to display a massive ignorance of world history. Disinformation, feints, disguises, and other ruses to confuse and gain superiority over an enemy are of ancient origin, long practiced and universally approved. Prime Minister Winston Churchill said during World War II that the truth must be surrounded by lies, and every nation including the United States maintains agencies and personnel designed to deceive and mislead an enemy. Let us hope that we always have tough and pragmatic leaders and never national leaders as naive as the editors of the RECORD.

Secondly, Mr. Bernard Kalb should be condemned, not praised, for his action in resigning as State Department Spokesman. Rather than show himself to be an "honorable man" as you suggest, he demonstrated in my opinion a selfish desire to stay in the good graces of his media colleagues — to stay on the "team" at the Press Club Bar and Grill. It strikes me that in so doing he put his

personal, financial and career advancement ahead of his duty to his Country. This is so typical of the growing and insufferable arrogance of the media. They pout and whine when not made privy to Government strategy and tactics. Much Government action in dealing with foreign nations must be secret, at least for a while. To convince Libya to abandon terrorism by threats of U.S. force was a most worthy policy. To disclose that strategy publicly would be to destroy it. Surely such a thing is not mandated because of the "people's right to know." The people do not even want to know it now, but it can be disclosed later when the strategy is no longer operable.

Almost as objectionable as the editors' naiveté, is the language and style of the entire editorial. It ill behooves writers hoping to engage in intellectual discourse, and especially young writers still in school, to be impudent and discourteous in criticizing others. The tone and language of the editorial is low-brow, coarse and cheap. I hope these two editors do not represent the "best and brightest" at the Harvard Law School.

The opinions expressed in this letter are my own and not necessarily those of my law firm.

Talbot Rain LLM '47
Dallas, Texas

Battle of the Reviewers

To the Editor:

While we found some value in Jamie Raskin's review of the REPTILE (Feb. 13), we wish to offer a few critical observations. Let it be known that Raskin is an employee of the State and thus an agent of cultural and political domination — in short, he is a HE-

(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.

Lawyer Expounds On The Role Of The

Robert A. Jablon, LL.B. '64, is a partner at the Washington, D.C. firm of Spiegel & McDiarmid. According to Jablon's partner, Bob McDiarmid, Spiegel claims to be a quasi-public interest law firm."

For a number of years, I have represented governments, rural electric cooperatives and consumers. These clients have an interest in getting much larger entities to conform to legal principles. The problem is reminiscent of old elephant jokes: how do you get a billion dollar corporation to do what it doesn't want to do? As a result of trying, I confirm the obvious: law is an imperfect tool to enforce corporate responsibility.

The importance of dealing with the power of large institutions is apparent to virtually everybody to the political left (and sometimes right) of Ronald Reagan. The need to limit government is an American premise, although those who want to do the limiting often want to exercise the power themselves.

The actions of private institutions often have more impact on people than public ones. When governmental power is exercised by private institutions, the result can be to leave those on the outside with very little breathing space.

Some of the elements of the Iran-Contra affair illustrate problems of such unions. It may turn out that we have had a privately funded, privately run foreign policy with neither the public consensus or legal controls which would have limited the actions of government, had the government acted alone.

Law sets the limits on those with power. That is one of its main purposes. It is usually phrased in terms of general principles and has its sources either in political action or administrative rule, which suggests some measure of popular support and control, or through the common law, which suggests cumulative experience. That is, at least in theory, its sources consider fairness and equity.

I have long considered law to be analogous to a net. The net is made of individual laws. People can act with unfettered freedom within the confines of the net. Each strand is limiting, but with a little bit of pushing the strands can be stretched. Each strand is limited by the next. However, when one attempts to push the combined strands or rules too far, the net will stretch no more.

The central point in controlling large institutions is that such institutions already have power. They can control not only assets, but ac-

"The problem is reminiscent of old elephant jokes: how do you get a billion dollar corporation to do what it doesn't want to do?"

cess to necessary goods, services and rights. If nothing happens, an individual or smaller entity loses. The same is true if nothing happens quickly. By establishing core principles, we attempt to move institutions to act often against their own short term interests.

The most direct problem in obtaining rights or their implementation is often to get larger institutions to admit what they are doing. Those with power have a stake in avoiding defining their policies and thereby subjecting themselves to rules. However, in spite of the difficulties, law provides one of the few means to get a company to state what its policies are where it has an interest in avoidance.

I have done work with electric utilities. Private utilities possess great economic power. Through franchises they exercise the power

of the state. They can often exclude or limit competition, condemn property and control vital services. They may possess substantial political clout as well. If a small city or cooperatively owned utility wants to purchase electricity from a non-adjacent utility by purchasing transmission or wants the same mutual back-up rights which the larger utilities enjoy, antitrust and regulatory laws provide means of potential redress.

