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25 CENTS

Dukakis Addresses HLS Community

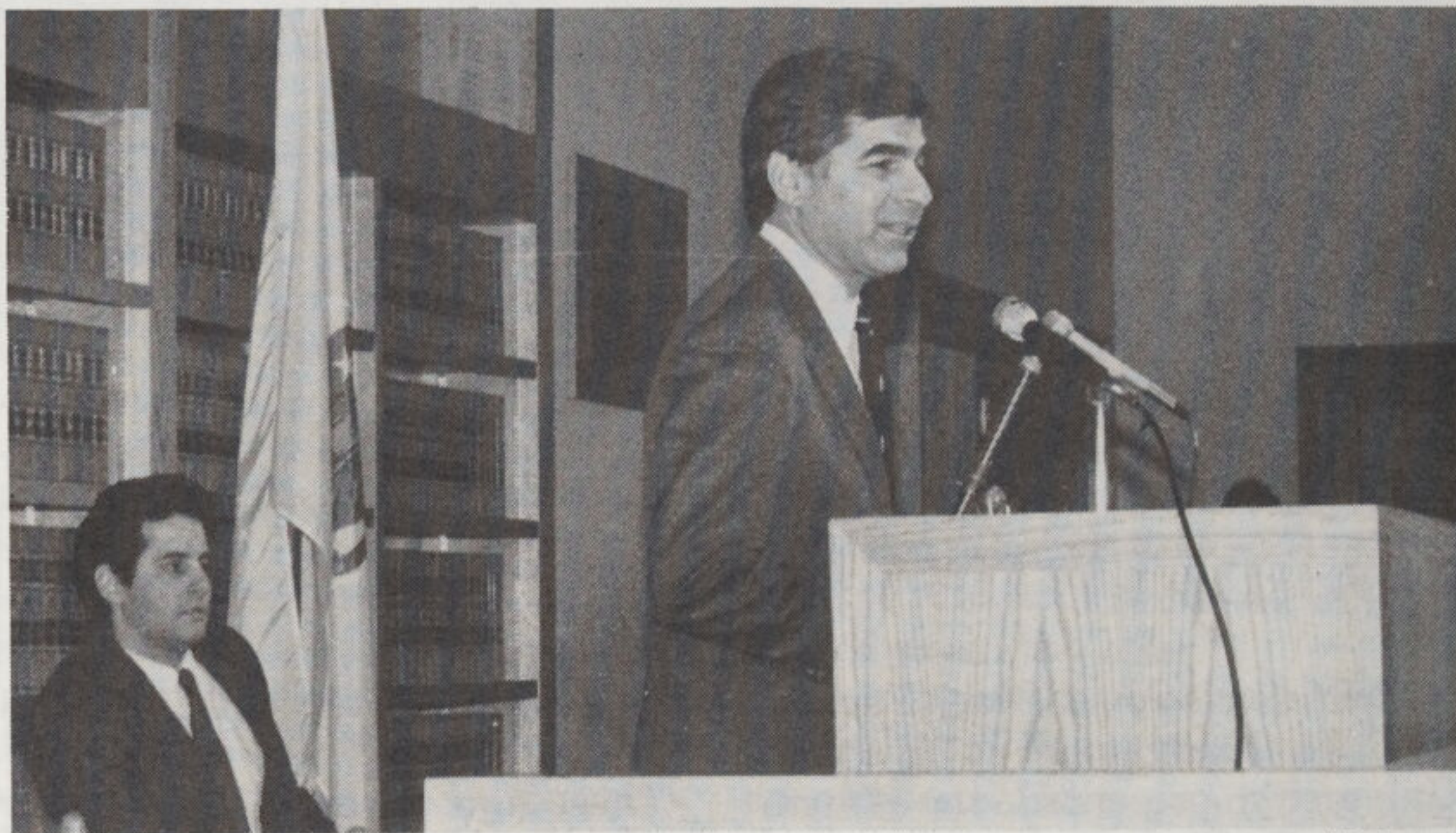
By Rick Genow

Massachusetts Gov. Michael Dukakis made a stop on his presidential campaign trail last month to speak to an overflow crowd at HLS. The governor, a former president of the HLS Democrats, analogized the event to a speech John F. Kennedy made to the same organization in the same capacity as presidential candidate in 1959. In a brief talk, Dukakis outlined his conception of the main challenges facing the next president.

The domestic economy and world peace topped the list of what Dukakis expects to be major issues of coming years. Specifically, Dukakis expressed the need for the country to develop an "innovative economic future with opportunity for every American, not just some." He criticized the Reagan Administration's "bifurcated" economic system which leaves many Americans out in the cold and he said its incoherent fiscal policy has led to an incomprehensible budget deficit.

In order to cure these deficiencies, Dukakis advocated a decrease in military spending, cooperative association between federal and local governments to develop regional economies, and vigorous emphasis on innovation and new technology.

(Continued on Page 7)



Sal Casente

Massachusetts Governor and recently announced Presidential Candidate Michael Dukakis addressed an over-flow crowd in Ames Courtroom as J. P. Sarhanes (2L) looks on.

Organizations' Merger Proposed

By Jeff Gershowitz

The student government of Harvard Law School is in the midst of major changes that may redefine the outlook and structure of the Law School Council and the Dormitory and Student Affairs Council, the two bodies which represent the entire law school student body in administrative and social matters. Here-with follows a discussion and analysis of these developments.

The LSC is the official student

government of the law school, responsible for student relations with the administration and for general student affairs. The less established of the two groups, in terms of age, recognition and a firmly defined scope of responsibility, the LSC is seeking quickly and dramatically to assert its presence through a more active role at HLS. To achieve this, the LSC is proposing major internal and external changes re-

(Continued on Page 6)

Inside the RECORD:

News:

HLS Budget

Page 4

Comic:

Tom the Dancing Bug

Page 10

Off the Record:

Foreign Policy

Page 11

Lawyer Talked To Frankfurter Before *Brown* Ruling

By Vincent Chang

In a *Harvard Law Review* piece which has drawn considerable media attention, Philip Elman, LL.B '39, a former Department of Justice attorney who worked on the *Brown v. Topeka Board of Education* desegregation case, said that, prior to the Supreme Court's disposition of the case, he discussed the case privately with then-Supreme Court Justice Felix Frankfurter, LL.B '09.

Elman, who had clerked for Frankfurter before moving to the Solicitor General's office, was the principal author of the Justice Department's amicus brief in *Brown*. In a piece for the February issue of the *Review*, Elman explained that Frankfurter had advised Elman as to which positions would be most

effective to present in the *Brown* brief. "He told me what he thought, what the other justices were telling him they thought. I knew from him what their positions were," wrote Elman.

In particular, Frankfurter advised Elman that a strong push for immediate desegregation would be counterproductive. Thus, Elman advocated, and the Court adopted, the concept that desegregation was necessary, but that the pace should not be necessarily be rapid. Desegregation, the court ruled, should proceed "with all deliberate speed."

Immediately, one HLS professor questioned the propriety of Frankfurter's advice. "If what Mr. Elman reports is true, it casts a very serious cloud on Justice Frankfurter's career," Laurence Tribe, Ralph S. Ty-

ler, Jr., Professor of Constitutional Law was quoted as saying in the *Boston Globe*.

But Elman, in a *New York Times* article, defended Frankfurter's move as justified by the important social goal of achieving desegregation.

The debate will likely continue. The *Law Review*, according to its former president Adam Cohen, 3L, "may be printing a reply from a professor at HLS for the June issue." Cohen declined to specify the exact topics that will be covered in the reply, or to specify the professor authoring the reply.

Appropriate for Issue

Cohen noted that the *Review* chose the Elman interview for its one-hundredth anniversary issue. This was appropriate, Cohen said, because "*Brown* was one of the most important cases to be decided in the hundred years since the time the *Law Review* has been around."

The extent of the media response has been surprising to the *Review*, according to Jonathan Wiener, 3L, who edited the Elman piece and worked directly with its author. Wiener commented that "when we accepted the piece, we thought it noteworthy and thought it would raise greater attention than the average piece, but we didn't expect it to reach the front page of the *New York Times*." The Elman piece, Cohen noted, had "gotten the most publicity" of any piece during his tenure. "It was not the best, most correct, or most interesting, but it generated a lot of editorial interest," he said.

The Elman interview is part of a larger work done by Columbia Law School's Oral History Project. The manuscript for the entire Elman interview was originally submitted to the Harvard University Press. Shortly thereafter the *Review* was "tipped off that it was in existence," Cohen explained. Ultimately, approximately one-fourth of the entire manuscript — the section dealing with *Brown* — was selected for publication.



Dean Wins "Diversity" Award

The Association of Black Faculty and Administrators at Harvard University presented the fourth annual C. Clyde Ferguson award to Harvard Law School Dean James Vorenberg this week. The Dean was cited for "making a substantial contribution to enhancing diversity in the Harvard community."

Dr. Joseph L. Henry, co-chair of the organization and associate dean for government and community affairs at Harvard's School of Dental Medicine, said of Vorenberg in presenting the award, "He has taken an active role in promoting diversity at HLS. Since becoming dean in 1981, minority representation for faculty and staff has grown by nearly fifty percent. That is a significant increase."

