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25 CENTS

HLS Announces Smoking Policy

By Vince Chang

In order to comply with a stringent Cambridge ordinance, HLS has banned smoking in most areas of the school. Beginning March 9, only a few designated common areas will be open to smoking. Additionally, even smoking in private rooms and in private or shared offices will be restricted.

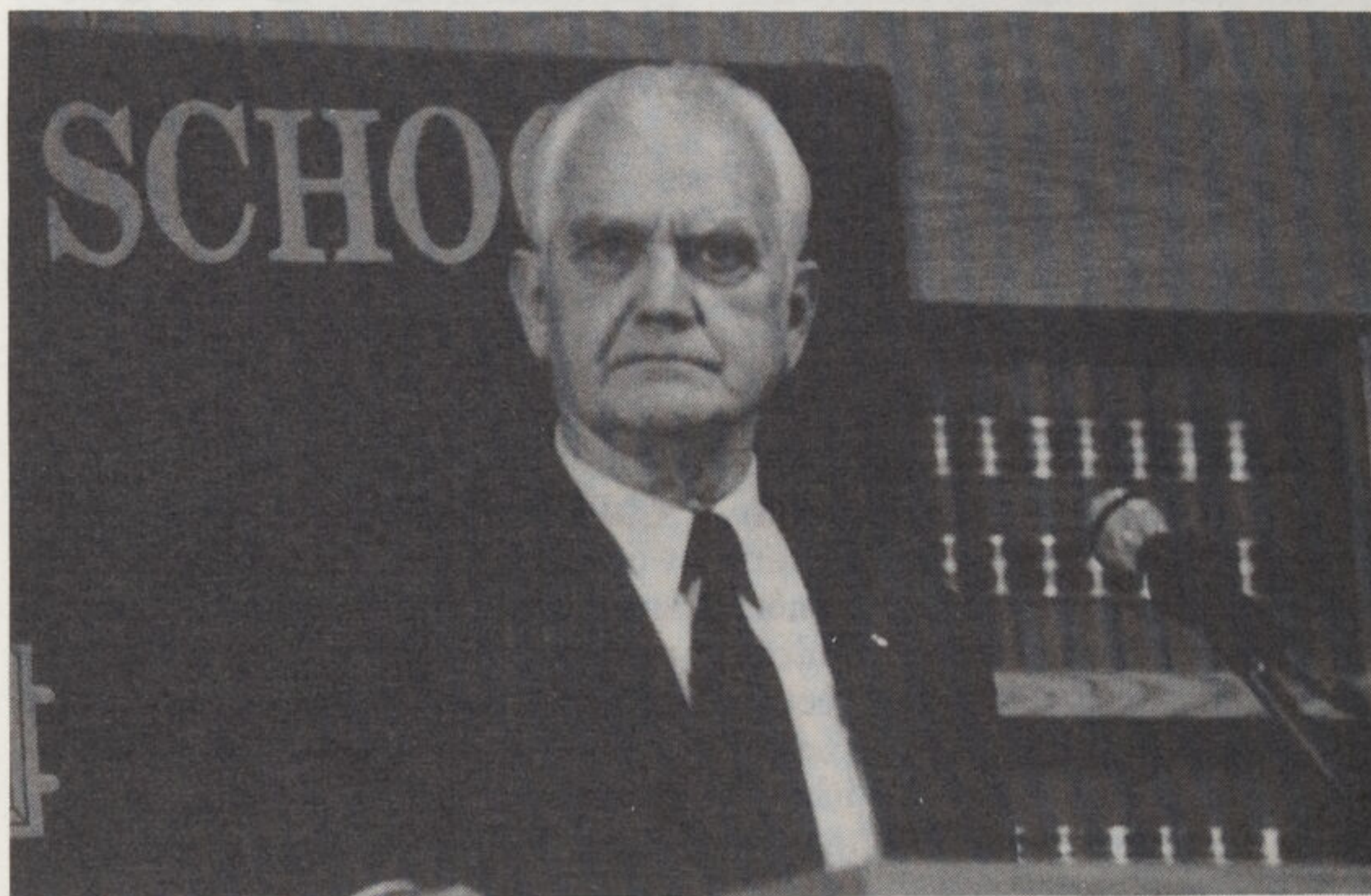
The Cambridge ordinance bans smoking in lecture halls, libraries, dormitory halls, bathrooms, and private offices that share vents. If the law is violated in a Harvard building three times, the city can shut down the building. Violators can be fined between \$25 and \$100.

Even before the law was passed, HLS, citing the danger of disease from passive smoking and allergic reactions, had created a committee to solicit student reactions and to develop a smoking policy.

Attempting to "accommodate smokers in keeping with the limits of the ordinance," the policy that the committee eventually recommended and that Vorenberg adopted creates smoking lounges in the Pub area and the middle dining room upstairs in the Harkness Commons, in a new lounge to be built at the foot of the stairs of Langdell North, and in Pound 329.

Advisory committee member Salvador Casente, 2L, commented that the law school's policy "considers the smoker's desires more than any other school of the university does. The Kennedy School has had an almost total ban on

(Continued on Page 14)



Susan Povich/Hillary Richard

General William C. Westmoreland discussed his litigation against CBS at HLS.

Westmoreland Criticizes CBS

By Susan Povich

General William C. Westmoreland, Commanding General of the American Troops in Vietnam, veteran of 17 battle campaigns, Harvard Business School alumnus and corporate advisor, presented a lecture and answered questions on the issue prevalent in his fourth war — that against the American media.

Westmoreland's litigation against CBS settled in the eleventh hour. The settlement consisted of a simple statement asserting that Westmoreland had served a respectful "long and faithful military service."

PR Catastrophe

Westmoreland said that his experience with the media has not been a positive one. He contended that the Tet offensive was a public

relations catastrophe, but not a military defeat. The Vietnam war was brought into America's living rooms during the actual combat and in 1982 during the disputed documentary "The Uncounted Enemy: A Vietnam Deception." CBS contended that the failure of the Tet offensive was due to an intelligence conspiracy deliberately underestimating the number of enemy troops.

Westmoreland put forth his own conspiracy theory: CBS "exercised reckless judgment, resulting in a defamatory mistake and covered it up." Westmoreland noted that two recently published accounts of the litigation, including Renatta Adler's *Reckless Disregard*, were subjects of TROs initiated by CBS. "The first amendment," noted Westmoreland, "gives power to the media but power

(Continued on Page 12)

Law Student Teaches Importance Of Brown

By Jeffrey Gershowitz

You don't have to be a law student to learn about the law, as the seventh and eighth graders at Cambridge's Tobin School have discovered. The students, under the guidance and teaching of Harvard Doug Masters, 2-L, and social studies teacher Namzetta Merriman, have researched and participated in two moot court reenactments of the historic case of *Brown v. Board of Education*.

The idea for the project came from Merriman, who is on the board of directors of Massachusetts Association of Law Related Educators, a group that promotes law through integrated teaching methods. The organization's theme this year, "To Form a Perfect Union" led Masters to develop the idea of using a moot court exercise to teach the children about the tenth and fourteenth Amendments through the *Brown* case. Thus the project, "With all Deliberate Speed: *Brown v. Board of Education*" was born.

Merriman's classes are part of the "School of the Future" at the Tobin school, a magnet school with an integrated student body and an open program that lets students and parents have a role in developing the curriculum. Merriman believed a moot court would mix well in the school's atmosphere where he said "children ought to play a role in their own education, doing research, becoming articulate, with children teaching children."

As for the selection of *Brown*, Merriman said that it too was well related to the classroom situations. "Cambridge is a hub of multi-ethnicity," he explained. "Why not tell them how they got here?"

When Merriman began to organize the activity, he turned to Masters for the legal background needed to create a realistic simulation. The two first worked together last year on another law-related historical reenactment when Merriman first integrated the Tobin School's seventh and eighth grade social studies curriculum and emphasized the law, the Constitution and United States

history with the performance of a simulated trial. After selecting a case dealing with Shay's Rebellion in Western Massachusetts in the late 1780s, Merriman sought someone with legal expertise to help organize the program. He was put in touch with Masters by the Cambridge School Vounteers, a group that places community members in touch with students and classes needing assistance.

