



Harvard Law Record

America's Oldest Law School Newspaper

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25 CENTS

Miss Manners Calls For A Return To Civility

By Julia Loewy

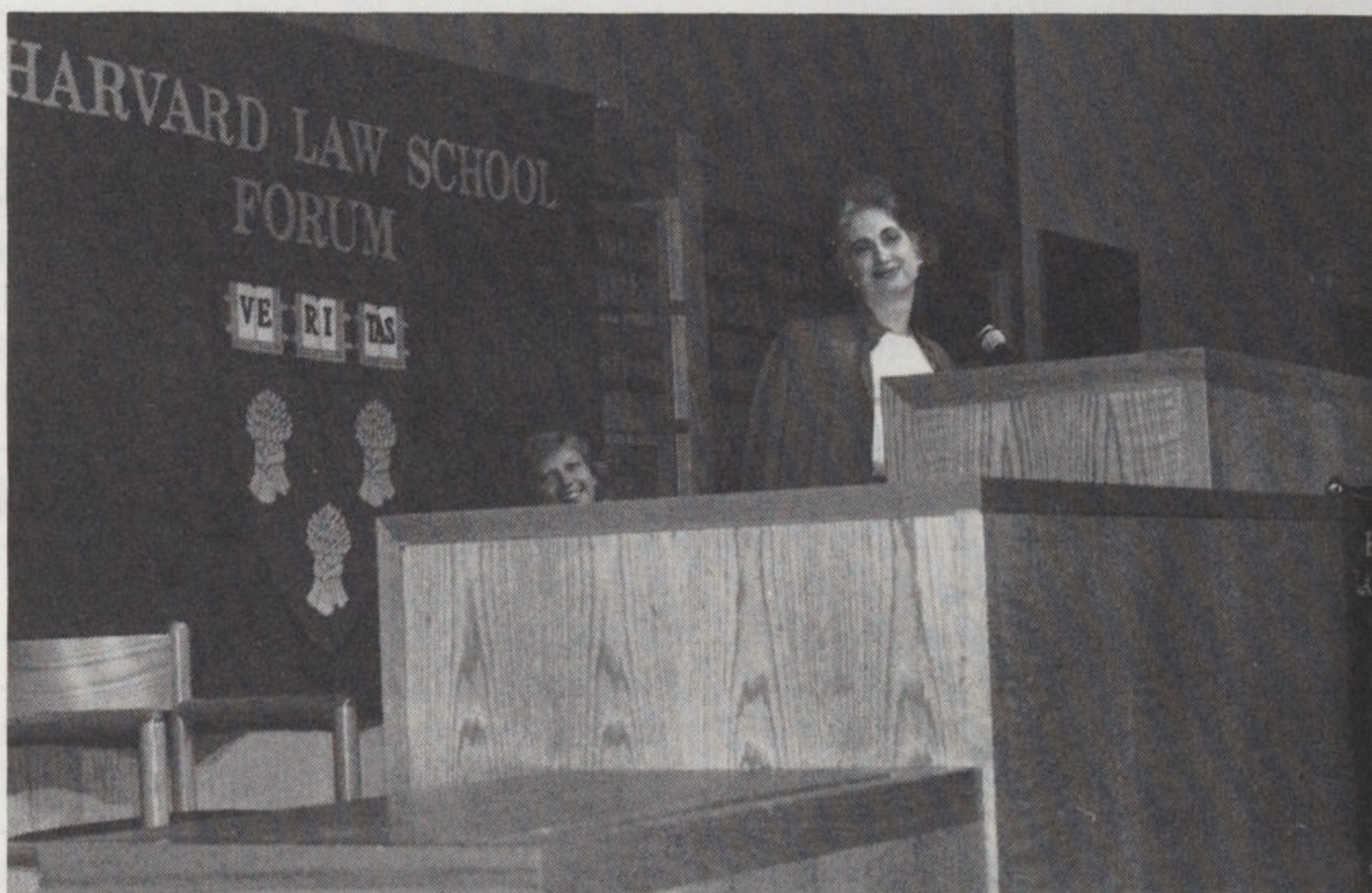
"Born a perfect lady in an imperfect society," Judith Martin, better known as Miss Manners, laid down the law — of etiquette, that is — to a near capacity crowd in Ames Courtroom on April 22.

Since 1978 Martin has written the syndicated Miss Manners column, answering questions on etiquette in the hope that she will lead the way to a more civilized — and more cheerful — society.

Martin spent 25 years at *The Washington Post* where she covered social life at the White House, the embassies and the zoo, before becoming a film and drama critic. She is also the author of a number of books, including *Miss Manner's Guide to Excruciatingly Correct Behavior*, and is a frequent guest on television shows such as "Today" and "20/20".

Martin began her address by noting that many people question, "Why do we need etiquette, anyway? Etiquette is just for the rich. Just teach everyone to be nice and we won't need etiquette." If people just work through a wide range of such preconceptions by substituting the word 'law' for 'etiquette' they will realize etiquette advocates and lawyers are in the same business. In both people exchange some au-

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Sal Casente

Judith Martin, appearing as Miss Manners at the HLS Forum, on April 22.

Protestors Amass In D.C.

By Lesley Friedman

"Support contraception, not Contra aid!"

"Money for tuition, not ammunition!"

"El pueblo unido, jamás será vencido!"

Twenty-four HLS students chanted these slogans last weekend as part of a nationwide demonstration against U.S. policy in Central America and southern Africa. The protest, called Mobilization for

Peace and Justice, drew 150,000 participants according to official police estimates announced at the march.

The HLS students, organized by Michael Linfield, 1L, and captained by Peter Levine, 2L, returned on Sunday morning, encouraged by the weekend's events. They reported a strong feeling of solidarity coming from a large cross-section of American communities. The students

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Breyer Helps Draft Sentencing Proposal

By Vincent Chang

HLS professor and First Circuit Court of Appeals Judge Stephen G. Breyer is among those instrumental in formulating new sentencing guidelines released by the US Sentencing Commission. The new guidelines substantially modify an earlier Commission draft by allowing federal judges more discretion in sentencing than the earlier version had contemplated.

According to a *Boston Globe* story, the new guidelines were the result of a "power play" engineered by Breyer, University of Arizona Professor Michael K. Block and Indiana University Professor Ilene H. Nagle. Reportedly, the three told other Commission members that they

could not support the earlier proposals, which would have increased the prison population at least 50 percent while drastically curtailing judicial sentencing discretion.

The three instead formulated a new proposal which would allow judges some discretion (although less than that allowed under current law), and also would increase the federal inmate population by approximately ten percent. Apparently as a result of the controversy, the Commission has asked Congress to approve a nine-month delay beyond its previous deadline for developing a sentencing plan. Without such an extension, the sentencing proposal would become binding November 1 on all federal judges unless Congress vetoes or amends the guidelines be-

fore November.

The new proposal, approved by a 6 to 1 vote, would place federal crimes into 43 different categories for sentencing. The proposal eliminates most of the earlier proposal's mandatory sentencing rules, but does require that convicts must serve the full sentence, with an allowance only for time earned for good behavior. This differs from the current policy, under which convicts may be released on parole after serving only a small fraction of their term. Moreover, any judge who orders a sentence falling outside the sentencing range would have to cite in writing the specific reasons for his decision.

✽

Nanula Trounces Nahra For Squash Crown

By Jonathan Grunzweig

Peter Nanula, 3L, and Russell Gabriel, Grad., were crowned the law school's best in a squash tournament held at Hemenway Gymnasium last week. Nanula, who also was last year's champion, won the 'A' Division by ousting classmate Kirk Nahra three games to one. Gabriel defeated Vinny Pitaro, 3L, by an identical score to take the 'B' Division title.

There were 32 entrants in this year's tournament, held April 22-23. It was the first to feature two skill levels. Explained tourney organizer Jay Ward, 3L and former president of the sponsoring Law School Council, "We hoped this would attract wider participation from the student body."