According to figures from the HLS Communications Office, HLS currently has four minority visiting faculty (28.6 percent of this year's visiting faculty). Two of the 12 assistant professors are minorities, comprising 16.7 percent of assistant professors, while five women are tenured (9.1 percent). Minority staff representation stands at 39 (12.6 percent), and 14 minority faculty are at HLS (10.4 percent). The

number of black tenured faculty is two.

These figures compare favorably to those for 1981, when Vorenberg was appointed dean. At that time, minority representation figures for HLS were as follows: HLS had 25 minority staff members (9.8 percent), and seven minority faculty members (7.6 percent). Only one black was among the tenured faculty.

In recognition of Vorenberg's efforts over the last six years, Henry told the gathering at Harvard's Adams House that HLS "has one of the most aggressive minority recruitment programs of any graduate school in this country."

One member of the 291-member sponsoring organization, David Wilkins, J.D. '80, now an assistant professor at HLS, said "the only reason I am here at Harvard is because of Jim Vorenberg. He wrote me every six months to ask me when I was ready to come back and teach."

In a similar vein, Charles Ogletree, '78, visiting professor of law, praised Vorenberg's efforts in an interview with the *Harvard Crim-*

(Continued on Page 19)

Protesters Disrupt S. African's Speech

By Karen Russell

Duke Kent-Brown, South African Vice-Consul spoke at Harvard on Tuesday March 24. His speech provoked a large anti-apartheid protest. A group of undergraduates, members of the Conservative Club, invited Duke Kent-Brown to speak at Harvard. Mir Said Kashani, 1L and the Conservative Club's Graduate Organizer, was surprised by the number of protesters. Kashani remarked that Kent-Brown had a "reasonable point of view" and thought that the protesters should respect Kent-Brown's right to free speech.

Two hundred and fifty students gathered outside of the Science Center, to protest apartheid in South Africa. Apartheid is the legal framework of racial separation in South Africa. A myriad of anti-apartheid groups were represented ranging from the Spartacists to Conservatives Against Apartheid, (CAA). Danny Eaton, 1L, an outspoken Reagan supporter and member of CAA noted that "a lot of HLS student conservatives support the President but oppose apartheid. We certainly oppose Kent-Brown's visit." Millicent Hodge, 3L, and former BLSA president felt deep shame for Harvard, "its a disgrace to be an HLS student. It's irresponsible to use our money to pay for Kent-Brown security." Michelle Anderson, 3L, echoed her remarks, "Its sick to invite him to be part of legitimate discourse. I'm not opposed to his right to speak but I'm opposed to the legitimization of his outrageous position. The Conservative Club views this speech as a lampoon prank to tweak the nose of the left, which is an offensive joke. If there is any justice to history, they'll be deeply ashamed 30 years from now."

Security for the speech was tight. Many HLS students, including some South Africans, were turned away at the door because they did not have ID cards. Finally Undergraduate Dean Archie Epps agreed to let HLS students in with their non-photo ID cards. Everyone was



Hillary Richard

Students protest Duke Kent-Brown's speech.

searched at the door and no one was allowed to bring in bags or backpacks. Adam Cohen, 3L, and former *Law Review* President, had his cheese sandwich taken away by the guards at the door, "These guys are incredibly paranoid. Just check the Fourth Amendment at the door too," he said.

Inside the auditorium three videocameras filmed the audience. The cameras were used to gather evidence for the Administrative Board to use against potential protesters. The audience was filled predominantly with anti-apartheid protesters even though the Conservative Club had reportedly reserved half of the seats for supporters of the South African regime. Joe Rzeppa, 3L, and vice-president of the Society of Law and Politics (SLP), served as a marshall for the event. He declined to comment on the mix of students but stated that

"We had an opportunity to have Duke Kent-Brown speak at HLS but David Frum, the President of SLP turned down the offer."

Kent-Brown was welcomed with a barrage of hisses and boo's. His opening remarks were addressed to those people who "mistakenly think that South Africa is racist because of the bias of your media." He argued that The South African problem is cultural, not racial. Kent-Brown argued that the differences in culture primarily the Black African tribal tradition, were at the base of South Africa's problems. He claimed that many blacks practice polygamy and visit witchdoctors. These remarks were met with sarcastic laughter and prompted several rows of students to get up and walk out.

On the topic of economic sanctions

(Continued on Page 9)

Somerville Bar Review

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New Budget Sets Tuition Increase At \$700

By David Snouffer

HLS's expenses will rise 8 percent next year, but students will only have to pay 6.5 percent more in tuition if Harvard's highest administrative committees approve the budget for the fiscal year, beginning in July, that HLS Dean James Vorenberg '51 submitted late last month. Despite the \$700 tuition increase to \$11,400, the law school would continue to make up the same level of students' financial need — as calculated by the financial aid office — as it did last year, Financial Aid Director Renda Johnson announced on March 20, the same day that Vorenberg released the budget.

If approved, the budget will fund salary increases, computers for student journals and a new contract to support clinical programs.

The proposed HLS spending plans now are being analyzed by a university-wide budget office and will be considered by Harvard's two

Governing Boards later in the spring. The boards "generally go along with what the Law School wants," said Paul Upson, HLS assistant dean for finance and operations, this week.

The largest increased budget allocation would go to the school's Alumni Center and to a new public relations office established in 1985, Vorenberg said. The two offices would see their combined budget rise 17.1 percent, to just under \$2 million. The money would allow the offices to hire more staff and conduct more law school fundraising by telephoning potential donors, rather than soliciting contributions by mail.

Salary increases for faculty and staff alike would average five to six percent, well above inflation, which has remained under two percent for over two years, Upson said. The planned hikes reflect the need to compete in Boston's tight labor market and with other universities,

he added.

Vorenberg said the pay raises illustrated how the low inflation rate allows budget increases to "be beneficial to the life of the School." Wage and benefit costs account for roughly 56 percent of the budget, he noted.

Library employees generally would receive above-average raises in what Upson called a "one-time adjustment" that will make their salaries competitive with those of other librarians nationwide. "The Library has found it increasingly difficult to recruit and retain librarians," Vorenberg said.

Student journals also would receive a one-time funding increase that would allow them to replace the six-year-old single Wang computer system with a group of coordinated IBM personal computers.

"In the computer industry, things change a lot in five years," Upson said. The PCs, which should be ready by the beginning of school next fall, will be simpler to use than the Wang system and make it "much easier" to train student users, he added.

HLS also plans to pay Greater Boston Legal Services more for the training that students receive when they participate in clinical programs at the Legal Services Center in Jamaica Plain. The school's current contract with the agency, under which it pays over \$300,000 a year, expires in June. HLS administrators are considering whether to pay for more staff at the agency so that more students can enroll in clinicals there, Upson said.

And the school plans to set aside thirty percent more for student research assistants. The increase, to \$201,000, would allow the man-hours worked by student assistants, who are paid \$7.50 an hour, to jump from 20,400 to 26,800.

Administrators support the use of research assistants for professors because it promotes interaction between professors and students, as well as helping faculty do more research, Upson said.

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(Continued on Page 14)

HARVARD LAW RECORD

Divestment Candidates Win Class Committee Seats

By Vincent Chang
and Hillary Richard

Four out of five candidates running on a platform on which they pledged not to solicit funds for HLS until the school "fully divests from companies doing business in South Africa" won positions as officers for the class of 1987. The winning divestment candidates are 3L's Brian Blaney, Adam Cohen, Jennifer Granholm and Pat Horvath. Blaney will serve as class secretary, while 3L's Joe Rzeppa and Lee Tarte are the non-divestment candidates winning election to class the committee. 3L John David Dyche was elected class marshal.

In contrast to last year's election, which was not contested, more than 375 people voted this year choosing seven winners out of nineteen candidates. This year's campaign was also the first time that candidates ran on a "slate" pledging to uphold the same position on a given issue.

The class committee will plan commencement events and parties during commencement week and have traditionally assisted the alumni office with fundraising.

"We all made it clear in our statements that we'd not fill the traditional job of fundraising until divestment occurs. The university should read this as a referendum," said Cohen, former *Harvard Law Review* president and one of the pro-divestment candidates who was elected. In line with this philosophy, Horvath, said that "divestment was the major reason we were running." He promised that "we'll be as strident as possible in seeing our campaign pledge is carried out." In particular, he said that the four divestment candidates were organizing "a show of solidarity to demonstrate at commencement some support for divestment by wearing a colored ribbon."

Horvath added that the four would be organizing a fundraising effort for the Endowment for Divestiture, a fund started at Harvard College which now totals \$20,000 and which will be held in escrow for Harvard's use — if the university

divests. If it does not divest by 1991, then the funds will be donated to a charitable organization.

But Cohen expressed disappointment that the alumni office had not yet contacted the winning candidates. "Schedules have gone up about events, but we've not been contacted. I'm curious about whether they intend to include us." Horvath said that he also feared that the HLS alumni office would try to "get others to do our job."

"They might look for other people in the class to do fundraising and disregard us," he added.