Masters had recently joined the group and when he was informed about the law-related opportunity, he jumped at it.

"I really enjoy teaching," explained Masters. "I was looking for an opportunity to put my legal expertise to practical use."

Masters and Merriman then worked together with last year's ten-to-thirteen year-old students to prepare them for their mock trial in Middlesex County Court against a school from Newtonville. He instructed the children in trial technique, direct and cross examination and other legal activities.

"I learned a whole lot," said Masters. "As a 1L, I taught trials before I had trial advocacy workshop. By then I was more familiar with it than I expected."

When they began work on *Brown* earlier this year, Masters and Merriman decided to structure the case as a moot court exercise, complete with written briefs, opening and closing statements and a judicial panel questioning the oral advocates.

Masters has worked with the 20 seventh graders for the entire school year, preparing the case for the plaintiff, *Brown*, while Merriman and others have worked with the 19 experienced eighth graders representing the Topeka school board. Masters has put in at least two hours a week working at the Tobin school, and spent ten to twelve hours with Merriman and the children the week before the actual court performance.

Masters has served as a sort of "legal advisor" to the children, who, according to Merriman, refer to him as "the lawyer." Masters has used

the Board of Student Advisers' *Introduction to Advocacy* book to instruct the students in legal research, brief writing and oral argument. Since HLS did not permit the children to use the Law School library, Masters had to provide much of the research materials, including copies of the actual arguments in the case.

Masters also borrowed visual supplies from the Audi-Visual office, which he found "to be most helpful," to point out the techniques of oral argument and direct and cross-examination. He also consulted with Professor Derrick Bell for advice and ideas on the program.

Intro to Legal Reasoning

The seventh graders adjusted well to the program, said Masters. While they had little trouble in handling the factual level of the argument, they had some trouble with issues of states' rights and federalism.

"As the reasoning got more abstract and technical, the kids really had a hard time understanding, i.e., distinguishing precedent, understanding the tenth Amendment, the equal protection doctrine," he said. "They were not used to thinking of 'equal' in its legal sense," he said.

"I tried to be a facilitator," he explained. "Let the ideas come from them and not lecture. Let the ideas rise; don't try to spoon feed. I let them rise to the level that they were able to do. That's the best learning experience. The best they can do — that's fine."

Exposing children to the racial atmosphere that existed during the *Brown* period of the 1950s has also proven interesting, though difficult at first, according to Merriman. Some of the children representing the School Board had problems at first adjusting to their position on the issue of desegregation.

"Puerto Ricans, Asians, whites, and Afro-Americans had to step back from their integrated society to the 1950s," said Merriman. "We did get some resistance, but we overcame that. The first time it was

(Continued on Page 6)

BLSA Wraps Up Black History Month

By Hillary Richard

Harvard's Black Law Students Association (BLSA) ended their celebration of Black History Month by honoring Black women with an evening of poetry, dramatic interpretation and a party. BLSA's "Salute to Black Women," held on Saturday, February 27, featured Ntozake Shange, author of the Broadway play "For Coloured Girls Who Have Considered Suicide When The Rainbow Is Not Enuf," and up and coming young poet Thomas Meloncon. Held in Ropes Gray, the Salute played to a packed and appreciative crowd.

Master of Ceremonies Michael Sudarkasa, 2L, opened the Salute by explaining the special appropriateness of saluting Black women on the last day of Black History Month. "Without the contribution of Black Women as mothers, wives, sisters and daughters of Black people, there would be no Black history. Far too often," he continued, "contributions by Black women are not highlighted during Black History Month. This represents a small step, by BLSA, in the right direction."

Along with the readings of Shange and Meloncon, the Salute included performances by students. Third year students, Rodney Akers, Brian Blaney, Paul Weisenfeld and George White brought down the house with their a capella three song medley. Next, Paul Bernard, Kerry Osborne, 3L, Jeff Walker, 2L, and Melvin Williams, 1L, read a Meloncon piece entitled "The Diary of Black Men."

Meloncon read a collection of his poems about the special qualities of Black women, accompanied by a hand drum, for which he received a standing ovation.

Stealing the show was a beautiful performance by four women law students: Arlene Ford, 3L, Desiree Kennedy, 3L, Verna Williams, 2L, and Mimi Wright, 1L. They read a compilation of pieces from Audre Corde, Maya Angelou, Alice Walker, Nikki Giovanni, Gwendolyn Brooks and Donna Kate Rushkin. Closing their performance,



Lisa Y. Henderson/Hillary Richard

BLSA's "Salute to Black Women" featured playwright Ntozake Shange.

the women alternated verses from Angelou's "Still I Rise," bringing audible 'gasps of emotion from the audience with verses such as:

"Out of the huts of history's shame
I rise

Up from a past that's rooted in pain

I rise

I'm black, leaping and wide,

(Continued on Page 6)

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HUCTW And AFSCME Merge Into The Future

By Susan Povich
and Vincent Chang

"Harvard is the premier test for our union in 1987," said Gerald W. McEntee, president of the 1.1 million employees in the American Federation of State, County and Municipal Employees (AFSCME) in a *Boston Globe* article. According to McEntee, AFSCME has decided to make Harvard a cornerstone of its effort to organize what it sees as a new frontier for unionization — the white collar service sector. AFSCME has committed \$500,000 this year to the formerly independent Harvard Union of Clerical and Technical Workers (HUCTW).

This new campaign is stressing grass-roots organizing and "self-empowerment" and has gained ascendancy over a more traditional Harvard organizing effort run by the United Auto Workers (UAW). Since HUCTW split off from the UAW in August 1985, it has, under the leadership of Kristine Rondeau, diverged from the UAW's tactics. It has chosen to engage in intensive "one to one" organizing that has enabled the union to garner more than 1,000 signatures from Harvard employees supporting the union. HUCTW attempts to speak with employees personally and in depth about their concerns for employment stability, as well as about benefits and fears of unionization. To facilitate individualized counseling, a large employee organizing committee functions as an active information conduit.

Family Approach

This effort, said McEntee in the *Boston Globe*, is the strongest rank and file organizing effort he has ever seen. Currently, HUCTW boasts close to 400 active organizers among the employee base. According to HUCTW, this number is increasing, as the efforts of the union's full-time staff of ten come to fruition.

The theme underlying HUCTW's organizing strategy is what the *Globe* termed a "family approach," meaning an avoidance of outside

organizers. All of Rondeau's full-time organizers are former Harvard employees. In fact, the *Globe* reported that Rondeau and her fellow staffers broke away from the UAW at least partially because of a conflict over the role of outside organizers. This difference in tactics, HUCTW hopes, may help sell the union to those employees who see the traditional union structure as highly entrenched, stratified and undemocratic.

HUCTW has also tried to set itself apart from more traditional unions by expressing a democratic empowerment ideology in its platform. "Our philosophy is that we are organizing for ourselves and not against Harvard," asserted Rondeau. "Our goal is to set up a permanent structure which will allow for both flexibility and strength." The structure will, the Union believes, allow problem solving while asserting the rights and desires of Harvard's 4,000 clerical and technical workers.

Huge Negotiating Committee

One of the problems with organizing the clerical and technical employees at Harvard is the diversity of responsibilities and interests among the various employees. Harvard employees are located in 400 locations throughout Cambridge and Boston, working for hundreds of departments and divisions. Consequently, working conditions and pay scales vary widely. In order to address these diverse circumstances, HUCTW envisions a democratically elected negotiating committee of eighty or more persons. Such a large committee is uncommon in other unions; however, HUCTW seems intent on instituting a structure that will be perceived as broad-based.

Another departure from traditional techniques is HUCTW's focus not only on employment issues, but also on cultural ones. HUCTW seeks to redefine the employees' conception of the workplace as more than just a job. Recent benefit concerts, for example, have included perfor-

mances by members who are talented in the arts and theater. A benefit concert last Spring by Patty Larkin drew people who turned out to support the union with fellow workers in an informal environment.