With regard to last year's squash championships, Ward noted that there were not enough women to sustain a separate tournament. This year's co-ed version drew three female participants, the most successful of whom, Pam Tabari, 1L, won three matches before losing in the semifinals of the 'B' division.

Ward did admit that neither the LSC nor DSAC appears to be an appropriate sponsor for such events.

"Ideally, HLS should have a separate athletics committee to conduct intramurals, competitions, and events with other schools," Ward contended. Despite such reservations, a tennis tournament planned for May has drawn in excess of thirty entrants, and Ward expects that the LSC will continue to spon-

sor the squash tournament. The twice victorious Nanula had no complaints about the tournament's organization. He did state, however, that runner-up Nahra "is a cheap-shot artist who cheats to win — but not enough, because he can't win the big one." Nahra was unavailable for comment.

✽

HLS Civil Liberties Union Forms

By Hillary Richard

HLS students are in the process of founding the first HLS Civil Liberties Union. Inspired by an undergraduate CLU organizational meeting, at which Massachusetts CLU attorney Harvey Silverglate spoke, law student Mark Simonoff, 2L, decided to test student interest in a law school chapter. Approximately twenty HLS students responded and the HLS-CLU was born.

Simonoff commented that he was "surprised there wasn't anything like this here" when he arrived at HLS. He envisioned the group as "taking action against Harvard policies as well as outside issues" and providing volunteer workers for

the Massachusetts CLU office.

The unofficial (they have yet to submit a constitution to Dean of Students Mary Upton) HLS-CLU sponsored its first event on Thursday, April 30. Attorney Harvey Silverglate discussed the McCarran-Walter Act. An immigration bill passed in 1952, McCarran-Walter allows the State Department and the Immigration and Naturalization Service to exclude aliens from the United States based on their ideological beliefs. The act is "very broad," stated Simonoff, "and is currently being used to deport Palestinians."

A number of civil liberties issues have already provoked discussion

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HARVARD LAW RECORD

HLS Club Explores Law And Business

By Rick Genow

The newly organized HLS Business Club made its debut last week with guest speaker Jack Cogan, partner at Hale and Dorr, Boston, and chief executive officer of Pioneer Groups, Inc. Approximately 30 students attended the event.

An alumnus of HLS, Cogan "decided on a legal career because law school started a week later than medical [school]." He then went on to work for Hale and Dorr, where he became involved in mutual fund work for a small business client known as Pioneer Group, Inc. In a relationship that spanned decades, Cogan became CEO of Pioneer and, through a program of "imaginative conservatism," helped that company grow into *Fortune* magazine's "best small company," with \$6.5 billion in assets.

In his spare time, Cogan took on the responsibilities of managing partner of Hale and Dorr. Last year, Cogan decided that the time demand had finally become too much, and he would have to settle for a less active role as the firm's chairman. "That's one of the major setbacks of a dual career," stated Cogan. "When things get too large you can't give all that your responsibilities require, and you must let go of something."

As a veteran corporate lawyer, Cogan insisted that he is very fond of his law practice and wouldn't give it up if he ever had to decide between it and his executive position. "It offers variety, and the partnership arrangement provides at least the illusion of personal freedom in a law firm which does not exist in the corporate structure, and illusions can be as gratifying as the real thing," he said.

A legal education leaves you with three options, according to Cogan: practice, government and business, all of which, he said, were intriguing. "You don't have as many options as you think, however; once you choose which branch of the tree you climb, your experiences become limited, and it might require considerable financial sacrifice to re-



Sal Casente

The Business Club held its first meeting. Pictured are Joey Covey, 1L, Glen Fogel, 2L, Jack Cogan, '37 ('41) and featured speaker, Robert Drechsler, 2L, and Judith Aidoo, 3L.

direct yourself," Cogan warned. As a result, he felt that "what you do when you first get out makes a big difference."

Cogan stressed the need to select a firm which offers a "broad base of experience if it is to help in a business career." He also recommended venture capital and new companies as specialized areas of particular usefulness for associates with entrepreneurial interests.

Cogan said that it is unfortunate that large firms tend to encourage specialization early, often frowning upon associates becoming involved in business ventures. Young associates in today's large firms "probably wouldn't have the opportunity that I had to involve themselves in a business relationship with a

client," Cogan confessed.

The combination of law and business, Cogan said, has been "far more exciting than a pure entrepreneurial or legal career." The time to prepare is now, he advised, since the range of experience is broadest while in school. Cross-registering in the business school and participating in organizations such as the business club are, he said, excellent opportunities to get the experience necessary for those persons interested in a hybrid career.

The Business Club will be involved in a range of activities, from forming an investment club to compiling an alumni business directory and sponsoring symposia with alumni/ae active in the business community.

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HLS Law Students Participate In D.C. March

(Continued from Page 1)

joined hands and voices with labor and religious leaders, environmentalists, veterans, senior citizens and others to register their opposition to U.S. foreign policy.

The law student contingent numbered over three hundred, including representatives from NYU, American University Law School, City University of New York and other East Coast schools. As future lawyers, the HLS students expressed particular dismay at the illegal activities that have taken place and continue to take place under the auspices of the CIA and the Reagan Administration. "This administration has pursued a policy in Central America and southern Africa that is in direct contravention of the laws of Congress and will of the people of this nation. It is incumbent upon law students to speak out against such illegal and im-

moral activities on the part of our government," Linfield said.

Members of the HLS contingent also remarked that many marchers and spectators took special notice of the Harvard name on the students' signs and banners. "HLS students in particular are in a position to direct the course of our nation's policy. If we don't want to

be considered hired guns on loan to the highest bidder, we must demand ethical action from ourselves, our clients and our government," continued Linfield.

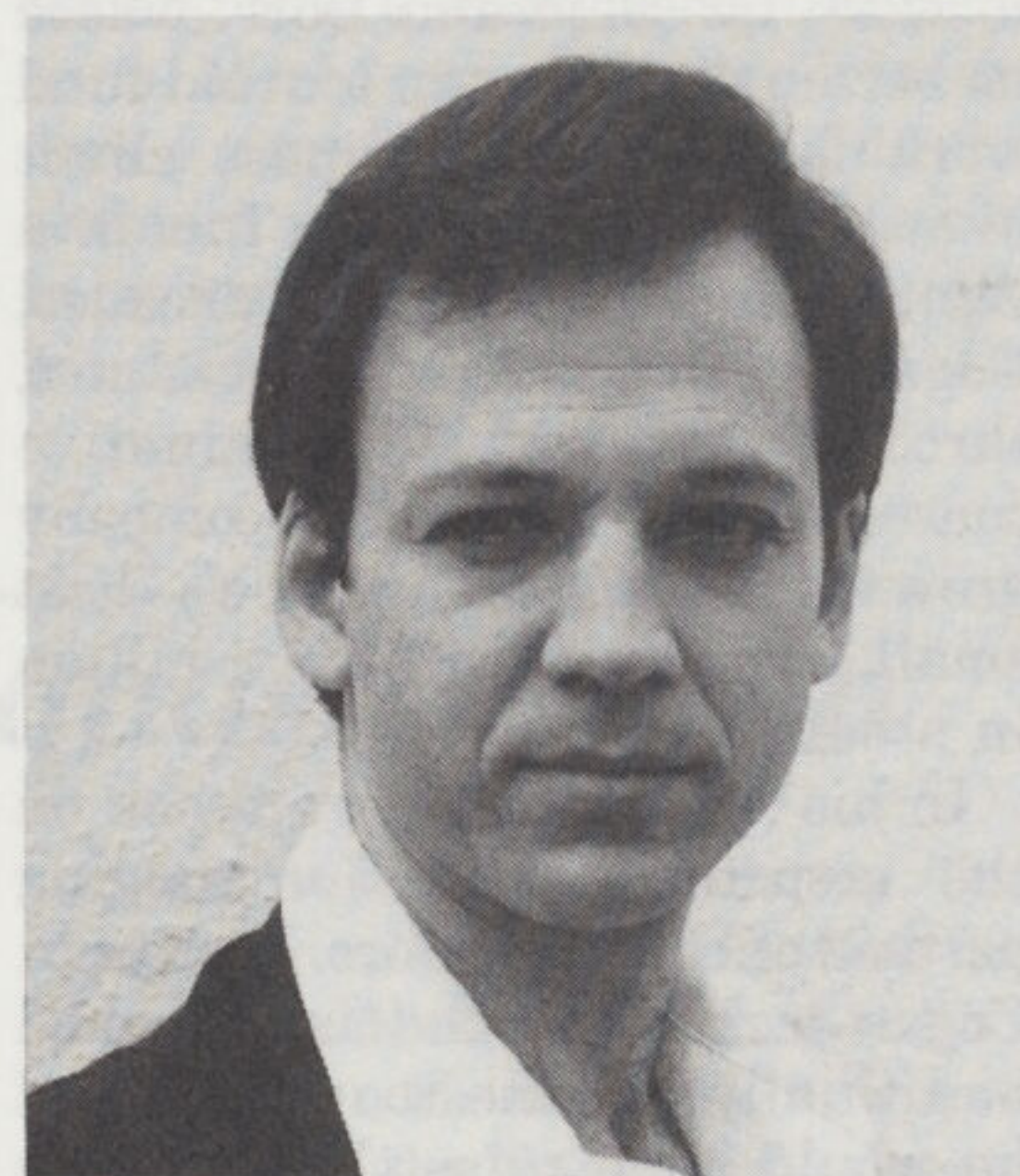
Several professors offered donations in support of the students, as did the Women's Law Association and the office of the Dean of Students. ✻