John Muller of the HLS Alumni Office, said, however, that the divestment winners would be treated as "full-fledged officers. He added that Blaney, as class secretary, was currently in the process of coordinating a meeting for all the class officers. Muller also explained that efforts to bring in other class members to assist with fundraising would not be atypical. Generally, "as many as four or five" class agents supplement the class committee and class officers, Muller noted. Such agents will be appointed after seeking "the advice of the committee." Generally, the agents come from outside the committee, Muller said.

Other students may solicit on behalf of each of the 85-90 area committees which raise funds for HLS. According to Muller, as

many as "two or three classmates" might serve as area committee class representatives in regions such as New York.

As an elected officer who did not join the divestment slate, Tarte is downplaying the view that the election was a "referendum" on divestment. The people who were elected from the [pro-divestment] ticket are so well-liked and so well-respected it is hard to tell what their election meant, Tarte told the *Harvard Crimson*.

Law School Council president William A. Sarraile, 1L, disagreed with Tarte's analysis, stating "It was clear from counting the ballots that a lot of people were voting straight divestment. I think people were very aware of what they were voting for."

Marshal-elect Dyche will serve as the "titular head of the class" for the duration of his lifetime term, according to Muller. Commented Dyche, "I wouldn't say it was an out-and-out referendum [divestment], but the results indicate that a lot of people are concerned about the issue."

But Saraille who organizes and runs the annual election of class officers, was quoted in the *Crimson* as calling the elections more symbolic than practical.

(Continued on Page 14)

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Student Volunteers Provide Tax Assistance

Over 75 Harvard Law School students will provide the Cambridge and Somerville community with free, confidential assistance in preparing federal and state tax forms. The program, called VITA: Volunteer Income Tax Assistance, is now in its twelfth year.

VITA runs from February 17 through the April 15 filing deadline and is designed to help low income, elderly and handicapped taxpayers, although any citizen may request assistance in filling out tax forms.

"We've received many questions on how the 1986 Tax Reform Act will affect the 1986 returns," said third-year student Sandra Skogen, coordinator of the program. "The new law has little impact on the 1986 returns, although taxpayers will want to note two changes phased into the law prior to the tax reform act: personal exemption figures are now \$1080 per person, over last year's \$1040, and some changes in charitable deductions exist," she explained.

The VITA staffers are trained by the Massachusetts Department of Revenue and certified by the IRS to assist in the preparation of Massachusetts forms and the federal 1040 and 1040A forms. Students also answer questions, check arithmetic, distribute blank forms, and help taxpayers who wish to complete their own returns. Complicated material is referred to professional tax consultants.

Assistance is available on a first-come, first-served basis. Eight sites are open to the public, and students will also visit community centers and elderly residential homes.

Commenting on the program, Dean James Vorenberg said, "VITA is one of the most useful of the many direct services our students give to the community. I am very pleased that the School can provide assistance to our neighbors in this way."

The Harvard VITA program is co-sponsored by HLS and the Law School Division of the American Bar Association, in cooperation with the Internal Revenue Service. The IRS

initiated the nationwide VITA program in 1969 to provide assistance to the needy through community volunteer efforts of lawyers and law students.

W-2 forms and other supporting financial documents, such as bank statements, welfare checks, and tax and medical receipts should be brought to the VITA office, as well as copies of the completed 1985 state and federal returns. 57

LSC Revitalization Continues

(Continued from Page 1)

garding the very conception of what student government at HLS should be.

In so doing, however, the LSC must confront some major questions, not the least of which is redefining its relation with the DSAC, which is responsible for the social concerns of HLS students. DSAC is itself thriving, and is undergoing a great burst of energy and expansion, as best shown by its recent opening of the Coffee Shop in Harkness Commons. The possibility of the two groups coming into conflict is continually growing more likely.

The LSC revitalization is being spearheaded by the new leadership of president Bill Sarraile and his fellow 1L officers, building on the growth begun by former president Jay Ward (3L). The LSC is on the upswing after having experienced a number of ongoing problems in recent years, including the Council's folding and then starting up once again. Ward, who served as president from spring until his resignation in February, did much to instill new life in the LSC, encouraging more projects and more involvement, though he cited a continuing lack of participation by many council members as a reason for his resignation.

The addition to the Council this year of very energetic and concerned 1L's, headed by Sarraile, vice-president John Vein and secretary Pat Wood, has fostered further de-

velopment and helped to overcome much of the apathy of which Ward complained.

"In my experience, I've had no trouble getting people to do things," said Sarraile. "I have no complaints about the level of activity of anyone."

"I'm tremendously impressed with the new council. Internal apathy has been taken care of," agreed Ward. "It's more vibrant and energetic than at any time since its inception."

"We are an intermediary between students and the administration," he explained. "That's awfully important, because there is a misconception that the administration and faculty don't care about students. The administration does not communicate well with the students. It's a directionless three years, with a lack of focus from the administration. We're trying to keep the administration aware of its responsibility."

Ward also noted that the LSC role is "to facilitate communication between student organizations" through such means as the Congress of Student Organizations, where student groups could join together to discuss items of mutual interest and resolve any disputes.

In addition to its traditional responsibility of selecting student representatives to sit on numerous committees, the LSC has recently overseen the 3L election, installed

(Continued on Page 8)

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Dukakis Emphasizes Integrity Of Presidency

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When asked if it were possible to ensure economic growth, stability and innovation while cutting back on military spending, Dukakis pointed to Japan as an example of what can be accomplished if the government doesn't have to spend money on arms.

Dukakis also emphasized the need for the United States to pursue the most fundamental of all political goals, world peace. "Gorbachev represents significant generational change in Soviet leadership which presents the best opportunity for successful U.S.-Soviet relations since the second World War," he said. The next president must, therefore, take advantage of this situation by vigorously pursuing arms agreements, particularly on medium-range missiles in Europe, he added.

Latin American Policies

Dukakis railed at the Reagan Administration's "illegal" and self-defeating policies that, he said, have led to a six-year "fiasco" in Latin America. He stressed the need to encourage cooperative rather than adversarial relations with Latin American states in an effort to include them in the process of developing their individual and regional economies.

The mechanisms for achieving these goals are already in place through the Contadora organization of Latin American states, and the vision and plan of "Alianza", a development plan embarked on by the Kennedy Administration, he suggested.

Dukakis refused to condemn all intervention in the region, stating that the U.S. would have to "forcefully express" its disapproval of non-pluralistic, repressive governments. This would stop short of the military intervention, however, which he said has so often characterized the U.S. approach to Latin America.

Dukakis quipped that interventionist policies, which have not been limited to the Reagan Administra-

tion, can be summed up as a situation in which "a communist state, if it is large enough (China) is invited to dinner at the State House; if it's too small (Nicaragua) we try to overthrow them."

Dukakis said South Africa must be dealt with "very toughly" and he expressed his desire to see the U.S. become a leader in the effort to reform that government's "unacceptable and intolerable policies." He declined to suggest any specific measures, but indicated that Reagan had not done enough. To support his convictions, Dukakis reminded skeptics that Massachusetts was the first state to divest pension funds from South Africa.

Although he said political cam-

paigns are primarily based on ideology or policy, Dukakis emphasized that there is another element of equal or greater importance. A president's moral character and integrity are fundamental, he said.

Political leadership must be done legally, Dukakis said. "I can't even comprehend what's been happening in Washington the last four or five months," he added. "The first question always asked in my office is, is it legal?" The genius of the American system, Dukakis stated, is that it is the open, and there are no secrets. If presidents can't do what they want to legally, they must ask Congress to change the law, he said.



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Something's Happening To The LSC

(Continued from Page 6)

the daily calendar of activities in Harkness Commons, circulated various surveys, drafted a memo on AIDS, and formulated proposals for reform of a number of law school concerns, including the Administrative Board, Harkness Commons, course lotteries, and the library. Much of these activities are new to the LSC and fill what was apparently a gap in providing information to, and getting input from, the students.

Some other concerns that the LSC is considering, according to Sarraile, are a request for more credit hours for winter term trial advocacy class and a referendum on divestment ("Not because we're activist, but because our duty is to let students voice concern"). The LSC is also trying to place a student representative on the search committees selecting the new Dean of Student Affairs and a new Director of Financial Aid. Other plans include running more comprehensive athletic programs and fostering a broader social agenda.

To achieve these goals, however, the LSC accurately realizes that it must change its image. According to Ward, while the Council is the student government, it traditionally "hasn't undertaken that role in the sense most people are familiar with it." This, he believes, cuts into the organization's legitimacy. The LSC believes that its concerns of duty and recognition are closely interrelated - that a reorganization that brings more people into contact with the LSC and brings more power and responsibility to the LSC will raise its image among students, which will in turn increase its capabilities even more.

At the March 23 LSC meeting, Neil Quinter (2L) presented a detailed reorganization proposal that calls for sweeping changes in the membership, duties and power of the Council to effectuate these goals.

Under the proposal, still to be debated and voted upon, the LSC would expand its membership to 35 representatives, ten from each class



Sal Casente

Cecilia Tkaczyk, assistant to Dean Upton, is a customer of DSAC's cafe as Brian Powers, 2L, makes a hard sell.