Rondeau said that expanding the union's role beyond the workplace is an important goal. Such a change allows the union movement to feed upon the advances made in other sectors of society. In particular, Rondeau noted, "young women are particularly energetic because, for them, the unionization experience is merely an extension of the political fight for women's recognition in general."

Nor will the goals of the union stop with mere wages and benefits, Rondeau added. Traditionally female and unrecognized for their role in the functioning of bureaucracy, the clerical workers claim to be striving not just for benefits, but also for institutional recognition. "They have been fighting for recognition at Harvard for a long time," Rondeau explained.

After consolidating its employee base, HUCTW hopes to build coalitions between students, employees and non-targeted employees, Rondeau said she believes that a broad-based coalition is absolutely necessary, not only during the pre-election period, but even more so during the expected negotiations. Referring to the 1983 Yale clerical negotiations, Rondeau noted that, "the employees at Yale never would have succeeded without the support of the students, staff, and facilities employees who refused to cross the union lines. There were students lying down in the streets at Yale." Rondeau does not foresee repetition of the Yale experience; however, the issues are similar and the union, once elected, professes that it will not back down.

Administrative Response

In response to HUCTW's new strategy and form of organizing, Harvard has been forced to act less

(Continued on Page 7)

College Students Put HLS On Pedestal

By Jeffrey C. Levy

Harvard University represents, to some in the outside world, a monolithic symbol of knowledge, arrogance and elitism. But those who have lived with the Ivory Tower know better. Harvard's mystique seems to fade as one gets nearer to Cambridge.

But the aura surrounding Harvard revives within its ivy-covered walls. On campus, the students tend to see themselves as products of good fortune — mistakes who somehow managed to slip through the cracks in the admissions office. The supreme irony of the Harvard myth lies in its recurring presence within the university itself, as demonstrated by an unseen barrier with exists between HLS and Harvard College.

A series of conversations with undergraduate students indicates that this barrier has perpetuated a surprisingly distorted view of HLS in the ranks of Harvard's undergraduate population.

Freshman John Berman explained that HLS is "damned near impossible to get into, but if you graduate you're guaranteed a good job." His roommate Bill Silverman added, "I'm very impressed with the whole institution even though I don't know anything about it." Carmen Gracia, '88, a resident of Leverett House, said that "when I think of Harvard Law School, I think of *The Paper Chase*."

Undergraduates interviewed stated that they think of HLS students as intense, very intelligent, organized, competitive, and materialistic.

The most striking thing about these views is the distance which undergraduates feel between the Yard and the Hark. In their eyes law students are a different breed altogether, and *Harvard* law students have reached an unattainable plateau. There is no feeling of commonality as fellow students or as compatriots within the University. Harvard College and HLS comprise two different worlds, separated by a seemingly uncrossable gulf.

"We have one of those?" asked sophomore Penelope Papailias when asked what she thought about HLS. Papailias spoke with tongue firmly in cheek, but her question betrays the absence of interaction between the law school and undergraduate communities here at Harvard.

Most undergraduates have only the most minimal contact with HLS, usually in the form of a "teaching fellow." TF's, as they are commonly called, lead once-a-week sections of between ten and fifteen students who are enrolled in large lecture courses. The sections generally address some aspect of the week's lectures in greater detail, and give the students a chance to interact with their peers in a more intimate setting. The TF prompts discussion and answers any questions which might come up. 2L's and 3L's are often found assisting in law related, "big think" courses with names like "Moral Reasoning 11: Justice."

Seldom do HLS teaching fellows make a lasting impression on their undergraduate sections. Freshman Chris Schelling recalls that his TF in a moral reasoning course last semester was "nice enough, but not the most exciting kinda guy." And Martha Berkman, '89, recalls with some dismay a former law school TF, who was a "real stiff."

To be fair, many undergraduates have had wonderful experiences with their law school teaching fellows. Gracia remembered her law school TF as being "really sharp — she gave us the other side of the story. The section was incredible."

HLS In The Dorms

Other undergraduates have experienced HLS students as freshman dorm proctors or resident tutors. Proctors are responsible for shepherding freshmen through the beginnings of their college years. They can be especially important as academic advisors during the first months of school. One sophomore tells a particularly harrowing tale of a 2L proctor who was so inattentive to the needs of his proctees last year that after the first se-

mester, seven out of the twenty students in the dorm were on academic probation. The dorm held the unenviable position of having the lowest GPA in the Yard.

House tutors advise juniors and seniors who are interested in going to law school, and eventually write recommendations for the students' law school applications. As one might expect, some tutors are more involved than others in house activities. But regardless of their involvement with the house, pre-law tutors almost by definition contribute to the perpetuation of the *Paper Chase* myth.

The tutor is an authority figure and as such is set apart from the rest of the students in the house. Rarely does a tutor succeed in breaking down the barriers imposed by his or her position as an advisor and mentor. Perhaps equally rarely does a tutor wish to break down those barriers. Most undergraduates interviewed stated that they find their law tutors generally likeable, but few said that they feel they know them as friends. The typical relationship, thus, lies closer to that of student and teacher than one between fellow students.

While there are many exceptions, the vast majority of Harvard undergrads continue to think of John Houseman and *The Paper Chase* when someone brings up the subject of HLS. A small parking lot separates Austin Hall from Littauer Library, but in the minds of the Harvard undergraduate population, HLS dwells somewhere in those Olympian heights that HLS students reserve for Holmes, Story, Brandeis, and Stone.

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Schoolchildren Exposed To Constitutional Law

(Continued from Page 2)

difficult for them. Back then there were usages of the term Negro, colored, and even nigger. They had to assume that stance. They became more confident as they looked at the facts."

Merriman told the students that if they were real lawyers they would have the responsibility of doing the best for the side they were told to represent. Masters said that the children have "done a good job putting their views aside."

Pretrial Jitters

Nervousness was also a problem for the students. "Kids get nervous, really nervous, especially in a room with older persons, strangers," said Masters. Merriman brought in a speaking expert after their first presentation to help them better understand their behavior.

"The kids were nervous at the first trial," said Merriman. "It was their first time. We pulled in someone good at improvisation and acting and we looked at videotape of the first mock trial, saw the body language and worked on that."

The students' first showdown came earlier this school year at a Law Related Educators convention in Amherst. Among those attending that presentation was Chief Justice Hennessey of the Massachusetts Supreme Judicial Court. That meeting ended with everyone winning something — the eighth grade won best brief, while the seventh

grade garnered best oral performance and won overall.

According to Masters, it was not a pure moot court exercise because of the number of students involved. Each side had six or seven people, and everyone in each class was involved in some way. The judge's panel consisted of Masters and parents and community members. The judges determined the children's grades, based on a rating list including such factors as brief quality, number of questions fielded, and articulation.

Masters said that while Merriman has "de-emphasized the outcome as the end-all" the exercise is still somewhat adversarial. The eighth graders whom he worked with last year "don't trust me anymore. Some think of me as a traitor."

With more preparation under their belts, the two classes squared off again March 5 at a meeting of the Regional Social Studies Convention where they were one of only two student presentations given. Again everyone walked away as winners, with the seventh grade winning for group coordination and fielding of questions while the eighth graders

won on opening and closing statements.

"They've shown some improvement," said Masters. "They've concentrated a lot more on substance. It's actually pretty abstract for them. I'm impressed, surprised at times, with their knowledge."

Masters will be helping the class with a project on the Holocaust the remainder of this year, and plans are underway for another program to be done next year on another historical topic.

An Emerging Tradition

"It's only been two years, and it's more like a tradition. When the sixth graders come in, they ask 'When is the trial? When's the lawyer coming?'" said Merriman. Merriman is preparing an analysis of the program to be made available to other social studies classes. "The social studies supervisor coordinator will get it and it will be made available throughout Cambridge schools so other teachers can utilize it," said Merriman. In addition, he has been approached by a teacher in Buffalo

(Continued on Page 12)

Special Tribute To Black Women

(Continued from Page 3)

Welling and swelling I bring in the tide.