The difficulties of the use of law to protect rights is that those adversely affected have strong interests in not recognizing even well established rules, when such rules limit their freedom of action. The law has sufficient flexibility that when it is applied to problems with any degree of actual or perceived complexity, lawyers can figure out "arguments" why the laws do not or should not apply and can write sophisticated pleadings — based upon extensive factual development — to fight the obvious. If enough is at stake, opponents must counter the attack, creating a large threshold cost in time and money to challenge any large company. Further, even if judges and decision-makers are not affected by the often awesome respectability of those who represent the *status quo*, those who decide cases, or potential cases, may be influenced by the alleged, dire consequences of ruling for those seeking access rather than for those who already have it.

There is a security in not changing things too much. One knows how things work as they are. When an unwelcome change is suggested, a corporation or other deep pocket litigant can always point to the disaster that will follow. A judge can never be certain that it won't.

Companies have long argued that vital services will be jeopardized if, for example, a rate increase is not granted, an antitrust enforcement action is taken or an environmental constraint is imposed. The company will predict an inability to finance

Off the Record Law In Controlling Large Organizations

by Robert A. Jablon

or to maintain plant, and therefore service, safety or other needs or will predict some other technological disaster. Regardless of opposing considerations, judges are often loathe to take the risk that the company may be right. Change is a leap into the unknown. And, of course, not only is the bar not imbued with radicalism, but the law and lawyers are institutionally conservative or at least preservative.

Why then not give up? Because, ultimately, ideas themselves have power and law embodies ideas. Principle can persuade.

Moreover, the law provides means of getting at the truth. As an example, consider discovery. How many means are there to get the heads of large institutions to state

their positions publicly with some compunction to do so honestly? Indeed, the need to state a position to protect against the appearance or actuality of wrongdoing, of unfairness or of stonewalling in the event of litigation may cause companies to go far in meeting the needs of their adversaries and at the same time move them closer to legal principle.

While the over-represented have had the power to shape the law, courts and administrative agencies can, and to some extent do, force an application of established principles, which in itself can control conduct. Moreover, in spite of all the difficulties in applying it, the law sets standards to which there is general adherence. Most of us need to self-justify to some extent.

Legal standards probably control more conduct than is perceived.

Ultimately the power of the legislator, judge or governmental agency is great. We often have little choice but to look to them to apply and develop rational and humane legal standards that word for all. Indeed, while it may be trite to say, larger institutions have not only an interest in preserving legal principles, but in the long term it is to be doubted how well they can function without external standards to rein them in.

As for the advocates which this school trains: I have read that Clarence Darrow represented the railroads well. I am told that he did other things. In a time of "low expectations" one can accomplish much. ☛

Bond Speaks on Revitalizing Civil Rights

(Continued from Page 1)

he said, "no matter what their station in life," must become involved with the black community. Bond said he had tried to develop a cadre of organizers to travel around and encourage community participation, but had been unsuccessful in that effort.

The civil rights movement was also hurt, he said, by the arrival in the 1970's of "lifeboat ethics" in which "those who are the first to be pushed out of the lifeboat [are] the uneducated young and the useless aged, most of whose skins are dark."

The election in 1980 and 1984 of "an amiable incompetent" who "intends to erase the [civil rights] laws written in blood and sweat" has also hurt the drive for civil rights, he said.

Asked about problems within the black community, Bond said problems of single parent and broken families could not be solved by federal agencies, but the federal government has a responsibility to en-

sure that people do not fall through the cracks. The community, he said, has a responsibility to provide sex education and to teach family responsibility.

In addition to safe sex, teenage girls must be taught to "say no," he said, and teenage boys must be told that "any boy can make a baby but it takes a man to be a father," in order to reduce teenage pregnancy.

Bond said that the community must set tough standards for schools, and that parents must begin to demand quality teaching.

Bond also spoke about national politics, saying the Democratic Party must begin to reciprocate for the long history of support by blacks.

Democratic candidates, he said, must articulate their positions, including a "clear and concise method of helping the helpless to help themselves" and policies for ending apartheid, the nuclear arms race, and subversion and terrorism in Nicaragua.

The Democratic party must recognize that "the only items found in the middle of the road are yellow lines and dead dogs," he said. ☛

LSC Sets Agenda for New Term

(Continued from Page 5)

of nautilus machines, life-cycles, and even a swimming pool.