(there are six at present) and five officers (president, two vice-presidents, secretary and treasurer) who would no longer be counted as class representatives. The LSC would also function in a more departmentalized manner through a series of six subcommittees (Programming, Legal Education, Budget, Facilities, Athletics and Oversight) in addition to the existing full board.

"We have to reorganize the existing structure of doing things to increase efficiency and solicit interested people," elaborated Sarraile. "To do more, we need to get more people involved." Sarraile also explained that this proposal would recognize certain structural changes that have already in fact been made, such as an increased sharing of power and responsibility among members.

The new organization would also strive to increase the accountability of LSC representatives, who in the past have seemed to drift away from responsibility, and who have no formal system through which to report back to their constituents. "First year reps are very accountable. Second and third years are less so," noted Ward. One suggestion of Ward's to remedy this is to have the 2L/3L reps selected according to their first year sections' composition.

Quinter's proposal would create an annual budget for the LSC, replacing the current system where all LSC funds are given on a discretionary basis by the Dean of Students based upon LSC requests. According to Sarraile, currently the LSC has only a \$2000 "photocopy budget", and any additional funds must be requested through Dean Mary Upton.

The new proposal would give the LSC \$4000 to work with from the beginning of the year, less than the Council expects to spend overall, though it could still be supplemented by further requests to the Dean of Students. The hope is that this budget would make the LSC more independent and responsible, giving it legitimacy as an independent organization.

"I'm very optimistic (about this proposal)," said Ward. "\$4000 is rather small, given the size of the law school and the role student government should play." According to Ward, this money represents a portion of the "graduate activity tax" paid by law students.

The LSC plan also calls for the creation of a "Student Organizations Funding Board" that would allow student representatives, including an LSC officer, to have a

(Continued on Page 16)

Kent-Brown Claims American Media Distorts

(Continued from Page 3)

he noted that the Xerox corporation worth an estimated \$42 million was sold to a South African company for \$19 million. He argued that with sales like these South Africa is doing quite well. In fact, "your attempt to cripple South Africa economically is hurting blacks more than whites." He tried to draw an analogy to the US's diplomatic relations with Europe, "sanctions are the equivalent of dropping a bomb rather than using a tool like the Marshall Plan."

He claimed that the American media distorts race relations issues. Such claims led the government to impose press restrictions designed to block out news from South Africa. The restrictions ban *all* reports on political detainees, police actions, union organization, protest actions and court cases involving anti-apartheid protest.

He pointed to several events that allegedly demonstrated South Africa's commitment to dismantling apartheid. In 1971 South Africa sponsored a mixed-race sporting event. In the late '70's South Africa integrated private schools. Under the most recent constitution 'colored' people and Indians have some limited political rights. Moreover, he argued blacks have political rights in the homelands. Then he attacked so-called American hypocrisy by pointing out that there are no black governors in the U.S. He was interrupted by a student who said "racism here is no excuse, honey."

He called the African National Congress "a terrorist group." The ANC is a South Africa opposition group which was founded in 1912 to fight apartheid using non-violent civil disobedience. The ANC is recognized by the UN and by most countries as the "legitimate representative of the people of South Africa." However, after the Sharpeville Massacre in 1960, where 69 blacks were shot by the South African police, the ANC founded a militant wing to "oppose apartheid by any means possible." Consequently the South African government banned the ANC.

The South Africa Solidarity Committee, SASC, had invited Kent-Brown to participate in a debate with a speaker from the ANC. The Conservative Club refused the offer. Kent-Brown stated that the ANC "can participate provided they denounce violence."

At this point in his speech members of SASC left their seats in an attempt to thwart "any plan of shielding Mr. Kent-Brown from the free speech of others by spiriting him out the back doors. We are moving down to block these doors peacefully and non-violently. We have no intention of interfering with Mr. Kent-Brown's freedom of speech or movement; we act to block the

back doors only so that he will leave by the front doors, so that his visit to Harvard will include interaction with a representative of the black majority of his country, and with the many members of the Harvard Community who are tonight making their opposition to apartheid known." Several security guards emerged from the tunnels and whisked Kent-Brown away. Even though the protesters didn't go towards the podium they were hurled against each other. The undercover cops pinned several of the protesters heads to the ground. Kent-Brown did not return to finish his remarks. Outside, the candle-lit vigil continued for several hours.

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An Affirmative Decision

It is ironic that many of those who supposedly espouse "judicial restraint" have denounced the Supreme Court's recent ruling upholding job preferences for women. Far from being "social engineering," the label all too often affixed to the decision, the recent affirmative action ruling is actually a model of judicial restraint.

Most crucially, the decision does not *mandate* that businesses adopt affirmative action plans; instead, the ruling *allows* voluntary plans to remain intact. Why is it that the people who wish to strip an employer of his right to give a two-point gender preference on a 75-point scale are also the ones who fight to maintain an employer's right to hire applicants based on the firmness of their handshake or the cut of their suit?

Fortunately, most businesses do not see the issue the same way that the erstwhile advocates of "judicial restraint" do. In fact, the general counsel to the Chamber of Commerce of the United States, described the decision as "very positive for business, since it gives them the freedom to do their own thing, to voluntarily implement their own affirmative action plans without fear of reverse discrimination suits."

The Court's decision also benefits employers by ushering in a more realistic view of the hiring process, allowing employers to deviate from a strict numbers-based "meritocracy." As Yale Law Professor Drew S. Day III explained, "to say that someone who scores a 75 is better than a person who scores a 73 does not understand how most employers function, which is to look at a pool of qualified people and select from that pool." By recognizing this fact, the Court's ruling comports with hiring realities and affords employers much needed flexibility.

Nor will the practical effect be to displace deserving white males from their jobs. As Harvard sociologist Charles Willie observes, this argument "assumes that all white males are 'qualified.'" In fact, he explains, "among all the people in the highest job categories — administrators, executives, and managers, white males actually have the lowest median education of all race and sex groups," followed by black males and then white females. Black females in this category have the highest educational attainment.

The Court allows an employer to redress these situations in which minorities and women have historically been forced to acquire greater education to land the same job. But, far from giving employers license to engage in "blind hiring" on the basis of gender, the opinion only allows an employer to give slight gender-based preferences for the purpose of rectifying "manifest imbalance[s] in traditionally segregated job categories." It's hard to plausibly call such a limited ruling "social engineering."

V.C.

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Fenno

Ah, Spring, when a young Fenno's fancies lightly turn to thoughts of pass/fail jurisprudence. Why not give winsome cousin Fenness a buzz in New Haven?

"Fenno! How nice to hear your exhausted, work-strained voice! Can't chat too long, unfortunately — I'm sort of busy right now."

Busy? Yale Law? Bad connection, most likely. Unless she was busy defending the walls of Eli against an onslaught of New Haven winos and smog monsters. But this paled beside the next bombshell.

"I'm hosting this strategy session for our first rally for course grades."

Fenno's bloodshot eyes bulged from their sockets. Why, just when HLS students had begun clamoring for the *elimination* of grades, their colleagues at Disneyworld North were embracing them. Fenno tried to convey this paradox to Fenness, being careful to avoid legalese and using the word "deontology" in every sentence just to make sure he got his point across *or* just to make sure he kept his friend's attention.

"Heavens, no!" she exclaimed. "We're complaining about the lack of grades on Guido's putt-putt course — as it stands, even the 1Ls can get past the Wanton Windmill in three. We figure a nice, steep incline or a precipitous drop will bring us back to par."

"Par" sent Fenno's Kraakmanized brain spinning on its cerebral axis. But before he could contain the damage Fenness continued.

"But what a cool idea — getting real grades! And if some professors gave better grades to some students we could boycott their classes or something . . . Maybe we could get Cesar Chavez to teach a seminar . . . Or how about giving away extra grades to the soup kitchens? . . . Are grades on the bar?"

Fenno told her he was pleading the Ninth and hung up, his forehead dripping with cold sweat.

Fenno mentally patted himself on the back, as he thought to himself, "But for the grace of God go I." Fenno's mind drifted back to that magical day in April seven years ago when he had received the most fortunate correspondence of his career: his Yale Law School rejection letter.

"I didn't want to go to a school named after a lock company anyway," Fenno had reasoned at the time.

"And from New Haven you can't get frequent flier miles on interviews to New York," savvy 2-Ls had told him.

Now, Fenness' ravings made him glad to be enrolled, if not a student, at HLS. Even Somerville seemed to possess a peculiar charm.

Tossing his chf armband in the general direction of the fireplace, he turned to his Taxation of Unions outline with a zest he'd never felt before.