Leaving behind nights of terror and fear

I rise
Into daybreak that's wonderously clear

I rise
Bringing the gifts that my ancestors gave,

I am the dream and the hope of the slave.

I rise
I rise
I rise.

Next, Ntozake Shange read, accompanied by a bass guitar, for approximately 45 minutes. Her blend of political poetry, feminist readings and love poems were enthusiastically

received by the large crowd. After receiving a lengthy standing ovation, Shange invited Meloncon onstage to join her on a duet of Texas love poems.

The evening was capped off by a lively, open bar party complete with D.J. and dance floor.

Ford commented that the Salute had been a "very positive experience." She described BLSA's Black History Month program as an "attempt to reach out to the rest of the campus. We did these things because we want to share a sense of who we are and a sense of our history." The unfortunate part, said Ford, "is that we have to design a month to dedicate to Black history, instead of being recognized as an integral part of this country's history."

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HUCTW Organizes Clerical, Technical Workers

(Continued from Page 4)

stridently than those employers who threaten lockouts, closings, or other acts of reprisal against union organizers. Concerned with its image as a progressive institution, Harvard has concentrated its anti-union campaign on placating employees while lobbying supervisors. The University administration will train supervisors to inform their employees of what Daniel Cantor, Harvard's director of personnel termed in the *Globe* the "downside risk" of unionization.

Additionally, the administration has attempted to defuse employee grievances with personnel meetings. HLS Dean Vorenberg, for example, recently met with clerical and general staff employees to hear their concerns.

At a more grass roots level, the University has added personnel representatives to counter grievances. "Everywhere you turn there is a personnel representative. These representatives try to ameliorate a particular conflict or facilitate work related complaint processes," stated Rondeau. She maintained, however, that the personnel department has not instituted any substantial reform.

Harvard's anti-union effort has raised some problems for pro-union faculty members. HLS professor Paul Weiler, a staunch supporter of unions, noted in the *Harvard Crimson* that the unionization drive has thrust him into the unfamiliar role of management. "The Supreme Court held that faculty members are managers. I don't feel like it myself." Weiler commented, however, that "the reality of the situation is that the people who are the subject of the union organization drive are people who work for me."

HUCTW's goal is to acquire the votes of a majority of such Harvard employees, to increase the organizing committee to 600 and then to petition Harvard for a direct election. According to the *Globe*, if Harvard refuses, HUCTW will seek an election ordered by the National Labor Relations Board.

In addition to countering the Harvard administration, however, AFSCME will face determined opposition from the UAW, which has vowed to redouble its efforts at Harvard. The *Crimson* quoted Lamont University Professor Emeritus and former labor secretary John Dunlop as saying that the presence of two national unions will present a problem for the organizers. "In principle," Dunlop said, "there is a better chance if there is only one union rather than two."

HUCTW Has The Edge

But HUCTW appears to have the edge at Harvard. Before affiliating with HUCTW, AFSCME conducted a poll which indicated that HUCTW was by far the favored union among the employees polled. The poll showed minimal support for the UAW. Perhaps recognizing this reality, UAW organizers attempted to reconcile with HUCTW prior to its merger with AFSCME. "HUCTW refused," said UAW organizer Jan Schaffer.

Because of AFSCME's funding, HUCTW looks stronger than ever, as it will now be able to concentrate its efforts on organization rather than fundraising. But Dunlop in the *Crimson* cautioned that "money makes some difference, but lots of unions pour lots of money into something and don't get anything."

Similar hopes have motivated the UAW to stay in the race. "Although it is preferable to have one organizing unit," said Schaffer, "it is not uncommon to have two." Although the UAW declined to discuss numbers or strategy, it has announced significant funding increases to counter AFSCME.

For their part, HUCTW organizers seem relatively unconcerned about the UAW. Cecilia Tkaczyk, a member of the law school organizing committee, when questioned about the UAW's presence at HLS, chuckled, "they wouldn't dare come around her because they know that they would be asked to leave or ignored."



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Tort Reform: Winners And Losers

The A.B.A., lagging behind 22 states that have already made significant tort law changes, finally took a position on tort reform last month. The A.B.A. proposal calling for closer scrutiny of pain and suffering awards, punitive damages, and joint and several liability is likely to spark new debate over tort reform — and to reawaken the tired argument that tort reform is merely designed to deny justice to the poor while bankrolling corporate tortfeasors.

In fact, the A.B.A.'s proposed limitations on awards will not significantly affect low-income victims. To poor victims, high damage awards at trial are largely an academic concern. Least knowledgeable about the law and about the process, indigent victims are the least likely even to seek any legal redress. If they do, they generally settle for amounts lower than the upper limits even ardent tort reformers would impose.

Financially unable to wait months for a trial yielding a speculative possibility of success, and represented largely by contingency fee lawyers who must quickly settle cases to maximize income, low-income plaintiffs are the least likely to go to court and hence have no access to huge jury awards. While it can be argued that the prospect of such awards gives plaintiffs leverage in settlement negotiations, that theory founders because defendants recognize the inexorable forces compelling the plaintiff to settle and tailor their settlement offers accordingly. By contrast, plaintiffs' lawyers, driven by the need to minimize hours expended, will be unlikely to drive a hard bargain. The result: settlements for poor plaintiffs which bear little, if any, resemblance to the theoretical high jury awards tort reform would restrict.

Nor is it clear that corporate defendants would profit from limitations on awards. Businesses, of course, largely buy insurance to cover damage claims and pass costs on to consumers. And even the insurance industry does not suffer from higher awards; they just boost premiums. In fact, insurance companies have effectively invoked the threat of high damage awards to justify a 60% premium increase over the last two years. Shielded from competition by an antitrust exemption, the casualty and property insurance industry recorded 1986 profits of over \$18 billion — up 625% over 1985.

Cutting back on high awards might hurt insurance companies which would no longer be able to cloak premium increases. Tort reform might also hurt the trial lawyers most gifted at wresting million dollar jackpot awards from manipulable juries. But corporations are not likely to profit much. And the poorest in our society are not likely to be affected.

— V.C.

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Fenno

Fenno was confused. He simply didn't understand why certain random factions in the law school were openly opposing the Counter Hegemonic Front. Fenno thought that being called a "childish prankster" was one of the highest compliments to receive.

Fenno decided to check out the condition of the student body. He thought that the anti-chf, pro-grade hysteria might be a symptom of a strange incurable tropical virus afflicting students. Walking by the new "smoking lounge," he peeked inside to see what was going on and to his amazement saw seven people sitting around on the floor, in a circle, burning incense and chanting in a strange melodic tongue. Above them was a four by eight foot poster of some Roger Daltrey looking dude. Another poster proclaimed "All Hail Zen Master Rama, the bearer of A's". "Holy Meister Brau," thought Fenno, "This grade stuff has gotten serious!"

Walking through the tunnel Fenno encountered four members of the League of Identical Men, sporting equally unflattering glasses and Levi cords. "Hey," screamed Fenno, "Do you want to go to the chf forum on Pass/Fail grading? Fenno got no response, only blank stares indicating either serious drug abuse or malnutrition. He glanced behind him to see the Leaguers turning into the new "smoking lounge."