One-L Wins Ferguson Fellowship

By Hillary Richard

Michael Linfield, 1L, has received the rare honor of clerking for the Chief Justice of a Supreme Court. Linfield will be spending this summer working with the Chief Justice of the Supreme Court of Nicaragua, Alejandro Serrano.

Linfield was awarded a C. Clyde Ferguson Fellowship in Human Rights and Development to research



Michael Linfield, 1L

two issues: the restructuring of the judiciary under the new Nicaraguan Constitution; and the role of non-lawyers in the judiciary.

Linfield, 36, spent last year serving as the Deputy Mayor of West Hollywood. After graduating from UCLA in 1972, he taught in Los Angeles public schools before becoming the Director of Legislation and Lobbying for the United Farm Workers under Cesar Chavez from 1976 to 1978. Linfield plans to continue pursuing a career in public interest work after graduation.

Linfield described the civil liberties protections of the new Nicaraguan constitution as "stronger than our Bill of Rights." His research will be directed towards how the government carries out those protections and "how it is possible to have civil liberties while at war."

The court has guaranteed Linfield full access to all documents and public officials as well as any trial being conducted in the court. ✻

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Sheik To Speak

By Vincent Chang

Ahmed Zaki Yamani, LLM '56, the former oil minister of Saudi Arabia, may give several lectures at HLS next year. HLS Professor Roger Fisher is one of several people who have spoken with Yamani about lecturing on the principles of negotiation as well as on Islamic and common law.

Yamani was dismissed as oil minister of Saudi Arabia last year and has expressed an interest in teaching, according to Henry Lee, head of the Energy and Environmental Policy Center at the Kennedy School. Lee, who has recently spoken with Yamani, noted that Yamani's interest was very "general" and that he did not "say which university" he might speak at. At any rate, Lee said he doubted that Yamani would lecture for more than "a few weeks a year."

Vice Dean David Smith said that "nothing definite has been settled yet." Smith added that Yamani would likely talk on Islamic Law in a class that will be taught next year by Frank Fogel. In addition, Smith said that Yamani might speak with students and/or give a lecture in Roger Fisher's negotiation course. Smith stressed, however, that contacts have been "through intermediaries" and that no contact had been made with Yamani. At any rate, Smith said that Yamani would "in all likelihood" be at Harvard no more than a week.

Speculation about Yamani's plans was fueled in particular by a report in the *Saudi Gazette*. It said Yamani will lecture at HLS in accord with an "old request" from the university. The paper confirmed that Yamani is not likely to lecture for more than five weeks.

Yamani earlier spoke at Harvard in a symposium on oil that was part of Harvard's 350th birthday activities in September 1986. Yamani frequently returns to Massachusetts because his wife has family in the state. Moreover, Yamani, at least nominally, practices law in a Saudi Arabian firm affiliated with the American law firm of Jones, Day, Reavis & Pogue.

MAY 1, 1987

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N.H. Governor Addresses HLS Republicans



New Hampshire Governor Sununu spoke at a meeting of the HLS Republicans.

my lucky stars every night for Jim Wright, speaker of the House, and for C-SPAN." C-SPAN is a cable network which broadcasts Congressional proceedings.

Sununu noted that an average of two presidential candidates campaign in New Hampshire each day and encouraged HLS students to go there to meet them. The New Hampshire primary, he said, presents a priceless opportunity not only to meet the candidates but also to work in the early stages of a campaign.

In response to a comment from a member of the audience that a small state like New Hampshire should not have a primary prior to California, the governor quipped, "you're confusing quantity with quality." By state statute, the New Hampshire primary must be held one week earlier than the primary of any other state.

Sununu remarked on Massachusetts governor Michael Dukakis' campaign for the presidency, claiming that Dukakis is running on a conservative record of welfare and tax reforms. "I have to look hard at it, at times, to believe it's not my own platform, he said."

Sununu, who is the incoming chairman of the National Governors' Association, also called for a constitutional amendment to overturn the Supreme Court decision in *Garcia v. San Antonio Metropolitan Transit Authority* which held constitutional Congress' extension of the Fair Labor Standards Act to state and municipal employees. He claimed that resentment in state legislatures against the *Garcia* decision is so great that they are ready to pass a constitutional amendment.

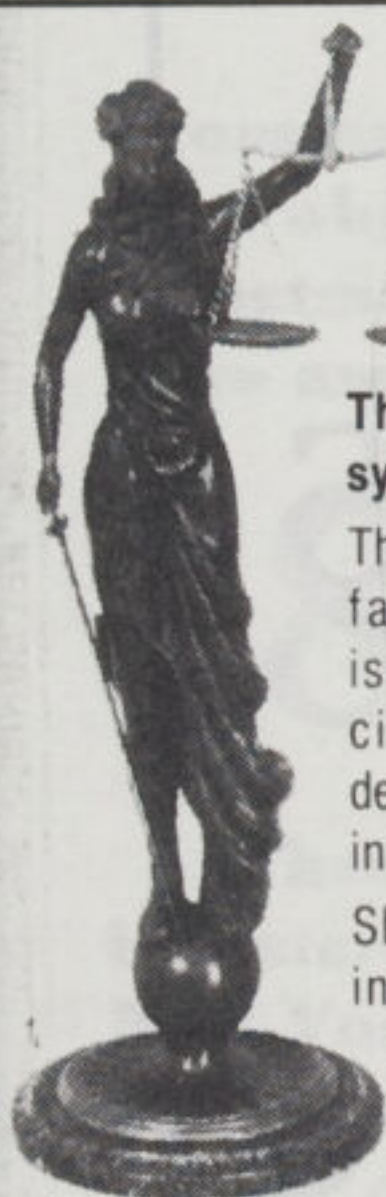
☞

By Paul Cellupica

The Republican governor of New Hampshire, John Sununu, expressed optimism about Republicans' chances in the 1988 elections in a speech sponsored last week by the HLS Republicans. Sununu devoted most of his speech to the 1988 presidential race, and in particular the New Hampshire primary, which is the nation's first.

Sununu predicted that the issues of international relations and foreign trade will dominate the 1988 campaign. He has endorsed Vice-President George Bush for the Republican presidential nomination, he said, because of Bush's expertise in these areas. Sununu asserted that most people are too ignorant of foreign affairs. "They think the 'Long March' in China was when leap year day came in the wrong month," he said.