Tom the Dancing Bug

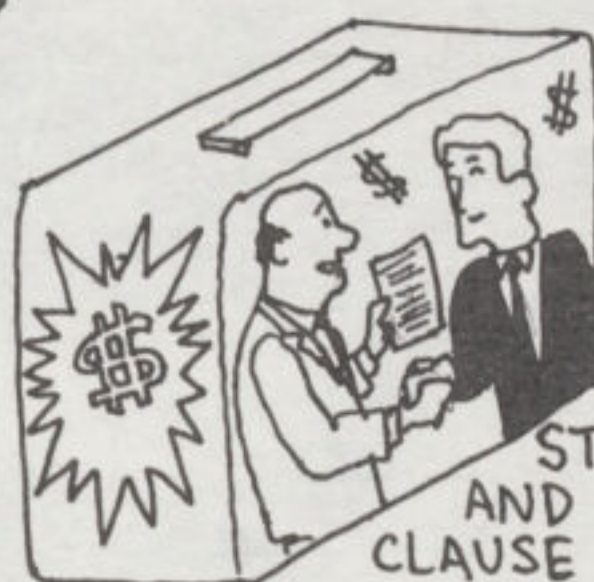
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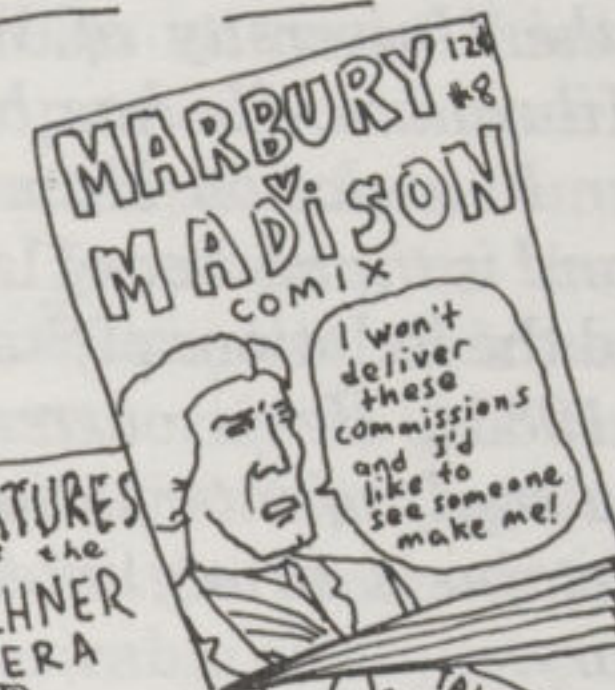


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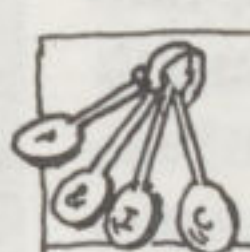
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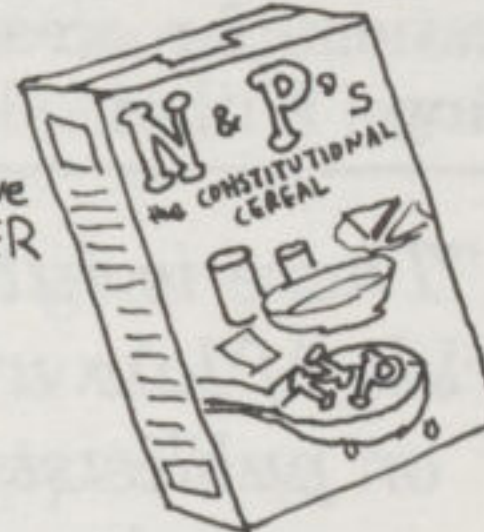
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"The foregoing, of course, is at best a cartoon." Laurence H. Tribe, *American Constitutional Law*, at p.49

Letters to the Editor of the Record

1L Reality Distortion

To the Editor:

I read with considerable sympathy the report in the February 27 issue of the RECORD that 1L Michael Linfield had distributed a press release asserting that the BSA and HLS administration had acted in a "rude, discourteous and downright inconsiderate manner" in requiring participants in the first year Ames moot court program to work over a weekend. I would advise Mr. Linfield and his fellow students not to despair, for in two short years they will graduate from HLS and escape its "inconsiderate and insensitive" demands. No doubt all of them will secure employment with law firms or corporations which would never dream of asking them to work over a weekend or to cancel travel plans at the last minute.

Eric S. Shube '84
South Orange, N.J.

SBR Alive and Well

To the Editor:

We were encouraged to hear that several enterprising 1L's and 2L's are working to restore the Somerville Bar Review to its position of preeminence at HLS.

The SBR was founded on the first day of

law school in 1977, by a group of apprehensive 1L's who hoped to maintain a semblance of humanity throughout the grueling ordeal known as law school, by visiting dive bars in the greater Somerville-Cambridge area every Thursday night, for the rest of their law school careers.

Not only was the SBR an official Law School organization, but it became the largest student organization on campus (Even larger than its arch-rival, the Law Review). Many important social events were sponsored each year: The SBR Prom (Dean Upton was two-time Prom Queen), the HLS Beer-Chugging Championships, pinball tournaments, dart tournament with Lincoln's Inn, SBR Road-race (with a key-note address by his honor, the Mayor of Somerville).

We believe it is crucial that the SBR be recognized as an official student organization, so that the tradition may continue. We are so concerned for its future that we are mailing a check for \$50.00 to establish an SBR Scholarship Fund, to be used towards organizing a "Welcome Back, S.B.R." party in the hallowed halls of the Hark Pub, sometime before final exams, for the mental well-being of all students at H.L.S.

The SBR is an important tradition. We are hopeful that it will thrive and flourish, long into the next century.

Sincerely,
Ken Gormley
(Pittsburgh)
Joel Pelz
(Chicago)
Marla Williams
(Denver)

(Continued on Page 20)

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 not 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.

Foreign Policy And The Rule Of Law:

Terry Nardin teaches international relations and political philosophy at the University of Wisconsin in Milwaukee. He has been a Rockefeller Foundation Humanities Fellow and is the author of Law, Morality, and the Relations of States (Princeton, 1983). He is currently working on a study of international ethics and retains a strong interest in legal theory.

Articles with this title are usually earnest pleas that greater respect be paid to the Constitution and international law. Such an appeal would not be inappropriate as the latest crisis of the imperial Presidency unfolds, but readers will have to look elsewhere for it. A prior task is to discern precisely what is entailed by respect for law in the making of foreign policy.

Law and policy are often at odds, and nowhere is this more true than in foreign affairs. Policy has to do with the pursuit of interests — with getting things done. Law, in contrast, involves constraints on that pursuit, and can be an obstacle to getting things done. Foreign policy is concerned with managing the fortunes of a political community in its relations with others, above all with securing its continued existence as an independent community. Because the interests pursued through foreign policy are often fundamental, the constraints of both international and domestic law may at times seem intolerable. When the community is threatened, policy imperatives can become necessary imperatives — and necessity knows no law.

The supposed necessities of statecraft are not the only obstacle facing the rule of law in the conduct of foreign affairs, however. Two other difficulties must be noted. The first of these arises from the peculiarly tenuous and controversial status of much of the law governing the conduct of foreign affairs. Large areas of foreign policy are excluded from the jurisdiction of law by the act of state doctrine, the principle

of sovereign immunity, domestic jurisdiction clauses and self-judging reservations in treaties, and judicial deference to the executive on so-called "political questions." As a result many disputes related to foreign affairs are excluded from judicial settlement, while those that are settled often appear to have been decided arbitrarily.

Such uncertainty is a particularly noticeable feature of international law, one that is commonly thought to arise from the absence in international society of common institutions for creating and applying law. Without legislative institu-

"There is little room for the rule of law where politicians or publicists insist on the priority of justice or higher law."

tions, international law must take the form of customs of doubtful content and authority, or else of treaties that by their very nature are more properly regarded as contracts than as general law. And without an agency to determine the requirements of the law in particular disputes, as well as some procedure for securing compliance, if need be, with the rulings of this agency, controversies regarding the scope, jurisdiction, meaning, and force of international law cannot be consistently and reliably solved. But though these disabilities hamper the effectiveness of international law, they do not destroy the rule of law as an ideal for international relations.

A more fundamental obstacle to the rule of law in foreign affairs arises from the fact that many doubt the value of the rule of law, or are even openly hostile to it. Some are committed to the pursuit of what they think are more important aims, while others regard law as an imperfect instrument of a more important "higher law" whose precepts take precedence over the injunctions



Terry Nardin

of ordinary law. Objections to the rule of law on either ground are commonly expressed by invoking the idea of justice. Where justice is identified with a natural right of self-help to protect the public safety, belief in a higher law translates readily into an emphasis on the requirements of prudent statecraft. Alternatively, justice may be identified with values such as respect for human rights or the reduction of global inequalities, and this points in the direction of collective action to promote these values.

To the extent that law is regarded as an instrument for the realization of such ends, and therefore as subordinate to the demands of prudence or morality, there are strong pressures for holding that unjust laws are not authoritative or binding. "Justice," in other words, appears as a standard of conduct independent of law, and this raises the inescapable question of whether it is the standards of ordinary or of the "higher" law that are to have priority in cases of conflict.

There is little room for the rule of law where politicians or publicists insist on the priority of justice or higher law. The rule of law exists

The Bases Of Law And Authority

by Terry Nardin

in foreign affairs to the extent that the authority of international and constitutional constraints is acknowledged in the practice of states. In matters regulated by law, public officials must be guided by the public judgments embodied in law, not their own private opinions about what is desirable or just. If they ignore the law when doing so appears to serve particular interests, or allow foreign policies to be determined by some other, non-legal, conception of justice, then international order is possible only to the extent that these interests or conceptions converge with those of other states.