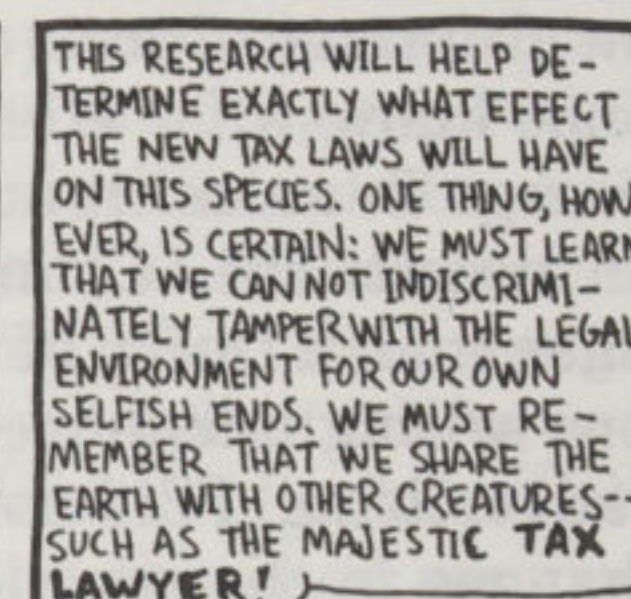
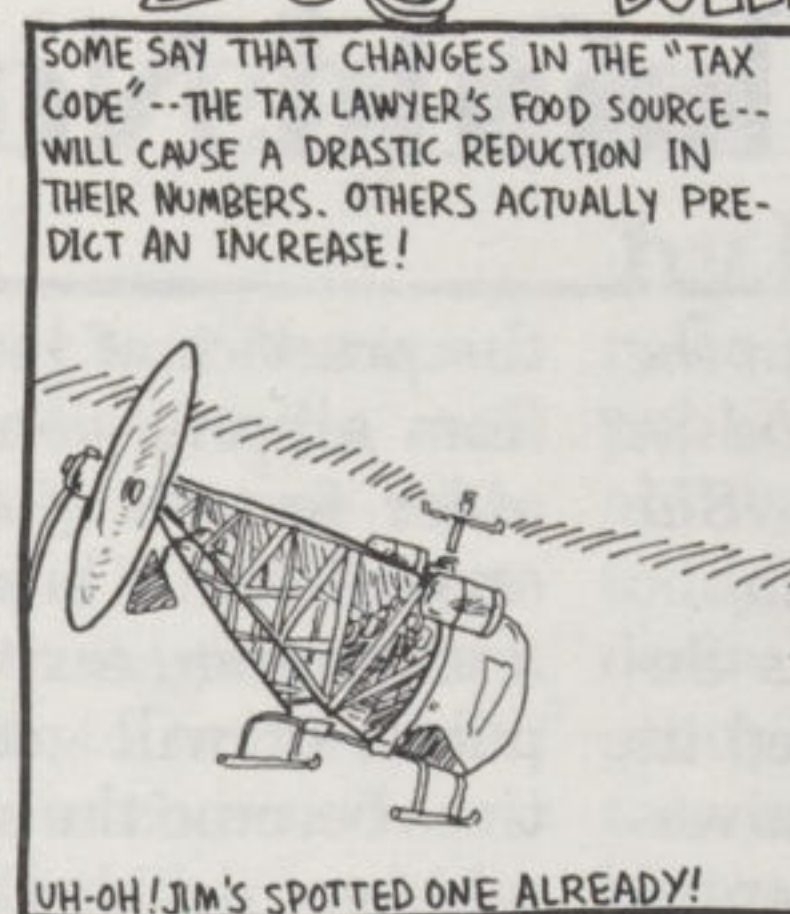
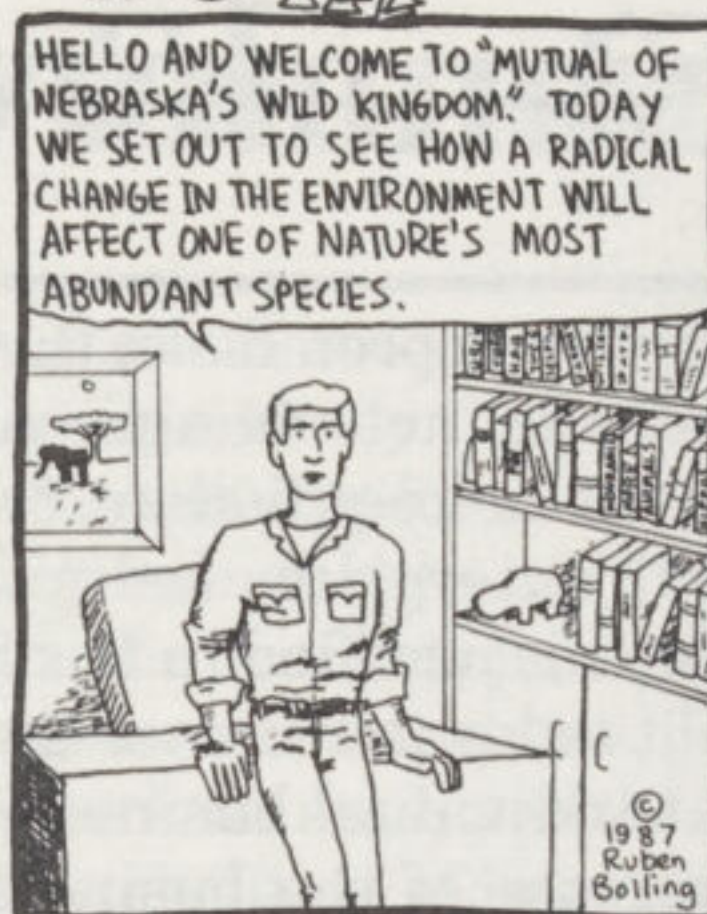
Fenno was really confused now. He abandoned his survey of the law school to take on an even tougher task, finding a take-out store where he could buy beer on Sunday. He walked past Harvard Liquor and Wines. As usual the lights were off. Fenno pressed his nose up against the glass to catch a peek at the Meister Brau going to waste in the cooler. His eyes were drawn to a bright pink sign which read "Blue Laws are Random." In the corner was the ever present chf insignia.

Fenno was even more determined to fight for the chf cause. He ran back to the law school invigorated with a new sense of political consciousness. He searched vainly in Langdell for a chf member to whom he could pledge his allegiance. Didn't they realize that Fenno had been fighting hegemony for at least four years, and obeying all the orders from the directorate to "fly-out on the corporate tab"?

Fenno broke into a trot. He took refuge in the Forum office and passed out. When he regained his consciousness, he found himself staring at a poster of Zen Master Rama. Fenno ran upstairs into the Hark where he was confronted by various chf propaganda posters. He was back behind the front line. "At least they haven't taken over the Hark yet," thought Fenno. "There is still time." Fenno stole some paper and markers from the Coop and began scribbling: "Leaguers are Random" and "Death to Zen Master Rama."

Tom THE Dancing Bug #1 RUBEN BOLLING

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Letters to the Editor of the Record

"Model Jokes"

To the Editor

Bravo, Dennis M. Kelleher, 3L! Too many of our classmates exhibit apathy and even collaboration when confronted with politically incorrect "jokes." Some will say Kelleher's lonely stance is petty and silly. Pay them no heed! For, as Kelleher himself so eloquently and courageously reminds us, the implications of this form of "humor" are ugly indeed.

We can make a difference. We can make HLS a beacon of decency shining in the moral night of our times. To assist in this important endeavor, the undersigned have asked an ethnically, religiously, and sexually diverse task force to prepare a list of jokes that will give pleasure to all and offense to none. While space does not permit the reproduction of the entire list, we offer two of their "greatest hits."

1. Q: How many Jews does it take to screw in a light bulb?

A: Despite a long and tragic history of oppression, one will suffice.

2. Two blind Black Polish female gay construction workers went into a bar. They each drank one beer. The bill was \$10. As they paid, the short Irish-Italian Mormon bartender said, "Gee, we don't get many blind Black Polish female gay construction workers

here." The woman replied, "And at these prices, you won't be getting many more."

If we all remembered that everything on this earth is a member of the animal, vegetable, or mineral kingdoms and should be treated as such, a new and brighter day would soon dawn. Sappy? Maybe. But 'tis better to be called a sap than to join the brainwashed masses who dismiss Dennis M. Kelleher as a self-righteous putz.

David Frum, 3L and
Rev. Andrew Leigh
Boston, Massachusetts

Better Way to Protest

To the Editor:

Before people take the advice given in the January 15 Reader's Forum and file protest-type income tax returns, they should do two things. First, they should read 26 U.S.C. Section 6702 and *Milazzo v. United States*, 578 F. Supp. 248 (S.D. Cal. 1984). The filing of such returns can and probably will result in the assessment of a \$500 penalty, whether or not any tax is owed.