The governor further predicted that the 1988 Republican presidential candidate will have to campaign against the Democratically-controlled Congress. He added, "I thank



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Next RECORD:

Next Year

Have a great summer!

Sex: A Justiciable Issue At HLS?

By Marla Becker
and Greg Herbert

You're probably thinking, "Sex at Harvard Law School? C'mon, the article can't be more than two paragraphs long!" Such were the sentiments of the RECORD staff before we began to probe the depths of student sentiment about a topic seldom broached in these hallowed halls.

You're now a 1L; you've just gotten into HLS. Perhaps you came from a school much larger than this one. Perhaps you came from a school with a more reasonable male-to-female ratio. Members of the opposite sex drifted into and out of your life with reassuring frequency. You fell in love a couple of times; you got intense; you got hurt. And in between there were those occasional one night stands that kept you going. Everyone was at the peak of their physical and libidinous existence. You flirted. You had crushes. You were crushed upon.

Remember back when not all the men were short, bald and ugly? Remember back when not all the women were short, bald and ugly?

Before you got here, you thought, "hey, good looks *and* intelligence, what a concept!" You imagined your lover quoting Kant and D.H. Lawrence as you both climaxed in a reasonable and timely fashion, or at least when Necessary and Proper.

More Like High School

Instead, almost everyone interviewed at HLS exclaimed that "Life as a 1L is more like high school than any year at college. You have a locker, teachers call on you, you do your homework every night, your social life is completely juvenile, there's a lot of gossip."

You might have thought that you'd find someone you'd want to marry here. Huge combined gross incomes. Both of you romantically laying down your bodies in fierce protest of CIA recruiting policies; hashing out the sticky issues of protecting sperm for surrogate children.

Look around at your classmates. There are only two people you'd even consider, and they're both taken. Your search for the diamond in the rough has turned into a search for a drop of moisture in the Sahara.

Out of desperation, you make a pass at the Pub on a Friday night. You know you'll regret it in the morning. Sure enough, on Monday morning, there s/he is. You avoid each other's glance; it's not even 9:30 yet but everyone knows.

Next weekend you head into Boston; there have got to be some nor-

mal people there. (There are, but once the word gets out that you're a law student, you feel like Estragon in *Waiting for Godot*). You go to Kenmore Square and strike out worse than Bill Buckner.

The pressure builds. A sinking depression sets in. Welcome to Harvard Law School.

Does it have to be this way? We asked scores of HLS students from at least both sexes and all years of study to tell us if there was any hope.

(Continued on Page 9)

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The Board of Directors of the Harvard Law Record Corporation sends a joyful congratulations to the Class of 1987 and salutes the following graduating members of the RECORD staff & board:

George M. Borkowski
Vincent Chang
Ken Fisher
Adele Hendrix
James Hoffman
Ris  J. Peters
Jamin Raskin
Karen Russell
Walter Sargent
Mike Sturm

(Sorry Fenno . . . maybe in '88)

Keep those cards & letters coming to 23 Everett Street next year! We'll miss you all (so will the Child Care Center kids . . . our "wild 'n crazy parties" will be less wild). Your Tuesday nights and the Bay Tower Room may never be the same for the experience. Let the corks pop on June 11, 1987.

Hormones On Hold: The Lack At HLS

(Continued from Page 7)

Question: What do you think of your sex life at HLS?

Answers:

(1) "What sex life? That's it. I told you that was all I was saying. Don't push it." (2L male).

(2) "Desperate. One, because people are too conservative about sex. Two. People have girlfriends and boyfriends from college." When reminded that the RECORD staff knows of quite a few men and women of the HLS who have transgressed those vows of commitment, she answered, "Obviously those people are going to fail the MPRE."

(3) "The problem is political. Relationships generally suck under the Reagan Administration. I think that as long as the Republicans are in office, there will be a bad feeling between men and women. It's really going to take a change in the national power structure to get people feeling good about love again. I'm not getting into any serious relationships until Reagan leaves office." (3L Jamin Raskin).

(4) "Wait a minute, there's a presumption here that premarital sex is okay. When you're intimate with more than one person, you're spreading yourself too thin. You should preserve yourself for sexual intimacy with one person." When asked whether he practiced what he preached, *this* HLS student responded, "That's not relevant."

(5) "As far as relationships go, there's not much difference between gays and straights, other than what you'd expect. . . . Gay men are not any less jerks than straight men. If two men are both the kind who will put a career before a relationship, there's a compounded effect of the problem that straight couples have."

No Satisfaction

Sex, love, a 'relationship,' — are any of the above possible at HLS? We felt now would be a good time to flesh out feelings on a subject that is a constant source of complaints, and one with which the

Quality of Life Survey failed to deal directly. Most people we talked to said that all of the above were possible, but unlikely. Most people here feel, like Mick Jagger, that they just can't get no satisfaction at HLS.

We began with two alternative working hypotheses. The first was that the isolated, enclosed environment here, combined with a lot of work, is conducive to gossip, cliquishness and stereotyping or labelling, and *not* to positive interaction between the sexes. The second was that the first hypothesis is just an excuse and a rationalization, that the real reason nothing happens here is because of the type of people who tend to get into HLS.

In the words of a frustrated 1L, "people here are too busy; they're extremely egocentric; they're self-possessed, and they have difficulty letting their guard down; they're uptight and they keep to themselves, they're hard working and narrow minded and shy and self-contained — and that's how they got here."

Our expectations were generally confirmed, but we were in for a few surprises. One 2L woman has had two successful relationships with HLS men. "I went through the haystack and found the needle, I assure you," she said. "I've been with somebody more nights than I've been alone."

When asked the secret of her success, she replied, "I don't play games, and I'm very sexual, and I let that be known."

What's wrong at HLS? We've got a collection of bright, talented people with very interesting and diverse backgrounds. The Admissions Office says so. So why aren't people pairing off, learning more about each other, engaging in endless hours of stimulating, thought-provoking conversations? Responses seem to indicate that many problems start shortly into the first year, and that this intensifies the problems with the law school in general.

"My vision of a typical 1L relationship is — two people start to be friends. They're in a study group together. They start going to Three

Aces together. They're at Langdell late, and then one night they decide to go home together. And then afterward they talk for three hours about how nobody else can find out and it's really important for no one else to know. And then the next day everybody knows by dinner time. There's a lot of emphasis placed on secrecy, but I don't think it ever works," said a 3L, speaking from experience.

Too Familiar, Too Alike?

"I have no problems meeting guys," commented a 1L woman, "but they all just end up as my buddies." Her complaint was repeated by several students who felt that the first year fostered an overly platonic atmosphere, making a physical relationship seem "incestuous."

A 3L recalled what seemed to be a common first year experience between him and a classmate: "Everything about her was great . . . but I couldn't bring myself to go out with her because of this sort of 'kibbutz' feeling. We were in the same section, we were in all the same classes together, we saw each other all the time. Adding the sexual element would have made it too heavy."

Friendships arising out of sectional cohesiveness often have their drawbacks. People who are close might hesitate to get closer for fear of ruining a friendship. "For a lot of men, that gets frustrating because you get to be really close, and then the women start telling you things about other guys. And you think, 'my god, this guy she's telling me about did in two hours what I've been trying to do in the last two years,'" said one 3L. To avoid this, he suggested, "Set the rules very early: we can be friends, I can respect you and we can have intellectual discussions, but I do want to have sex with you."