The rule of law, in international as in other societies, implies a formal relationship among the members of the society — a relationship both constituted and regulated by authoritative rules, principles, practices, and procedures. General respect for international law may enable states to enjoy peace, security, and the fruits of cooperative activity, as well as other substantive benefits. But to imagine that international law is authoritative because it produces such benefits is to misunderstand the concept of authority. Authority cannot be attributed to law on the basis of what can be enjoyed only through the prior recognition of authority.

This point is subtle but absolutely fundamental. The fact that law provides obvious benefits may explain the origin and persistence of legal systems, but one can't give an intelligible account of legal authority by appealing to the benefits it makes possible. Law can provide these benefits only because its authority, and therefore its very existence, rests on independent grounds. If the authority of law depended on its contribution to realizing a desired outcome, then the law would have no authority apart from its utility as an instrument for producing that outcome, and the distinction between authority and approval would disappear. Those

who are related on the basis of "laws" whose authority is conditional in this way are really just temporary allies, not participants in an enduring system of law. It is their shared desire for a particular outcome rather than acknowledgment of the authority of common constraints that binds them together.

To mistake the benefits of legal order for the ground of legal authority is to regard law as nothing other than an instrument for producing of those benefits, and to view legal obligation as dependent on their successful production. A legal

"[O]ne can't give an intelligible account of legal authority by appealing to the benefits it makes possible."

order would then be indistinguishable from a voluntary association that might be disbanded at the discretion of its members. Since these members would, in effect, retain the right to judge how well the association served the ends for which it was established, the distinction between a legal order and a state of nature would disappear. The only way to distinguish the authority of law from private opinion is to distinguish the source of that authority from its benefits.

The idea that international relations might be something more than just an eternal war of all against all is usually linked with the idea of cooperation. But if one thinks of the international system as a cooperative association of states united on the basis of certain shared goals, and of international law as an instrument to help states accomplish those goals, one has accounted for only part of the reality of international relations. Such an association would provide no more than a temporary escape from the state of nature. It would not constitute a legal order. What trans-

forms a number of states, contingently related in terms of shared interests or sympathies, into a society proper is not their agreement to participate in a common enterprise for as long as they desire to participate, but their recognition of the authority of this common law.

To insist that legal obligations need not be observed if they have undesirable or unjust consequences is to deny the significance of law as an independent institution. The view that laws are binding only if they are expedient or just is one that gives no independent weight to the fact that they are laws. Theoretically speaking, it amounts to an assertion that a satisfactory explanation of the authority of law must rest on external considerations. According to this view, questions about legal authority and obligation cannot be divorced from questions about the morality or consequences of law. But this confuses analysis of the concepts of authority and obligation with the attempt to discover external grounds for legal obedience, and makes agreement regarding what is desirable or just, not law, the actual basis of association.

We must be careful not to assume that there is a single correct standard, independent of law, according to which the utility or justice of law itself, as well as of particular acts and policies, can be judged. If such a standard exists, its identity and principles are not evident. And even if a determinate set of prudential or moral principles of justice could be shown to be correct, according to some particular conception of rationality, it's not likely such principles would receive general consent, and so there would continue to be a need for rules governing the relations of those who, irrationally, disagreed with one another.

A society — certainly international society — still requires generally acknowledged standards of

(Continued on Page 14)

Authority And Law In International Relations

(Continued from Page 13)

conduct, just in case agreement on what is reasonable is lacking. Such standards may, of course, be quite arbitrary from the standpoint of "rationality" as determined by rea-

son of state, utilitarian calculation, or a hypothetical social contract. Law can supply this need for recognized standards only if it is authentic or valid law — a body of common rules whose authority can be established independently of its

reasonableness, its moral rightness, or the desirability of its consequences. If these conclusions are sound, the rule of law implies severe constraints on a much wider range of foreign policy projects than waging secret and illegal wars. ✽

New Budget Boosts Library, Student Journals

(Continued from Page 4)

This year was the first in which HLS pledged to meet the calculated financial need of students who had already borrowed a certain amount of money for the year. If the budget is approved, Upson said, the school will continue to do that and also will not raise the required loan level, which was \$11,800 this year. The required loan amount had risen "at a pretty fast rate before this year," he added.

The school's financial condition has been aided not only by low inflation and energy costs but also by enhanced fundraising efforts, Upson said. HLS has been "lucky," he said, that annual alumni contributions — especially donations not restricted to particular projects — has grown "quite a lot" in recent years.

Giving is so high that administrators expect to put more of it into permanent endowment and capital projects and still have 18 percent more than this year for current operations, where the bulk of annual contributions are used, Upson said.

And endowment income is ex-

pected to rise ten percent, largely because of the recent bullish stock market, Upson said.

Dormitory rents would rise 7.5 percent, partly to fund the ongoing renovation of Hastings Hall and a planned "major renovations" to the heating system of the Graduate Center dormitories, Vorenberg said. Room rents, which rose only four percent a year the last two years, would range from \$1,920 to \$4,250 a room in 1987-88.

In announcing next year's tuition increase — the smallest since 1974 — Vorenberg compared HLS tuition

to that of eight other private law schools, including those at Chicago, Stanford and Yale. Tuition at those institutions currently ranges from \$10,700 to \$12,200, he said, but he noted that some of those schools include health and other fees in their figures, fees that Harvard charges separately.

When differing methods of charging fees are considered, Upson said, "our tuition is not that different from the others."

Increases are planned for next year in the HLS athletic, health and health insurance charges. ✽

Fundraising Issues Questioned

(Continued from Page 5)

Citing the ability of the alumni office to appoint as many as four more students. Sarraile predicted that "if there is any fundraising in the near future, and I assume there will be before the university divests, the other three officers will just do more work or the alumni office will appoint people to work." Sarraile attributed the difficulties of effectively changing the Administration's position on divestment to the Administration's lack of concern towards student needs. "I just don't

think they give a damn," Sarraile said.

Newly chosen class committee member Rzeppa has publicly expressed little, if any interest in the divestment issue, choosing to center his platform around unorthodox positions which include replacing the nearby pizza shop "Three Aces" with a national fast food chain, acquiring a hard liquor license for the pub; and adding Elvis Presley's face to Mount Rushmore. It remains to be seen if Rzeppa can build the coalitions necessary to implement these proposals. ✽

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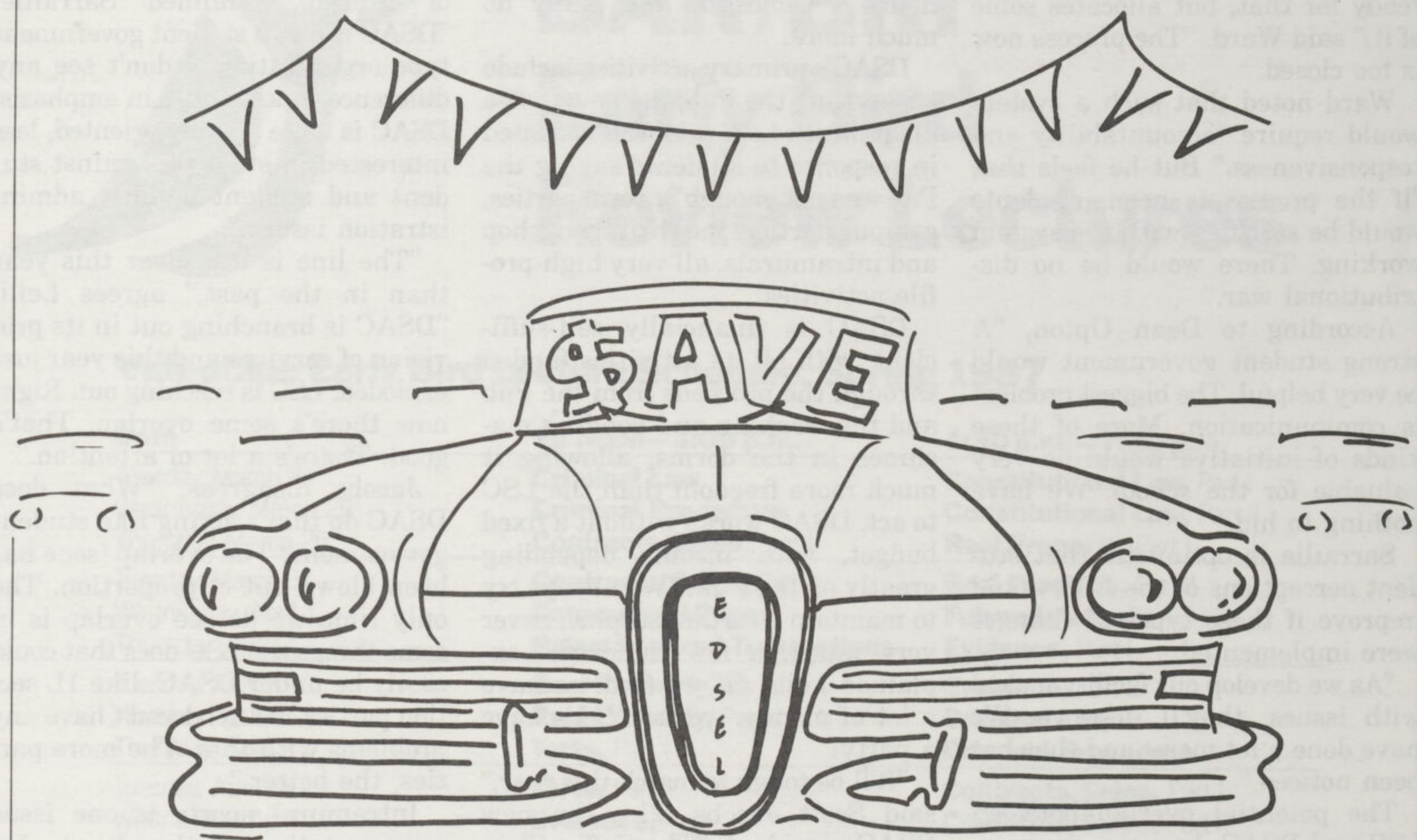
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New Life Breathed Into Law School Council

(Continued from Page 8)

say in the allocation of HLS funds to various student organizations.