Realizing the enormous expense of such renovation and the potential of the Administration to balk at such a necessary expenditure, Sarraile commented that "there has been enough student dissent for a

long enough period that they are not realizing a larger endowment through new gifts. Students are angry, and until they address that anger, and make this a good place for students, they won't realize a change in the endowment. Basically, it is a problem with short-sightedness." ☛

Divestiture Candidates Run for Overseers' Board

By Hillary Richard

Six pro-divestment candidates for the University Board of Overseers successfully gathered over 9,000 signatures in a petition drive to get their names on the April ballot. The petition drive was organized by Harvard and Radcliffe Alumni/ae Against Apartheid (HRAAA), which for the second year in a row has managed to place candidates successfully on the ballot with a pro-divestment platform. Last year one of the HRAAA's three candidates, Gay Seidman '78, won a seat on the Board. Seidman was the first female president of the *Harvard Crimson*.

This year's candidates include Ruth Messinger '62, Councilwoman from New York City, Peter Wood '64, Professor of History at Duke University, Consuela Washington HLS '73, Jerome Grossman '38, head of the Council for a Livable World (a national peace organization), Haywood Burns '62, Vice-Provost of City College of New York, and Victor Sidel HMS '57, Professor of Social Medicine at Albert Einstein Medical College.

Divestment supporters, including alumni Harvard College students and students from HLS met at the statue of John Harvard in Harvard Yard on February 12, to join candidates Ruth Messinger, Peter Wood and HRAAA members in bringing the 9300 signatures to the Harvard Corporation Office.

The nomination committee of the Harvard Alumni Association (HAA) announced their twelve "official" candidates in January. Candidates not chosen through the HAA need almost 300 signatures to place their names on the ballot. Elections for the 30-person Board of Overseers are conducted by mail ballot, which begins in mid-April and lasts for approximately six weeks. The results will be announced in June at the Commencement.

Candidate Consuela Washington worked in private practice for a few years after her 1973 graduation from HLS. She then spent four years in the Office of Chief Counsel, in the division of Corporate Finance



Hillary Richard

Divestiture candidates Ruth Messinger and Peter Wood.

at the U.S. Securities and Exchange Commission. She has held her current position of Counsel to the Energy and Commerce Committees of the U.S. Congress for seven years. Her years with the Commerce Committee, Washington noted, have helped her develop political skills that, she feels she will draw on as a member of the Board of Overseers, fostering a "more responsive attitude on the part of the Corporation." "The Corporation," Ms. Washington stated, "has been non-responsive to the broader Harvard community, both students and the broader community in Cambridge." This has resulted, in their forcing "needless confrontation with concerned members of the student body and progressive graduates of Harvard." Harvard's "intransigent investment policy [in South Africa] is not defensible on either moral or financial grounds," continued Washington. Having fair, but independent and outspoken members would help the Board function as an independent board of directors, Washington noted, leading to "more thought-out, less confrontational, and overall better policies."

Harvard Law Review President Adam Cohen HC '84, 3L, endorsed the pro-divestment candidates, stating that "as lawyers and future lawyers, I think we must be particularly concerned with the way the South African government has

used law to oppress people on the basis of the color of their skin. I think it is important that we support the divestment slate to encourage Harvard to cut all of its ties with the racist, lawless government of South Africa."

Candidate Ruth Messinger noted the success of over 100 other colleges and universities in dealing with divestment. She commented that "Harvard must move promptly to sell its South Africa-related investments, until such time as apartheid is ended." Candidate Peter Wood, the leader of Duke University's successful divestment struggle, noted that Harvard should divest from its corporate holdings in South Africa and change its policy of acting like a "secret society."

Member of the executive committee of the HRAAA, Chester Hartman '57 expressed enthusiastic optimism about the HRAAA candidates, stating that "we shall emerge victorious." The HRAAA is optimistic, despite the refusal of the Board of Overseers to commit itself to running a fair campaign. Hartman expressed worries that the Board might try to influence the election, as it did last year, when Joan T. Bok mailed an alumni letter to warning of the dangers of "specific issue" candidates. Hartman promised that the HRAAA was going to be "on the alert" for such offenses.



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Koop Gives Advice on Avoidance of AIDS

(Continued from Page 7)

the latter group will determine "if our society can survive this disease."

Koop stressed that he wanted to convey two messages to American youngsters. First, abstain! Second, short of abstinence, they should engage in 'safe sex' only in the context of faithful monogamous relationships. Koop would like to distance himself from conservative leaders who view AIDS as a message from the Almighty to practice chastity. He argued that he was not preaching or trying to teach a morality lesson. Rather, he claimed that AIDS is in a realm where morality and science happen to coincide. In order to bring his message home, he urged the audience to remember that when you have sex with someone you are essentially having sex with every one of their sexual partners of the last 10 years.

He gave a short list of specific sexual practices to avoid. He started with the obvious, when he warned "Don't have sex with someone with AIDS." Try to avoid sexual contact with someone in the high risk category: homosexuals, intravenous-drug users, prostitutes and people with multiple partners. While condoms don't provide 100% protection, he urged all sexually active people to use condoms "from start to finish." Also, he urges the American public to avoid specific practices, including both oral and anal sex, and other acts that might traumatize the body by resulting in a cut or a tear. He urged both youngsters and adults to avoid drug and alcohol since these substances may impair their better judgment.