Judging from one 3L's observations, the situation for 1Ls on the whole looks pretty grim. "I know

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Interview

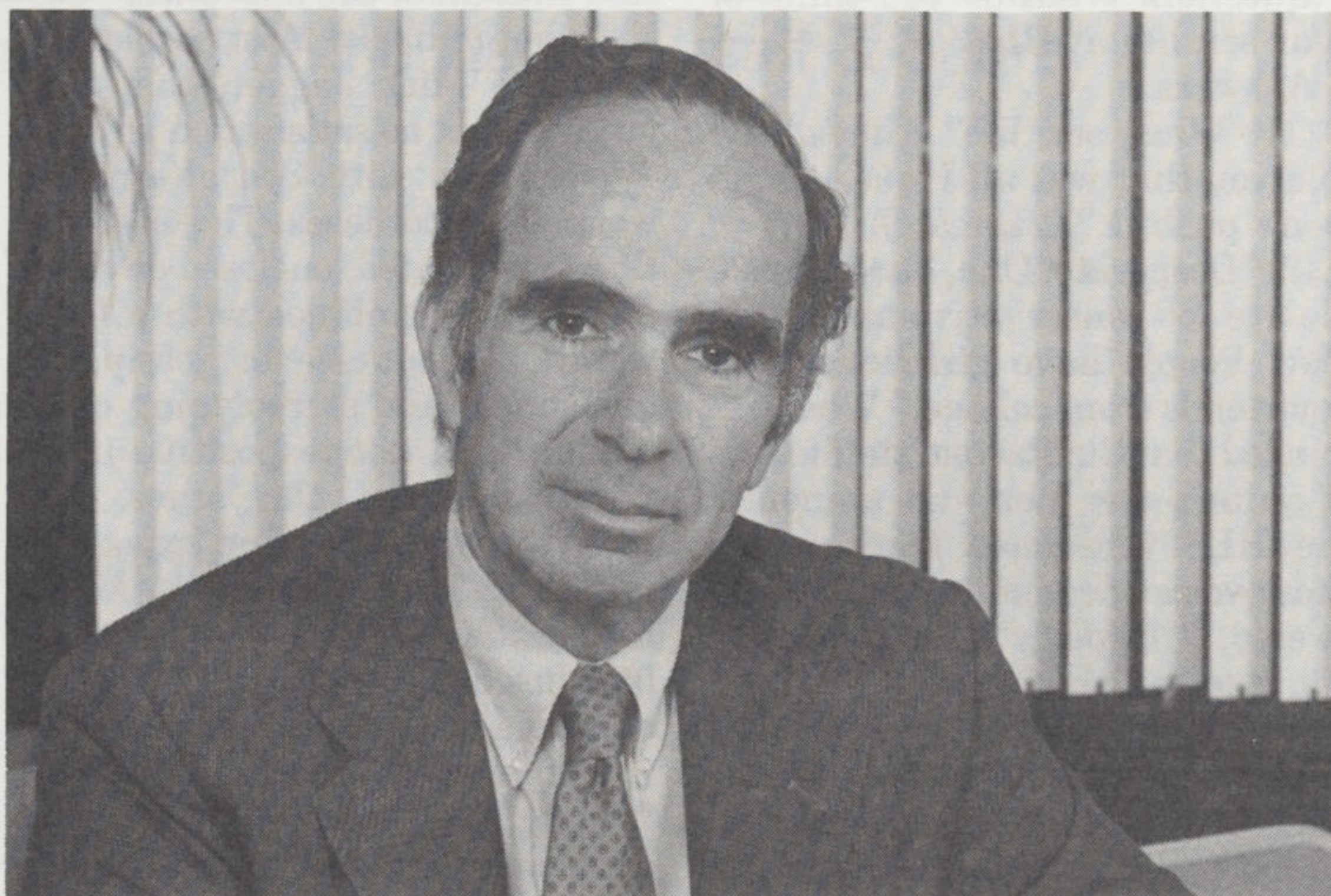
Vorenberg Looks Back At 5 Years Of Deanship,

The RECORD conducted an interview with Dean James Vorenberg in commemoration of the completion of his fifth year as dean of HLS.

RECORD: I guess starting off with a really broad question gives you a chance to talk about the different sorts of things you've done in the past five years. What do you regard as being your greatest contribution in your position as Dean of the law school in the past five years?

VORENBERG: You can't do anything in an institution as big as this without a lot of cooperation. . . . [B]efore I started, but after I'd been selected [as Dean], I was asked what I hoped to accomplish, and I said that I thought it was very important for the school to increase the number of women on the faculty and the number of minorities. And there we really have made progress. We've gone from three women on the tenure track to seven and have five with tenure, and double the number of minorities on the tenure track from two to four. I think that is something that not just I but everybody connected with the school ought to feel good about. It's only [a] beginning but it is a beginning.

The other thing that I talked about at the start of my deanship was strengthening the clinical program at the school. . . . [O]ver the past five years, we've taken what was called the Legal Services Institute in Jamaica Plain — which was set up to handle roughly twelve students at a time on a fulltime basis — [and] turned it into a clinical center that now provides about 40 percent of the legal services needs of the city and [that] provides clinical experience to about 130 law students. We opened a clinical unit in Cambridge . . . working primarily on immigration cases. And Betsy Bartholet has developed a new course called PILRAP . . . which provides out-placements around the country for students. You put that all together and it seems to me . . . [to be] something people at the school should feel good about. But



HLS Dean James Vorenberg

I don't in any sense believe that we have solved the question of what the clinical program should be. I still believe that every student in the school ought to have one intense experience representing people who see the legal system from a very different point of view than our students are likely to see. . . if they go into large-firm practice. So I think we need to keep pushing for more of that.

RECORD: You had said in a previous interview that you saw as one of your goals as Dean of HLS that the school ought to be able to offer every student who wants some experience in the clinical field that experience. Do you think that that opportunity exists now?

VORENBERG: . . . I think that what we need to do is provide a clinical program that will . . . encourage students who are now opting out of it to try it. . . . I think that if every student in the school . . . elected the option tomorrow we would have to use some pretty fancy footwork to implement it. . . . [But] we could probably do it in a year. I really do think it is a loss — a mistake — for any student here not to take advantage of the opportunity to see how law looks to people for whom

life is. . . a struggle, as it is for some of the people in America.

RECORD: Do you think it would be advisable then to have some sort of clinical requirement? Or would that be too difficult to implement?

VORENBERG: Well, that wouldn't be too difficult to implement. I'm torn. I'm not in favor of . . . making it a requirement. I'm a little troubled about having people representing poor people where the lawyers doing it have not chosen the assignment but have been coerced into it by a school rule. It wouldn't bother me to push people in that direction. I'm troubled by the whole notion of having people perform legal services on the basis of mandatory rules so I guess I would not favor it. . . . It might detract from the quality of representation.

It's troubling that not . . . many people go into public interest law, but I think that it's very important that people make the choices they want to make. I think there are . . . interesting and satisfying lives to be led in public interest law. One of the reasons that I am anxious to expose our students to that opportunity is that for some, it may open their eyes. But even for those who then go on and work

Reflects On Successes And Promises Fulfilled

by Tegan M. Flynn

in private firms, it is important to expose them to public interest concerns.

RECORD: What do you regard as something that has been a disappointment to you as dean of HLS in the past five years — something you might have wanted to implement in the past five years, that you haven't been able to achieve?

VORENBERG: One of my disappointments is the amount of time and energy I have spent, and . . . others at the school have spent, over the past five years on what might be called divisions within the faculty. It's something I would not have predicted five years ago. It probably has meant that a lot of my own energies and attention have been directed there rather than to other specific areas.

If you asked me what [we] haven't done that I would like to have done, one area is opportunities for writing. The faculty . . . in the late 70's tried to beef up the opportunities for writing and we now have some courses for credit. But I guess I would have hoped to be further along in providing that kind of opportunity. I hope we will move further.

One of the programs I am most enthusiastic about is called the program on the profession — which is a program designed to study, teach about, write about the changing legal profession. . . . We're about to publish a teaching volume that Professors Heymann and Liebman have been working on. . . . I would have hoped that we would have developed more advanced courses [about the profession] by now. We have more research and writing about the profession going and . . . I'm very determined to keep that moving. Harvard Law School should be a center for the study, reform and teaching about the legal profession, ethical issues, economic issues, and other issues relating to the profession.

RECORD: How would you encourage that further research?