Second, they should consider who reads tax returns. I.R.S. service centers are populated by powerless clerks who don't particularly care about anybody's political stance. They will assess the penalty and then file the return away.

I would suggest instead that people pick a wrong-thinking congressman in their local calling area and call his office at least once everyday. Or, alternatively, call Ronny at (202) 456-2168 or Howard Baker at (202) 465-6797. You can make a lot of long distance calls for \$500.

Matt Lykken, '85
Cedare Hill, Texas

(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.

Lawyers Should Not Lower Standards

Patricia Bobba is a partner in the law firm of Sweeney & Bobba in Springfield, Massachusetts. She specializes in civil tort litigation.

In 1981, the Massachusetts Supreme Judicial Court amended its disciplinary rules regarding advertising (382 Mass. 770) in keeping with recent Supreme Court opinions. I do not know what effect, if any, the change in rules on advertising had across the Commonwealth. Other than a flurry of calls from persons selling telephone yellow pages advertising, I did not notice any changes in the practice of law in my locale of Hampden County in Southwestern Massachusetts.

However, things were a little different after the Court issued its opinion on July 16, 1986, regarding client solicitation by attorneys. See *In the Matter of Amendment to S.J.C. Rule 3:07, DR 2-103 and DR 2-104*, 398 Mass. 73 (1986). I knew changes of this nature had to be made and was expecting the rule change. The Supreme Judicial Court squarely faced the issue and admitted that the changes had to be made both because of recent U.S. Supreme Court cases and because of "developments in the legal profession" which cause me to be concerned. The Massachusetts Appeals Court has ruled that the practice of law constitutes trade or commerce. *Brown vs. Gerstein*, 17 Ma. App. Ct. 558, 570 (1984). Apparently this premise seems to be the basis assumed by courts in order to find that advertising and solicitation by attorneys is protected free speech. I disagree that the practice of law is a commercial enterprise and, at the risk of being called an alarmist, I fear that this attitude will have a very deleterious effect on the public's need for available legal services. I recognize that the public needs to know its rights and needs to be able to find a lawyer. For these reasons I applaud the new rules on advertising for helping to serve this purpose. But why must

the practice of law be downgraded from a profession to a business in order for the public needs to be served? Will a business, rather than a profession, serve the needs of the public or will good business practices become the standard by which a lawyer decided whether or not to take a case?

In the United States we have a separation of powers which few, if any, other nations enjoy. The Supreme Court of the United States of America has the power to stop the executive or legislative branch of government if attempts are made to step on individual liberties or constitutional rights. Rich and poor, giant corporations and small farmers, all have access to the courts.

"I recognize that the public needs to know its rights and needs to be able to find a lawyer."

No one is above the law, not even the President of the United States. Consider this fact in relation to the practice of law. Lawyers are the prime motivators for preserving and securing personal liberties. The responsibility of the Bar is very great. I have a serious question in my mind as to whether the Bar will continue to adequately shoulder this responsibility if the practice of law is to be treated and conducted as a business.

A fundamental difference between a business and a profession is that the primary object of a business is to make money while the primary object of a profession is to render service. The history of the American legal profession is one of service. Colonial lawyers had received their training in England. The English Bar was an elitist group, usually upper class men, who practiced law as a public service. The nature of the profession must change to keep up with the times.

But the basic premise of the profession should not change. A public service is not equivalent to a commercial enterprise. Individual solicitation is justified in business because it tends to increase the profits of that individual business. This is the purpose of the business. However, in dealing with a profession delivering public services, individual advertising and solicitation may increase the profits of an individual lawyer but do not further the purpose of rendering a public service. Further distinctions should not be overlooked. Communications between a lawyer and a client are privileged to encourage clients to seek legal counsel and make full disclosure. There is no such similar privilege in the commercial marketplace. A lawyer is a fiduciary of his client and must exercise the highest degree of care in handling his client's monies, papers, and communications. The attorney must refuse to act in a manner conflicting with the interests of his client. These are not the usual parameters of a commercial vendor-vendee relationship. The retailer will tell a customer that an awful dress looks wonderful just to make a sale. The lawyer cannot do this. If a client does not have a valid claim, the lawyer has to explain this to his client and ends up without a "sale." Lawyers must be licensed to practice law and may be disbarred for conduct constituting moral turpitude or a crime. If the refrigerator salesman is convicted of tax evasion, this does not prevent him from pursuing his calling, but a lawyer may lose his license to practice for such a conviction. Lawyers must not only be competent but also must be of good moral character. A plumber may have a license, but he need not file affidavits as to his moral character as part of his eligibility for such a license.

In the marketplace a product or service is sold for money. There is no doubt that lawyers expect and should be paid for their services,

By Focusing Exclusively On Business

by Patricia A. Bobba

but it is a much too narrow view, and it is unfair, to say that a lawyer provides his services for the purpose of making money like any other vendor in the marketplace. When I first began practicing law, I was asked to work on an appellate brief seeking the abolition of interspousal tort immunity in Massachusetts. The amount of the tortfeasor's insurance was known. This case could only be undertaken if the lawyers representing the plaintiff took a loss. It was not a commercially smart decision to take this client's case. But it was important to the law and the public that this issue be determined. The lawyers took the case through proceedings at the Supreme Judicial Court. (See *Lewis vs. Lewis*, 370 Mass. 609 (1976).)

In my practice I have seen attorneys represent clients because those clients had been wronged and those wrongs made the lawyers mad. I have seen lawyers take many *pro bono* matters simply because the client needed help. Such representations have been undertaken by the bar because the practice of law is still a public service. If you make money at it, that's fine, but that is not what the practice of law is all about. The more the practice of law becomes like a business, the greater the harm to the public.

I was delighted when the Massachusetts Bar Association announced a program discussing the new rules on solicitation. For some reason I expected that the MBA would be doing something to remind lawyers that they still provide a public service and they should not let the new rules cloud this fact. This is not what occurred. There were four persons on the panel. Two were attorneys who discussed the rules and two were marketing persons there to explain why lawyers needed marketing assistance and what marketing techniques could be utilized under the new rules.

The marketing persons took me by surprise. I was not at all ready for what they had to say. In fact,

I was shocked. They had overhead projectors with boxes, graphs, and pies that they could change with plastic overlay like a kaleidoscope. They had easels with magic markers they could flourish to make their point. I heard how to choose "marketing priorities." I just kept asking myself, "Is this what the practice of law is all about?"

I am certainly not against free speech. I agree that advertising is important to enable the public to know their legal rights and to have better access to lawyers. I would prefer that the public become informed by activities in the community or advertising by the organized bar rather than individual solicitation. Individual solicitation

"The organized bar owes the public an obligation to thwart efforts . . . to lower its standards."

supports the view of an attorney as a commercial entity in the same way as an appliance salesman is a commercial entity. It tells the public that the practice of law is a commercial enterprise. I am repulsed at the "progressive" trend. Today you can buy legal services from Montgomery Ward or Amway. For \$10 per month, Citibank Credit card holders can obtain a "law plan" from Hyatt Legal Services. (See *New York Times*, 2/3/87.)

I disagree with the notion that anyone who believes that the practice of law is not a commercial enterprise is thereby espousing antiquated and elitist notions. I do not say that the practice of law, by definition, is "above" the practice of selling refrigerators. But I very strongly declare that it is "different" and therefore should not be labeled as trade or commerce as is the selling of refrigerators.

Bar Associations and legal organizations should be using the new

rules on advertising to inform the public of their rights and availability of lawyers. This is needed in today's society. There is no need or desire for lawyers to be an elitist group. However, this should not take away from the practice of law being a public service.