"Hopefully, I'd like to see a separate budgetary committee that allocates not the entire student organization budget, because we're not ready for that, but allocates some of it," said Ward. "The process now is too closed."

Ward noted that such a system would require "accountability and responsiveness." But he feels that "if the process is open, students would be satisfied with the system working. There would be no distributional war."

According to Dean Upton, "A strong student government would be very helpful. The biggest problem is communication. More of these kinds of initiative would be very valuable for the school. We have nothing to hide."

Sarraille is optimistic that student perceptions of the LSC would improve if these types of changes were implemented.

"As we develop our facility to deal with issues, they'll improve. We have done a lot more, and that has been noticed."

The potential overlap between LSC and DSAC, however, is growing more apparent as these changes are taking place. There exists some confusion about whom to turn to on the part of both students and administrators. Much of this is due to the unusual and inherently troublesome concept of having two independent student bodies both claiming to represent the entire student body of the law school. This presents problems for the LSC in its striving for greater power and legitimacy, while it effects the more established and powerful DSAC to a much lesser degree.

DSAC was originally formed as the Dormitory Council to represent the interests of dormitory residents. Over the years it has come to represent the interests of all students in matters of social events on campus. The changed name reflects this evolution.

DSAC has one representative

from each dormitory floor and an equal number of at-large members, though all members are "not formally accountable, as in the LSC, since we're not the student government," according to Karen Leili (3L), former DSAC president. All members are required to work ten hours a semester, and many do much more.

DSAC's primary activities include supervising the Pub, the new Coffee Shop (which Leili said was "initiated in response to students saying the Pub was not enough"), dorm parties, campus parties, the thrift bookshop and intramurals, all very high-profile activities.

DSAC is financially self-sufficient, with all its activities funded through the proceeds from the Pub and the washing and vending machines in the dorms, allowing it much more freedom than the LSC to act. DSAC works without a fixed budget, with income depending greatly on the Pub. "We always try to maintain a certain surplus, never very much, a few hundred," explained Leili. "If we find we have a lot of money, we say 'Let's have a party!'"

"It'll be tough to match this year," said Scott Jacobs (2L), the new DSAC president. "The Coffee Shop is a big — the biggest since opening the Pub." Jacobs said his goals for the upcoming year are to keep the DSAC businesses running well, to expand and improve the intramural program, and to have DSAC sponsor more small, diverse events, including "opportunities for students who need a push to get out and do things in Boston."

While DASC has a separate mandate and set of responsibilities from the LSC, their activities increasingly tend to overlap as both organizations expand their programs and successfully extend their original areas of responsibility. This has not gone unnoticed by either group, and has led to some disagreements and concern about how each group's actions would effect the other. The possibility of a sort of rivalry developing between the two groups, both looking to extend

their power, is clear and troubling, with a clearly detrimental effect for the students as a whole should this come about. Energy that should be spent to expand activities may be spent instead on infighting and power games.

"We've found a substantial degree of overlap," claimed Sarraille. "DSAC is also a student government type organization. I don't see any difference in kind, just in emphasis. DSAC is more socially oriented, less interested in students against student and student against administration issues."

"The line is less clear this year than in the past," agrees Leili. "DSAC is branching out in its provision of services and this year just exploded. LSC is reaching out. Right now there's some overlap. That's good. There's a lot of attention."

Jacobs disagrees. "What does DSAC do that's acting like student government? The overlap issue has been blown out of proportion. The only time we do see overlap is in some things the LSC does that could easily be under DSAC, like 1L section parties. DSAC doesn't have any problems with that. The more parties, the better."

Intramural sports is one issue representative of the debate between the groups. While the intramural program is currently run by DSAC, the LSC has played a role in forming teams to compete against other schools, and has tried to play an increasing role in HLS intramurals, running squash and tennis tournaments, for example.

"Ideally it should come under one roof," said Ward. According to Ward, the LSC's expanding role "caused some sore feelings in DSAC. They thought DSAC should have done it."

"There doesn't need to be tension," said Leili. "LSC has shown no interest in the past. If we sit down and talk about it, maybe we'll have it run differently. We can't have two groups going at it without communication."

According to Jacobs, intramurals

(Continued on Page 18)

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Videotape Early Bird Lecture Schedule, Spring 1987

Date	12 Noon—3:00 p.m.	4:30 p.m.—7:30 p.m.
Tuesday, March 24	Criminal Law	Constitutional Law , Part I
Wednesday, March 25	Criminal Procedure	Constitutional Law , Part II
Thursday, March 26	Contracts/Sales , Part I	Real Property , Part I
Tuesday, March 31	Contracts/Sales , Part II	Real Property , Part II
Wednesday, April 1	Commercial Paper	Future Interests
Thursday, April 2	Sales/Secured Transactions	Evidence , Part I
Tuesday, April 7	Real Property , Part I	Evidence , Part II
Wednesday, April 8	Real Property , Part II	Criminal Law
Thursday, April 9	Torts , Part I	Criminal Procedure
Tuesday, April 14	Torts , Part II	Contracts/Sales , Part I
Wednesday, April 15	Evidence , Part I	Contracts/Sales , Part II
Thursday, April 16	Evidence , Part II	Commercial Paper
Tuesday, April 21	Constitutional Law , Part I	Sales/Secured Transactions
Wednesday, April 22	Constitutional Law , Part II	Torts , Part I
Thursday, April 23	Future Interests	Torts , Part II
Tuesday, April 28	Commercial Paper	
Wednesday, April 29	Sales/Secured Transactions	

To Attend:

All Law Students are welcome to attend **any two lectures at no charge**. BAR/BRI enrollees may attend the additional lectures with an additional deposit of **\$100** toward course tuition (above registration and MPRE deposits). A Multistate law volume will be included with that payment. All students must present a law school or other ID for admittance.

Location:

At the BAR/BRI office, 160 Commonwealth Avenue (side entrance at 290 Dartmouth Street) in the Lower Concourse classroom—by T, take the Green Line to Copley Station.



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LSC-DSAC Merger Hotly Debated, But Rejected

(Continued from Page 16)

are "fairly clearly a social function. I don't see the conflict."

Confusion between the groups is another potentially growing problem, but one which apparently is not being viewed as a serious concern.

"People probably lump them together unless they're involved," said Leili. "We have to take that into account."

"In the first year there is some confusion, but by the middle of the first year people know who runs what," said Ward.

"The things DSAC does are a lot more visible than the things LSC does," said Jacobs. "At base level, most students could care less. They know DSAC runs the Pub and Coffee Shop. They don't know what LSC does. My guess is that most people don't care."

With these problems arising out of the co-existence of the two groups, and with the promise of greater conflict affecting the decisions that each group must make in the future, the idea of merger has naturally arisen. While the leadership of the LSC appears to favor the idea, the more established and self-supporting DSAC leadership is opposed to the concept.

DSAC voted 24-6 on April 7 to cease discussion of a possible merger for the remainder of the semester.

"There is a lot to be said for a unified student government," said Sarraile before the vote was taken. "Now it gives the appearance that we are not solicitous of student concerns because there is no one group to turn to. It's fragmented. Because it is fragmented, it (student concern) is not as forcefully presented, and they (the administration) are hearing nothing cohesive. They're overworked, and it's easier for them to downplay what's not forcefully presented."

Ward sees merger as a solution for what he considers to be a problem of "institutional legitimacy."

"Part of the problem is that DSAC fills a lot of the student government functions, socially. There is a di-

chotomy — a student government social (DSAC) and a student government administrative (LSC)."

"It is no question it would benefit the student body. A more powerful student government is in the interest of the administration and students."

"We've talked merger," said Sarraile. "It's not going to make it. There's a failure of people to get out of the mindset of their own groups."

"We met with DSAC and couldn't come to a mutually satisfactory agreement, so we've given it up," said Ward. "DSAC couldn't see any benefit for itself. They admit an overlap, but think they can work it out without merger."

"Personally, I'd like to see them remain distinct," said Jacobs. "If DSAC were to be more involved politically, it would have less time to devote to social functions. We want that to be our main push. We'll do the things we do better if we just do the things we do now."

"LSC has to be more visible if it wants student support they haven't had in the past. I don't think merger's the answer. It will work to the detriment of the students."