VORENBERG: Funding is one problem. . . . We need to seek financial support from foundations or alumni. Faculty can encourage the students to write their third year papers in that area and can work on developing new courses beyond the two hours of the basic legal profession course. That's what I intend to encourage. . . . One other thing we can do . . . is bring visiting scholars to the school who are experts in the field.

RECORD: In reference to your comment about "divisions within the faculty," the CLS movement must have been difficult to deal with, in terms of the press. . . . Many HLS students don't see it as a "war," but many people outside do. . . . How do you propose to handle it from here? Do you think the divisions have toned down?

VORENBERG: I think the divisions and the strong feelings have toned down. . . . I think there's still strong differences of view, and it's not simply a difference of view between CLS adherents and everybody else. There are other differences of view within the faculty. The CLS group has been the focus of attention from outside the school. I guess I think my role has been, and should continue to be, to try to get people to keep it in perspective: to see on the one hand that it strengthens a school to have strong, diverse points of view reflected in writing and in teaching. . . .

On the other hand, there should be some limits . . . because we're trying to run an educational program here. . . . Striking that balance has been my role over the last five years, and I think we've made some progress. I'm sure if I look back I could think of some things I wish I'd done differently. . . . I think that everybody connected with the school has learned something about listening a little harder to other people's points of view. Whether people looking at the school from outside are reassured, I can't be certain. My sense from dealing with our

alumni is that they are. When I wrote to the alumni last December. . . I ended by saying, rather casually at the end, that I would like to engage in a continuing dialogue with the alumni. I was swamped with letters. It was wonderful. It was clear that people have been following what's been going on at the school. They've been concerned. They appreciated my attempt to level with them. . . . Overall, I think that the school is very strong for the diversity.

RECORD: A UPI article that is being written focuses on the quality of teaching. Have you heard from faculty and students who have expressed their concerns regarding the quality of teaching to you directly?

VORENBERG: My impression is that the general view of students is that the quality of teaching is good — [although] there are some exceptions to that. . . . I rely on the BSA student evaluations. . . . If you read through the evaluation book you get a picture of a student body that appreciates the quality of the teaching. That doesn't mean they think it's at all wonderful. The questionnaires that are turned in each year have lots of suggestions about how things could be better and parts of courses that they were disappointed in.

Our students are enormously demanding and not afraid to be critical. If you look at what they say about their courses, I think it's an extremely favorable picture. I'm not saying that it couldn't be better. I'm not saying that there aren't disappointments. I think overall, one of the great strengths of HLS has always been that the faculty has been very concerned with the quality of teaching. Students come here expecting to get good teaching, and I think they do.

RECORD: How much of an impact do the BSA evaluations have on, for example, your tenure decisions or your decision to change or con-

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Interrupting Law School

As we come to the end of another year, many of us who have been in some form of school nearly twenty straight years probably think we need a break. Against this backdrop, Dean Vorenberg's little-noticed proposal in the *Harvard Gazette* is timely and appealing.

Vorenberg said that it "might make sense to interrupt the students' stay at law school with, say, a two year period of practice." The principal benefit of the suggestion is clear: it might go a long way toward dispelling third-year student apathy and might make that year seem more "relevant" to those students.

If the Dean's proposal tightened up the now seemingly non-existent link between students' professional and academic experiences, maybe academics would seem more meaningful. During their work experiences, students would identify which issues concern them most and would narrow career goals to focus on particular disciplines. A return to academe might enable students to get responses to situations they have confronted at work and to more clearly see how cases in the classroom apply to real-life situations. Class discussions, in particular, would benefit from an infusion of "war stories."

Additionally, the Dean's proposal would alleviate the financial pressure too many students feel. With a work experience sandwiched between years of law school, students might be better able to finance their later years of education.

Finally, the plan might assist students' career search. The two year hiatus would provide students with an explicitly temporary time to test out public interest or law firm possibilities. It might provide a period in which students could work for judges or for professors and gain those unique perspectives. If such avenues prove unfruitful, then at minimum, students will be able to crystallize their expectations and goals.

These benefits notwithstanding, the Dean's proposal, without more, might not meet students' needs. The danger is that, after they return from their work experiences, students might find a theory-laden HLS curriculum even less connected to reality than ever before. Thus, HLS must, with or without the implementation of a work hiatus, improve on those programs which already make the third year more practical and concrete. In particular, novel teaching devices such as clinical programs, case studies, interactive video, and computer-aided instruction are among the recent innovations which deserve support.

With the expansion of such programs, the Dean's suggestion for a work break could fundamentally improve the quality of student life for 3Ls at HLS. If nothing else, two years in the real world "jungle" might make us appreciate law school more.

—VC

Fenno

Fenno felt old. His sleep had been disturbed by a vision of his long-gone companion, Bunky. He had raised Bunky from a 1L pup, years ago, and they had had many seasons together — chasing women, sometimes catching them, making feeble legal jokes — before Bunky disappeared one damp spring day.

Now Bunky was back, middle-aged, pudgy, his pin striped vest buttoned over his paunch, staring with mournful brown eyes at an un-aged Fenno.

"Come to me, come to me. . . It's time to grow up," Bunky moaned and vanished into mist.

Fenno was considering it. Having spent the better part of recent memory at HLS, he felt it might be time for a change. After all, he couldn't bear the fact that if he stayed on yet another year, he would have to deal with still another incoming 1L class. The thought of bright-eyed undergrads (more often than not accompanied by doting family members) walking around, drooling at the reality of being admitted to HLS, caused Fenno to fear a quick return of his just-eaten lunch. Besides, the thought of a new Dean of Students who might actually care for the student body was too much for Fenno's *Meister Brau* addled brain to comprehend. In a fit of madness, Fenno decided to graduate.

It was pouring cold sleet, as usual, when Fenno headed over to the celebration in the Yard. His bathrobe, which he had dyed black just for the occasion, began to run. Cursing, Fenno desperately tried to remember the last time he had seen the sun in Boston.

"I think it was during my second week as a 1L," he said to himself.

Stumbling into the Yard, Fenno wondered where everyone was. All the seats were empty. A few old men dressed in garb reminiscent of Chaucer were standing on a plywood platform, droning on in Latin.

"This is my graduation ceremony?" Fenno gasped.

Then he remembered that the law school was holding its own celebration. Running over to Langdell Hall, Fenno observed doting (graduate) parents huddling with extremely drunk offspring, trying to hide from the rain.

"That's more like it!" thought Fenno as he got in line to receive his diploma from the Dean, who was quietly snoring as he mumbled and shook each graduate's hand.

"Fenno!?" the Dean shrieked, awakening from his trance. "Do you actually think we're going to let you graduate!? You don't even have a third year paper topic yet! You slept through every class in your Professional Responsibility course, so we're not giving you any credit for it! In fact, you only have *five* credits!"

Embarrassed, Fenno fled, leaving black-dyed puddles in his wake. Graduation would have to wait.

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THE FINAL Tom THE Dancing Bug by RUBEN BOLLING

ATTENTION 3Ls: AFTER JUNE 11, YOU ARE NO LONGER A STUDENT. BY EVEN THE MOST GENEROUS DEFINITION, (TO WHICH YOU'VE BEEN DESPERATELY CLINGING FOR THE PAST FEW YEARS), YOU ARE NO LONGER A "KID." YOU ARE NOW A FULL-FLEDGED ADULT AND IT'S TIME TO

GROW UP

THE DISADVANTAGES GO FAR BEYOND THE OBVIOUS HORROR OF JOB RESPONSIBILITIES. THEY ARE NUMEROUS INDEED...

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NO MORE CARTOONS ON WEEK-END MORNINGS. YOU MUST NOW WATCH THOSE "ISSUE" PROGRAMS WITH THE BLACK BACKGROUNDS.

Not really, Bill. The various districts could be subdivided....

SONY

IT IS NO LONGER CONSIDERED FUN AND CUTE TO HAVE TOO MUCH TO DRINK.