My practice is concentrated in the area of tort litigation — 50 percent for plaintiffs and 50 percent for defendants at the request of their insurers. After the changes in the rules on solicitations, a couple of my plaintiff clients called me to tell me that they had received a letter from a lawyer they did not know. The letter was short. It stated that the lawyer had read about my client's accident in the newspaper, and that the lawyer did personal injury work on behalf of plaintiffs. If my client wished to speak with the lawyer regarding legal representation for claims, then she should call him for an appointment. I was upset. I felt that this form of solicitation was too direct and not the type of conduct a lawyer should engage in. For what it is worth, my client considered it very unprofessional and a form of "ambulance chasing" so offensive to her that she would not have considered using that attorney even if she had been still looking for a lawyer.

The amount of television and newsprint advertising directed at specific individuals (for example, parents of babies born with cerebral palsy) has increased. One Massachusetts lawyer has purchased a list of names from the Registrar of Motor Vehicles and is sending out information packets for their use in the accidents that statistics promise many of them will be in. Some enterprising lawyers are sending letters telling certain persons, "You may be in danger of death." The letter refers to exposure to asbestos and damage awards in the six to seven figure range, and it offers free medical chest exami-

(Continued on Page 14)

General Continues Fight Against Media

(Continued from Page 1)

handled recklessly, can be dangerous." Westmoreland characterized himself as a career soldier of average financial means, fighting the Goliath of the news industry, CBS. He described the importance of honor to a military man and the plight of the public figure in America who has only two choices when wronged by the media: letters to the editor or suing for libel.

Accuracy In Media

Westmoreland, in answering a question on the appropriateness of using the courts to vindicate defamation victims, described visions of the ideal tribunal for defamation and accuracy in media. He said he envisions a "National News Council consisting of well respected journalists who would hear complaints and issue binding arbitration opinions." Although he sued CBS for \$150 million, Westmoreland asserted that no money would ever pass, since prestige was his only motivation.

The event was sponsored by the HLS Forum and The Harvard Law School Veterans Association, which was very vocal and critical of the low priority that the POW-MIA issue has received from the recent administration and Westmoreland. The General, although sensitive to the emotions and predicament of the Veterans, offered no substantive solution or program for Vietnamese-US cooperation in resolving the matter. He did not believe that the issue would be given much attention "given the state of the present administration."

Eroded Hegemony

Other questions pinpointed his views on US military involvement in Central America, to which he responded that it is a "complex matter" and that he could "only appreciate the dilemma and problem." However, with a semi-critical tone he lamented the fact that the "American people had not been in-

formed about important strategic dimensions" and that "something should be done to stop the erosion of our hegemony in that area." Noting "media overreaction" to the Iran-contra affair, he supported the legitimacy of making in-roads in communication with the Iranians;

however, he viewed the arms/hostage swap as a "contradiction in principles."

In a humorous moment, the General commented on the complacency of the audience noting that in past years he has not been so well received on university campuses. ❧

Brown V. Board Of Education

(Continued from Page 6)

who has expressed interest.

The program has proved rewarding to everyone involved. "The families and the kids are very positive," said Masters. "The kids get off on it. The kids are educating their parents, talking about the 10th and 14th Amendments. They've gotten excited about the law and the Constitution. While the side that loses feels disappointed, overall they feel that they've learned and gotten something out of it."

Merriman described the children's reactions as "high key all the way. I attribute that to Doug's enthusiasm. They enjoy hearing it [social studies] from a different perspective, a real life person helping them mull through the Constitution and law.

"Doug has learned from it. We've learned from it," he continued. "Doug's at the age where children

can relate. We have something to offer Doug; Doug has something to offer us. Without him we just won't have legal expertise or the HLS library."

"To them, I'm a lawyer, an expert," explained Masters. "A few kids have looked at me as a role model."

Merriman considers "Doug's work above and beyond. The children felt they owed Doug, and after the first trial they asked to have a plaque made. They gave it to Doug in the classroom. His voice cracked — he was visibly moved as the children thanked him for his work. It was a plus." ❧

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Off the Record Continued

(Continued from Page 11)

nations. (See *The Wall Street Journal*, 2/18/87.)

Henry Ford and other famous entrepreneurs could readily respect lawyers smart enough to set up their own medical clinic and offer certain free medical services to get the prospective client (customer?) in the door. I can't help it. I keep thinking of spider webs and innocent flies. However, these lawyers are signing up clients by the thousands. If I were more business-oriented, I suppose I could just follow all these solicitous lawyers like a vulture, read their pleadings which are public records filed in the court house, and then send out my own letters regarding bait and switch tactics, breaches of warranties — express and implied, fraudulent and deceptive consumer practices, and good-old fashioned legal malpractice. If the cases look good, perhaps I could offer a better deal and get the client to change lawyers. If this occurs, then Shakespeare's character will have had his wish. They will have killed all the lawyers and replaced them with competitive

businessmen. (See *King Henry VI*, Part II, At IV, Sc. 2, 11 83-84.)

The organized bar owes the public an obligation to thwart efforts from within or outside its ranks to lower or change its standards to those acceptables in ordinary merchandising pursuits. There is a duty to the public to resist impersonal, mechanistic and commercialized con-

*"The individual lawyer
need only be concerned
with rendering the
highest quality of
legal services in an
ethical manner."*

cepts of the practice of law. The bar must depend upon itself to meet the needs of the situation. The time may be at hand to upgrade the standards and requirements for obtaining a license to practice. Specialization may be necessary. This would help assure competency of the legal profession. The organized bar should be informing the public about their rights and available causes of actions. Lawyers should do general

advertising regarding their expertise in their specialized field. This would accomplish the purpose of informing the public of their rights and the availability of lawyers without destroying the professionalism which makes up the practice of law. If this were to occur, I believe the public would reject the ambulance chasers and choose the professionals.

Rather than the pursuit of wealth, knowledge of the law and a desire to practice it should be the chief object of lawyers. The bar should instill this in its members to maintain (obtain?) the public's respect for lawyers. Individual solicitation pits one lawyer against another in competition for clients. The public would be better served by an active, organized bar which vigorously advocates high standards for admission and which is out in the community informing the public of its legal rights and needs. The individual lawyer need only be concerned with rendering the highest quality of legal services in an ethical manner. "Good counselors lack no clients." *Measure for Measure*, Wm. Shakespeare, Act I, Sc. 2. ❧

Smoking Policy Implements Cambridge Ordinance

(Continued from Page 1)

smoking for some time and several other graduate schools have followed suit."

However, smoking will not be allowed in any other common areas and individuals smoking in private rooms will be required to keep their doors closed whenever they are smoking or when any smoke remains in the room. Smoking in private or shared offices will be considered in violation of the ordinance unless a written request is made to designate that office a smoking area. Additionally, occupants of smoking offices will be asked to "keep office doors closed at all times when smoking."

The policy with regard to offices will only apply to current HLS faculty and staff. "New members of the Law School community would not be able

to take advantage of this provision," the policy states. Moreover, the committee urged that the new non-smoking policy be communicated to candidates for employment and applicants for admission.

Vorenberg's letter noted that "experience may show that some aspects of the policy are unworkable. We will, therefore, put the policy into effect on an experimental basis and review it carefully at the end of the year."