Koop outlined a specific proposal for early education which has predictably met with resistance from conservative and religious groups. He wants AIDS education in schools for children "at an appropriate age." In his opinion, many current sex-education programs are far too limited and too clinical. He noted humorously that youngsters refer to their sex-ed programs as "organ recitals." Koop personally would like to target 9-11 yr. olds

but he stressed that developmental age is more important than chronological age. He felt that any program should adhere to community standards. Koop expressed anxiety over a potential backlash from parents, but observed that while many parents try to teach their children about sexual matters most simply do not adequately educate their child about the dangers of sexual diseases.

Too Little, Too Late

After Koop delivered his initial remarks, Loretta McLaughlin, a medical editor for the Boston Globe, issued a scathing critique of the Reagan administration's response to the AIDS crisis. In contrast with Koop's apolitical factual exposition, McLaughlin brought up the interesting political ramifications of the AIDS crisis. Using a "too little, too late" analysis, she systematically pointed out instances where the Administration let politics color crucial AIDS decisions. While she conceded that the administration funded Koop's report, she chided Reagan by noting that "his primer comes late," a full six years after the virus was discovered.

McLaughlin queried philosophically, "What *could* have been done?" She sarcastically asked "if the U.S. Olympic team had come down with AIDS, would Reagan have had a different response?" While she thanked Dr. Koop for his informative report, she argued that the Administration has failed to understand the significance of this century's 'bubonic plague' because until recently it has attacked socially undesirable groups. She humorously noted that Reagan has done three things in response to this deadly epidemic:

- 1) he sent Rock Hudson his condolences;
- 2) he banked his own blood; and
- 3) he called for Koop's report.

She went on to attack Reagan for withdrawing research funds. She urged Americans to compare the paltry sum Reagan allocated for AIDS research with the enormous

outlay of money for SDI. She was perplexed by the Administration's reluctance to be moved by the dire predictions issued by the National Academy of Science, who call this epidemic "catastrophic." Unlike the Pentagon, she argued, the National Academy of Science "is not a hysterically emotional group."

In response to McLaughlin's remarks, Dr. Koop defended his active role in contrast with the administrations's passive one. He argued that affecting a change in government is akin to trying to stop a speeding, hermetically sealed freight-train: basically an impossible task. He did not rebut McLaughlin's specific attacks but did note that he supports condom ads on TV. He also opposes mandatory testing for AIDS.



Next RECORD: March 6



This issue courtesy of the hardcore RECORD staff. This week we did it in the dark. More adventures await, courtesy of HLS maintenance. Join us!

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Letters (Continued)

(Continued from Page 9)

GEMOND. Thus it should be no surprise that Raskin tried to impose his own tired brand of coopted reformism on the more radical project of the REPTILE.

The REPTILE is not the "funny *Adviser*" nor the oppositionist humor magazine that Raskin desires. While humor is certainly among our weapons, we have others; look for an emphasis on illiberal abuse and *ad hominem* attack in upcoming issues.

Particularly distressing was Raskin's apparent disbelief that Harvard Law School has a hegemonic mission. Is it a coincidence that hundreds of once public-spirited or at least disinterested students are annually recruited as foot-soldiers of the corporate empire? Or do the guys at the Aces really put acid in Raskin's subs?

Finally, let us explain something of our

factionalism. Our ideology, as Militants, involves relentless attention to the material base and (on bad days) a fondness for certain elements of Stalinism. And it is the Militants who emphasize Somerville drunkenness, and we recommend the ROSEBUD to one and all.

We must conclude with a declaration of concurrence with Laurence Tribe, who has himself observed Raskin's penchant for distortion. And when referring to the REPTILE, Raskin should defer to his fellow hegemonists at Gannett House and observe Bluebook Rule 16(a).

Wilson McLeod, 2L
Counter-Hegemonic Front

Ed. Note: McLeod, being a Review member himself, is in a position to know.

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HLS Aid Plan

(Continued from Page 6)

Financial Aid Office memorandum states, clerks "usually proceed immediately to higher paying positions in the profession." The program does make certain exceptions. If the clerkship salary is at least \$5000 below the LIPP income ceiling, the Director of Financial Aid has the discretion to include the graduate on a case-by case basis. No federal court clerks would meet this standard, since the federal clerkship salary stands at more than \$26,000. But even graduates who do not meet this criterion may be eligible for some assistance if they intend to take a LIPP-qualifying position after the clerkship is completed.

Sixty-six percent of all HLS students incur debts from educational loans and the average law school student debt load incurred by a member of HLS's graduating class last year was \$27,000. The average combined undergraduate and law school outstanding loan for law school graduates was \$32,800.



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