YOU MUST NOW READ THE NEW YORKER. AND NOT JUST THE CARTOONS -- EVERYTHING! EVEN "THE TALK OF THE TOWN" AND ARTICLES ON FRANK LLOYD WRIGHT.

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THE TALK

prisoned her

YOU MUST LIKE BROCCOLI.

You must try the broccoli quiche! It's simply fabulous!

BOLLING

YOU MUST READ THE FRONT PAGE BEFORE THE SPORTS. COMICS MAY NO LONGER BE READ AT ALL.

SP

YOU MUST LISTEN TO FINANCIAL ADVICE WITH GREAT INTEREST.

Hmm... so you say plastics, eh?

AFTER 25 YEARS, YOU MAY FINALLY LEAVE THE CHILDREN'S TABLE AT THANKSGIVING, AND JOIN THE ADULT TABLE. ALTHOUGH THIS WAS ONCE IMAGINED TO BE AN ADVANTAGE, IT IS SOON DISCOVERED THAT IT IS NOT.

He Ha Ha Ha Ha Ha

Hee Hee

So long, everybody. Have good lives and don't forget to read the comics. - R.B.

NOW AVAILABLE AT THE LAW COOP: THE COMPLETE TOM THE DANCING BUG COLLECTION - DANCE, TOM, DANCE

Letters to the Editor of the Record

Clears Up Misunderstanding

To the Editor:

In the last issue of the RECORD I stated that Jay Ward had made misrepresentations to me. Since then Mr. Ward has come in to discuss the matter with me and given me additional information. It now seems to me that there was a misunderstanding between us and that he did not intentionally try to mislead me.

Mary D. Upton
Dean of Students

Praises Upton

To the Editor:

While many of the letters in this column involve criticism of people and policies, whether at Harvard or around the world, I would like to take this opportunity to insert some praise.

In a recent issue of the Harvard Law RECORD (Vol. 84, No. 2), I learned that Dean Mary Upton would be leaving her position at Harvard Law School this summer. While Dean Upton has received some criticism from students at HLS, I note that she is one administrator who cares about students and has actively pursued numerous means of making life at Harvard Law School better. While the Hark and the Pub may not seem

perfect to the current users, I have personal knowledge that the former might as well have been a morgue and the latter did not exist prior to the efforts of Dean Upton. As a former coordinator for the intramural athletic program at the law school, I also found Dean Upton to be supportive of additional athletic and social activities for the law students.

As quality of life at the HLS seems to be an important issue these days, I hope the students and faculty at HLS would look to the continued guidance and advice of Dean Upton for ways of making everyday life at Harvard Law School more enjoyable. Dean Upton deserves the appreciation and thanks of the entire law school community for a job well done.

Patrick F. Fischer '83
Dallas, TX

Professors Father Chf, Fenno?

To Fenno (and the editor):

After reading the account of your adventures in the RECORD I just received (Vol. 84, no. 4, 3/13/87), a thought occurred to me. You saw circumstantial evidence of increasing support for the chf "childish pranksters," although you searched in vain for a chf member in Langdell (wrong choice of loca-

tion, eh?).

Did it occur to you yet — are you sitting down? with a beer in your hand? — that the secret but true force behind chf might be, nay, must be *professors themselves!* (No doubt brainwashing students through sub-hypnotic signals given fifteen minutes into the last lectures prior to the final exams.) Ask yourself: who has the greatest motive

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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.

On Apartheid And Divestment

by Reverend Leon Sullivan

The Reverend Leon Sullivan is the pastor of the Zion Baptist Church in Philadelphia. Sullivan gained worldwide recognition in 1977 for "The Sullivan Principles," a set of guidelines for U.S. firms doing business in South Africa. "The Sullivan Principles" have since been endorsed by 195 U.S. firms with investments in South Africa, and have led to the adoption of similar codes in other countries. Sullivan has founded numerous charitable organizations. He has received over thirty honorary doctorate degrees, including degrees from Princeton, Dartmouth, and Yale. He sits on the Board of Directors of several major corporations, among them General Motors and the Boy Scouts of America.

There are times when the people of the world must stand together and be counted against social evils. Today, those from around the world who represent the mainstream of our society — our governments, our companies, our churches, our universities, our unions, our community groups, and our political organizations — must stand together for justice in South Africa. We must say, as forcefully as we can, that the time has come to end the human evils practiced in that country.

The people of the world must say it to the Congresses and Parliaments of the nations, with calls for strong anti-apartheid legislation and effective sanctions against the Pretoria apartheid regime. The people of the world must say it to the companies which still do business in South Africa. The people must call on these companies to use their powerful influence to help bring an end to the despicable apartheid system and to work aggressively for full and equal political rights for the black population. And the people of the world must say it to the United Nations, demanding that it denounce apartheid resoundingly and push more forcefully for justice in South Africa. The UN,

representing the nations and the people of the world, must resolutely voice its disapproval of the current situation. It should act so as to make it clear that it finds repugnant the dearth of freedoms and rights for Blacks in South Africa. Until apartheid is ended, America and Britain, in particular, must cease vetoing United Nations resolutions involving the levying of sanctions and embargoes against South Africa.

Also, our world leaders, especially President Reagan and Prime Minister Margaret Thatcher, must add their voices to those attacking apartheid. Reagan and Thatcher are the most powerful leaders in the

"Peace in South Africa and peace in the world, could hinge on the rapid eradication of apartheid in the Republic of South Africa."

Western world, and by taking a strong position against apartheid they would make a difference. They, and other heads of governments, should speak out now against South Africa's inhumanities and atrocities. Expediency is essential. If the world had stopped Hitler in time, it might have averted World War II.

We have witnessed the grievous humiliations and deprivations perpetrated against Black people in South Africa long enough. The world has watched the continued bannings, the whippings, and the killings. The world has seen the jailing of tens of thousands of people without trial, including young children. We've witnessed the suppression of news and other fascistic repressions. We have seen the hopelessness and frustrations of Blacks, young and old, striving to be free, struggling against insur-

mountable odds, for simple basic human rights. The world must say to the South African government and to President P.W. Botha, with every moral, economic, and political force at its command — including the United Nations — that enough is enough, and that it is time for change in South Africa.

For these reasons, in May 1985, I set a deadline. I said that if within 24 months statutory apartheid is not ended, including the abolition of the main pillars of apartheid, such as the Group Areas Act, the Population Registration Act, and the Separate Amenities Act, and if there is not a clear commitment to the vote for Blacks — with full and equal participation — that I would call for the withdrawal of all American companies from South Africa and a total US embargo against that country. That deadline is May 31, 1987. Until now, the apartheid regime has accommodated only gradual reforms. Something more must be done to wrench the South African government into decisive movement, but without a massive and bloody civil war. In this regard, action by Americans is imperative.

I would prefer not to urge the withdrawal of American companies. I would rather not do so because American companies following the Sullivan Principles during the ten years since I initiated them in 1977 — when a Black man did not even have legal status as an employee in South Africa — have done more to lead the way to change and reform for Black workers in that country than any other force I know.

The Sullivan Principles have been a powerful influence for change. And I am deeply aware that total withdrawal of American companies from South Africa will result in the loss of many jobs for Blacks. I would like to see American companies remain in South Africa to continue their effective program of equal

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On The U.N. And South Africa

by President P. W. Botha

P.W. Botha is the President of South Africa.

In dealing with South Africa, the United Nations Organization and its subsidiary organs and specialised agencies have long ago reached the point where their professed aversion of South Africa's domestic political system and policies has induced them to treat South Africa as if no legal rules apply — neither to the conduct of the international community as such nor to that of the UN in particular.

The *de facto* illegal suspension of South Africa's membership rights in the United Nations itself and in many specialised agencies — leaving the country without any opportunity to defend itself against the numerous false charges against it — is but one case in point. The extremes to which this vendetta has been taken become apparent when one considers that apart from the fact that South Africa may not participate in debates of the General Assembly, South Africa has, on occasion, only been allowed to address the Security Council *after* the adoption of resolutions against the country.