According to Upton, merger "would be better for the school, especially now that DSAC's spread its coverage. One of my problems is knowing who to call. It's difficult to know which one will pull the laboring oar."

With merger out of the question, at least for the time being, the alternatives left to the groups to pre-

vent potential conflict are still plentiful, and seem to offer practical solutions that may well work to the benefit of the student body even more than an outright merger of the two groups. While the creation of a well defined border between the groups, or the dissolution of the two groups and subsequent creation of one new student government are potential ideas, the more likely scenario seems to be a more beneficial establishment of increased cooperation between the groups. This may possibly come about through an intermediary committee of some type or through a more defined, though still informal, channel of communication between DSAC and the LSC.

Sarraile and Jacobs have discussed this, and according to Sarraile they have agreed on certain points and will try to present a united front.

"We're all in favor of seeing a stronger student government," said Jacobs. "In the past there has been territoriality, turf paranoia, and we'd like to see that end."

The great changes in the student government of HLS should be recognized as a beneficial outgrowth of the renewed vitality of the LSC and the natural strength of DSAC. If the two groups can establish a working rapport that allows the LSC to reorganize and grow to fill a need that certainly exists for it, the students as a whole are sure to benefit from the existence of not one, but two groups serving their different interests.

Proposal Rejected by DSAC Tuesday Night

Rather than present the Dormitory Student Affairs Council (DSAC) with a definite structure either to be signed onto or rejected, the members of the Law School Council (LSC) thought it best to provide a list of the functions currently performed by LSC which DSAC would have to incorporate by allowing LSC to merge into DSAC. By allowing DSAC to choose the best way to accommodate these functions, the members of LSC ask DSAC to come up with an acceptable structure. Along with each function, we have included a suggested means by which that function could be fulfilled. The functions and suggestions are as follows:

1. representing students on student/faculty committees
—a minimum of one DSAC member, and one student not a member of DSAC selected by DSAC should be on each committee;

(Continued on Page 20)

Black Faculty Present Award To Dean

(Continued from Page 2)

son. "Of all the past Deans, he has been the most successful in attracting minorities," said Ogletree.

Vorenberg, upon accepting the award, called the association "an important conscience in our affirmative action efforts. I accept this award in the spirit given, not 'well done,' but rather 'keep at it.' I have your message."

Vorenberg told the *Crimson* that "we've worked very hard to try to be in touch with minority law professors around the country to follow their work and to bring people here on a visiting basis who we think are promising candidates."

But Wilkins urged Vorenberg not to minimize the amount that is still needed to be accomplished. Although Vorenberg "has done a tremendous amount for increasing the diversity of the law school and has made significant gains in minority representation, we are still a long way from where we should be on



Mike Quan

Dr. Joseph Henry (left) and Eric Belinda Dupree-Walker (right) present Law School Dean James Vorenberg (center) with the C. Clyde Ferguson Award from the Association of Black Faculty and Administrators.

this faculty," Wilkins told the *Crimson*.

C. Clyde Ferguson, Jr., who died in 1983, had a distinguished career as a dean of Harvard Law School,

prosecutor, practicing lawyer, and diplomat before joining the HLS faculty in 1975, where he taught until his death.

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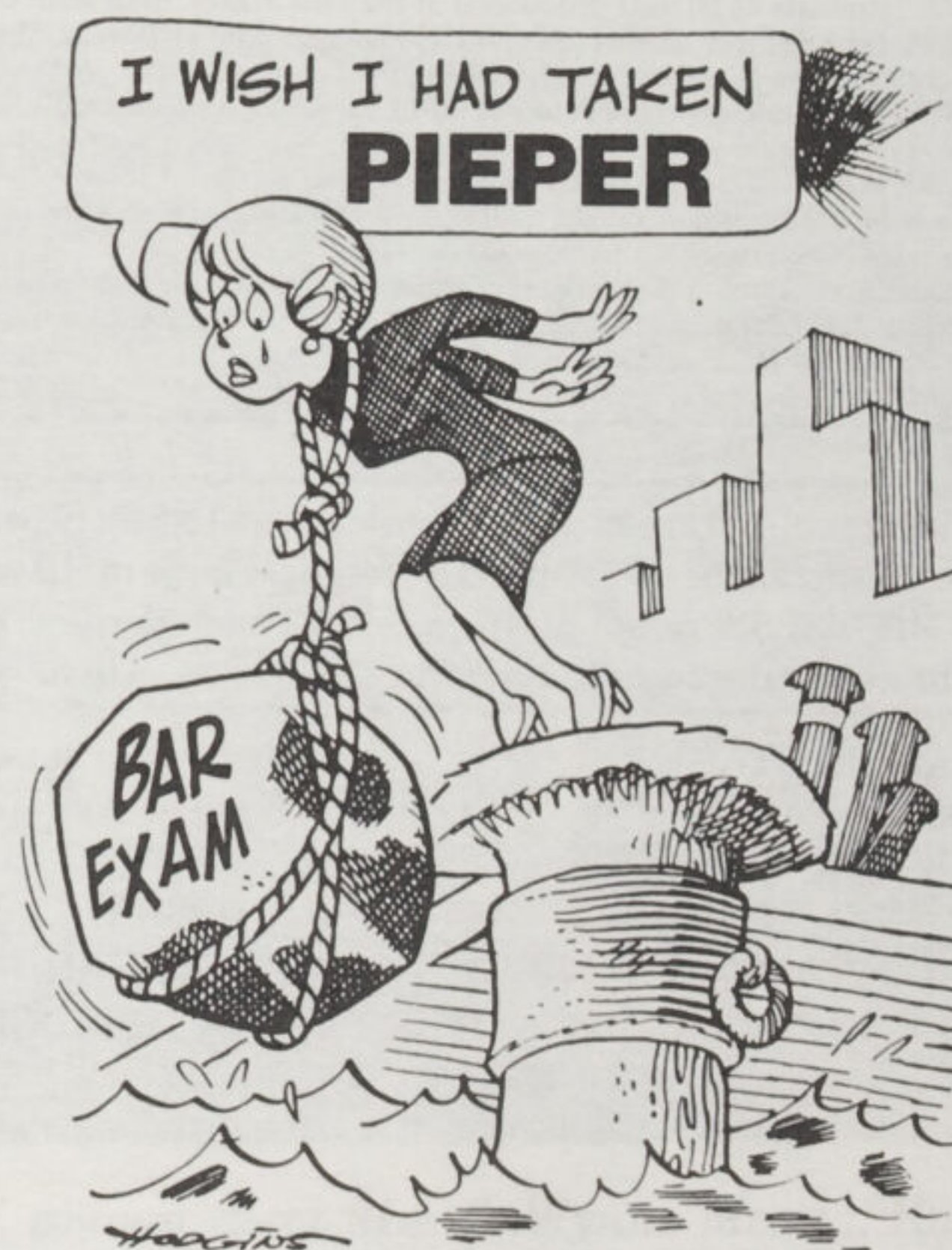
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DAUNA WILLIAMS

Text Of Proposed Merger Continued

(Continued from Page 18)

2. representing the interests of students to the administration and faculty
—ad hoc committees should be established as needed, as currently done by both DSAC and LSC;
3. performing section activities
—continuation of the election of a minimum of one and preferably two representatives from each section;
4. funding student projects under a new budget
—the DSAC Treasurer would administer this sum in accordance with the regular procedures currently used by DSAC to disburse sums;
5. performing ad hoc projects, as currently done by DSAC and LSC, for example acquiring a stamp machine for Harkness Commons, improving DAKA food service, providing better dormitory lighting, conducting a stress management seminar, acquiring a photocopier for Harkness Commons, and performing other services for students
—ad hoc committees would be established as needed;
6. conducting regulations with other graduate and professional schools at Harvard

University (through the Graduate and Professional Schools (GAPSC)) and at other Universities

- appointment of representatives to GAPSC, and creation of committees as the need arises;
7. facilitating communications between student groups
—sponsorship of the Congress of Student Organizations (COSO), and any other efforts that DSAC may wish to make;
8. overseeing athletic competitions, including the intramural program, tournaments at the Law School, and competitions between students at the Law School and student of other Universities
—establishment of an athletics committee; and
9. maintaining relations with alumni, and conducting third year elections for the positions of class marshall, class secretary, and class council
—creation of an alumni relations committee, and appointment of a member of DSAC to the standing alumni committee.

Finally, the concerns of DSAC and its intention not to decide issues that it considers to be "political," meaning issues that place students against other students, can be han-

dled through the mechanisms of surveys of student opinion and referenda, both currently used by LSC:

the Executive Board could be empowered to refer any political matter (political as defined above) to a Vice-President of DSAC, who will then conduct a referendum to ascertain student opinion. A similar provision could be enacted to allow any DSAC member to have a matter referred to this Vice-President for a referendum, as one means of avoiding the potential situation of having to vote on whether or not to have a referendum.



Letters

(Continued from Page 10)

Rex Van Middlesworth
(Houston)
Steve Nock
(Los Angeles)
Russ Daggatt
(Tokyo, LA)
Mark Warner
(Washington, DC)
Betsy Merritt
(Washington, DC)
Bruce Teeter
(parts unknown)

(Some of the Founding Fathers and Founding Mothers of the SBR)

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