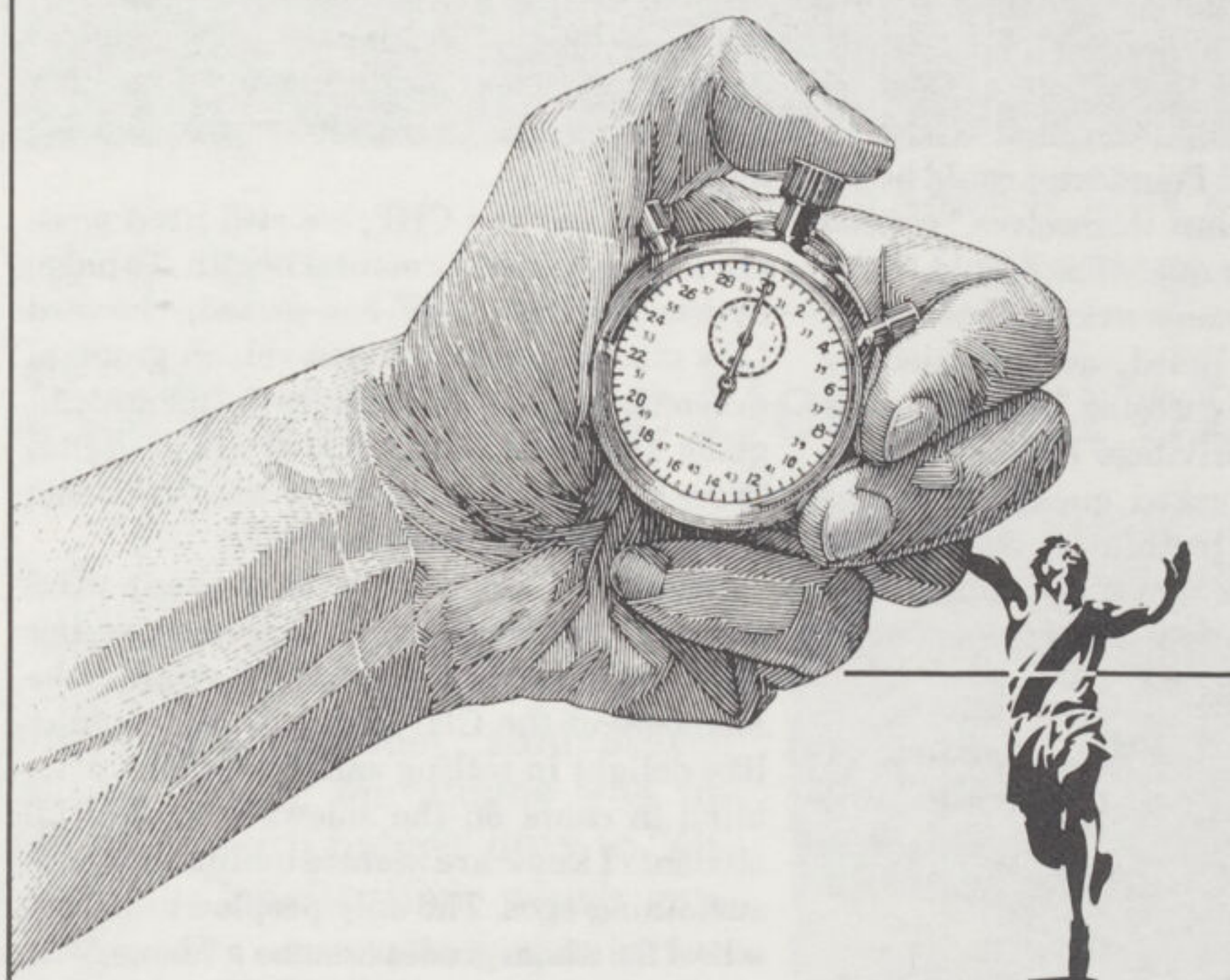
Almost immediately, however, university police have begun to disclaim any role in enforcement of the new guidelines. "I don't envision police involvement with the smokers at all," said Harvard Police Chief Paul E. Johnson in a *Harvard Crimson* interview. "My people are not in the business of chasing smokers." Furthermore, the university's Associate Vice President

for Operations Robert Saltonstall declared in the *Crimson* that "there will be no provision for enforcement other than complaints from fellow students and employees. . . There will be nobody roaming the campus, no police."

However, every six months city investigators will randomly check university buildings. "The security at Harvard will have to enforce the ordinance," said Joe Nicoloro, a senior Cambridge sanitary inspector quoted in the *Crimson*. "If they can't, then we'll step in," he added. Similarly, Cambridge's chief lawyer, Russell Higley declared in the *Crimson* that "if the [Harvard] police are not going to enforce the law, Harvard must have other means of enforcement or else they will suffer the consequences in court."

❧

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Letters to the Editor (Continued)

(Continued from Page 9)

Not Privileged

To the Editors:

The *Washington Post* reported on February 11 that White House Counsel Wallison, relying on an opinion of the Defense Department General Counsel, had determined that a Presidential order for LTC North and Adm. Poindexter to testify before the Tower board (which had requested their testimony) would be "unlawful" because it would require them to testify against themselves. But anyone familiar with the privilege against self-incrimination knows that the privilege must be specifically claimed by the witness himself, and then only in respect to those questions as to which the witness believes a truthful answer might tend to incriminate himself (or might result in a waiver of such privilege).

No executive or manager, such as Pres. Reagan, seeking to ascertain facts known to his knowledgeable employees, such as LTC North and Adm. Poindexter, could possibly lack the authority to require such employees to both attend and be available as witnesses at a hearing held by the executive's designees to find relevant facts. How, for example, could a bank manager check on possible embezzlements by bank tellers, if the manager, or his designees didn't ask the tellers to account for their actions. This in no way derogates from the right of the witness, e.g., North or Poindexter, to invoke his privilege against self-incrimination once he has been sworn in as a witness in respect to questions put by the Tower board as to which he believes a truthful answer might tend to be incriminating.

Access to the various written statements mentioned by White House spokesman Fitz-

water would in all likelihood reveal that this White House tour de force was only made possible by putting the wrong question to either or both the DOD General Counsel or the White House Counsel, that is, asking "whether North and Poindexter could be required to testify against themselves," instead of asking the proper question, "Could North and Poindexter be made available to testify before the Tower board, accompanied by counsel of their own choosing," each of course free to claim his privilege against self-incrimination when asked questions by the board as to which truthful answers might tend to incriminate himself (or might reasonably be thought to result in a waiver of such privilege)."

Alex Naimon, '50
Cambridge, MA

CHF "Childlike"

To the Editor:

I was rather annoyed to read in the March 6 issue of the *RECORD* about the grade-burning antics of the CHF (Counter-Hege-monic Front). Instead of proposing a serious debate about how to make grading at HLS more accurate and more effective, the group opted for an attempt to feed students the simple-minded egalitarianism of their CLS mentors, neatly chopped into bite-sized children's portions.

I wonder if the CHF has thought about the consequences of changing to a pass-fail system. Not all students can go to work for the most prestigious law firms, judges, or public interest organizations, even if all students wanted to. But if employers are unable to use law school grades as a means for differentiating among applicants, they will

resort to other means: undergraduate records, the firmness of the applicant's handshake, the cut of his suit, or his race or social class. Aren't these less desirable criteria than grades to have employers judging candidates by?

But no, say the CHF, we still need pass-fail for our collective mental health. To judge by the polemics CHF has issued, Harvard Law students are an angst-ridden group of nervous wrecks, quivering with "mental anguish and self-doubt" because letter grades "have become the standard by which students measure their self-worth."

Offhand, I can't think of a single HLS student who would admit to measuring her self-worth in terms of her G.P.A. Unlike the members of the CHF, who display a child-like delight in setting small fires and scribbling in chalk on the sidewalk, most HLS students I know are mature adults with self-sustaining egos. The only people at this law school for whom grades assume a "dangerous, mystical quality" are the CHF, who have fixated upon the grading system here as the object for their paranoid fantasies.

Paul Cellupica, 2L

Protest Kit Misleading

To the Editor:

I was astonished to see the Tax Resister Kit, a "special New Year's Gift from the Committee on Central America" in your recent Reader's Forum.

I will not attempt to comment on the constitutional issues raised by the protest letter, since Professor Freund's course in Constitutional Law was about as far as I have gone in developing that expertise.

Nevertheless, I believe that the instruction "expect to receive threatening letters from the IRS, but since you don't owe taxes you needn't worry" is extremely misleading. Though the instructions are theoretically directed at "students and others with low or no income", I believe most readers will understandably interpret the letter as asserting that it is the arguments made in the letter which will shield them from tax liability. But of course, this is not so. There have been countless instances of tax protesters incurring severe penalties (both civil and criminal) for nonpayment of tax. Since my tort experience is about as advanced as my Constitutional Law experience, I will also not attempt to comment on the legal implications of the item. Nevertheless, I can't believe that one of your readers who follows the apparent advice of the Tax Resister Kit and is subsequently hit with both civil and criminal penalties would be overjoyed with the results.

Albert B. Ellentuck, '56
Washington, D.C.
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