As regards the UN's flagrant violations of its own Charter, the dangers of such unconstitutionality were very effectively illustrated by ICJ Judge Sir Gerald Fitzmaurice when, during the course of the 1971 South West Africa/Namibia Case, he put the following question to the UN's Secretary-General:

"Is it [the Secretary General's] view that the provisions of the Charter apparently, or ostensibly (whether directly or by necessary implication) involving limitations on these powers, can, if the occasion arises, legitimately be disregarded? If so, what would, in [the Secretary General's] view, be the, so to speak, applicable 'principles of disregard', or confines within which such disregard could be considered acceptable?"

Predictably, particularly since the

UN actually requires of its members to act unlawfully towards South Africa, the UN's unlawful conduct against South Africa has led and will increasingly lead to unlawful conduct *vis à vis* South Africa also in its dealings with states on a bilateral basis.

The United States Comprehensive Anti-Apartheid Act of 1986 is a case in point. It attempts to assign to the US Government a leading role in the international sanctions campaign against South Africa — at least as far as "industrialized democracies" are concerned; it represents unprecedented legislative interference in the President's pre-

"South Africa's treatment at the hands of the international community should, however, be a matter of concern both to lawyers and politicians . . ."

rogative to determine foreign policy directions; and, most importantly, it also displays a transparent selectivity designed to protect certain U.S. financial and security interests.

The Act clearly violates the principle of public international law that a state should ensure that its national law is in accordance with its international legal commitments. It also underscores the experience of South Africa and other countries that the U.S. is an unreliable trading partner.

South Africa's treatment at the hands of the international community should, however, be a matter of concern both to lawyers and politicians since law is the social instrument without which no society, be it a national society or the international community, can, in the long run, survive. Law and the observance thereof truly stand between man and a life that will be

"nasty, brutish and short."

It has been argued that South Africa is a *sui generis* case and that its policies are of such an exceptional nature that the issue should be governed by some undefined *lex specialis* which allows states to effectively punish South Africa in a fashion which would ordinarily be in violation of principles and rules of law, or as one author put it, they cease to be a "legal obstacle."

Even a superficial analysis shows that it is not a valid argument at all but simply implies that action which is prohibited by the Charter of the UN or customary international law becomes permissible if a sufficient number of states profess to be sufficiently offended by the domestic policies of any one state.

Apart from the general principle that the law is indivisible and should apply to all, there is a real danger that once a politically motivated deviation from this principle has been established, it will become progressively "easier" to allow political preferences prevalent at any given point in time to dictate similar deviations in respect of other subjects of the international legal system. Having declared South Africa's domestic policies a crime against humanity, it was relatively easy for the General Assembly to decide that [Z]ionism equals racism.

Clearly this phenomenon poses a threat to the very fabric of law itself and consequently to an international community organised in accordance with law.

At present, South Africa, along with one or two other countries, is at the receiving end of the victory of political expediency over law. In the future these precedents may lead to similar occurrences on a much larger and infinitely more dangerous scale.

Proof of this danger is to be found in the reasons for the United States' and the United Kingdom's with-

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Vorenberg Discusses The "Experiment"

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tinue courses?

VORENBERG: I can't answer the question on the tenure side because there are so many different factors involved in making a judgment. On the teaching side of the tenure decision, we do look at and take seriously the BSA evaluations. We also go to classes ourselves. We interview [students] at random. . . . By the time we're done, we have a number of different perspectives. It makes some difference in deciding on what courses to offer — although, frankly, I think students vote with their feet on that one. If you discover that a course which was once a very popular course now has few students in it, that's certainly a warning sign that the course is losing significance in the students' eyes. . . . We take very seriously student reaction to our teaching, and some people at other schools say we take it too seriously. . . . But I think we should.

RECORD: How do you view the progress of the experimental sections? Do you think that in the next few years, all four first year sections will be "experiments?"

VORENBERG: That is still very much up in the air. What we have now is two groups of faculty members staffing two of the four sections and doing it with an integrated approach. . . . In the other two sections, we have teachers using the long-established approach — although there are a lot of changes going on there also. . . . There are a number of possible outcomes. One would be that we will eventually have four sections like the two integrated sections. Another is that the two integrated sections will go back to looking more like they used to look, with some relatively modest changes. The third possibility, and the one that seems to me to be the most likely, is that some of the features of each approach are likely to end up as part of what's being offered in all four sections. . . .

RECORD: What do you see as being the most beneficial aspect of the experimental sections?

VORENBERG: In some ways, one

of the most beneficial aspects of the experimental sections, and the most costly, has been having the five teachers spend as much time in each other's classes as they have. It has really taught a lot about the cross-cutting issues of the various courses. It has turned out to be an enormous drain on time for people doing it. It makes it very hard for them to do the rest of their teaching and scholarship. . . .

More specifically, I think the most beneficial aspect has been developing the bridge section. . . . Those sessions are in a sense exploratory. It may turn out over time that the materials and the approach developed in the bridge section, let's say in law and economics, may be picked up in the other two sections, even if they are not, in other respects, "experimental."

RECORD: What about the case study method that is used in both the Business School and Kennedy School?

VORENBERG: We've tried that, and I think that it has had some success. . . . We have developed 25 or 30 case studies of the kind they use in the Kennedy School. And it has been my own experience that they have been wonderful to teach when they go well. I think it's very hard teaching them the first time you do it . . . as opposed to typical appellate case material where you deal with a focused set of materials. . . . In general they've been successful. . . .

RECORD: You've mentioned that you would like to pay more attention to second and third year law students. Particularly you mentioned sequential studies and a research institute as some things you would like to develop. Would you comment on this?

VORENBERG: Those were two proposals that grew out of the so-called Michelman report. That study was just being finished at the time the deanship changed over. The research institute, or research seminar as it's commonly known, has been found successful. . . . Martha Field has offered a couple of them. . . . Charlie Haar has offered one.

. . . Essentially, they are attempts to give students a whole semester of focused, concentrated work on a research project, giving them a chance to write a substantial paper on something they're interested in. I think that's well enough established so that from time to time . . . there's likely to be opportunity for students to do that. Sequential studies is something that we are always thinking about to make the curriculum less horizontal and to let people concentrate in their areas of specialization. I think we've made some progress there . . . , but I think we have a long way to go.

RECORD: What about complaints by second and third year students in regard to the change in priority for course registration — that third-year students were formerly given preference in course selection of basic courses and now second-years are? Was this a way to try to help second and third years?

VORENBERG: The problem was that we didn't let second year students get first crack at the basic building block courses — corporations, tax, constitutional law. . . . You didn't let people have the building blocks which they needed to do advanced work. They really could not have an in-depth intellectual experience in any field. Someone who wanted to do some concentration on tax or constitutional law or any one of the basic courses were out of luck in terms of being able to "build-up," both in terms of advanced courses and seminars, and in being able to do further writing. There was some real unhappiness in the changeover period, but it was worth it.

In general, I think our most important need is to build up as much interest and intensity and participation and diversity of approach in the second and third years as we can. I do think . . . that the first year experience is a wonderfully intense one. Well, it's not always wonderful. But it's very intense.

I think the combination of job hunting, . . . the fact that the subject

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Casualties In The Battle Of The Sexes At HLS

(Continued from Page 9)

of one relationship that started in my section my first year that is still going; I know about 25 that aren't," he said.

Brutal Scrutiny

Student cliques kept working their way into responses to our questions. Most people we talked to resent the students' tendency to form polarized, exclusive groups, and see these groups as a substantial obstacle to social interaction between the sexes. "People have too many pre-conceived ideas about other people here that aren't true. Certain cliques have reputations that aren't close to the truth," a 2L said. "People outside the clique will immediately identify you by the company you choose to keep."

Another hindrance to dating at HLS seems to be the perceived similarity of law students. In spite of HLS' attempts at a diverse student body, many comments paralleled the following statement by a 3L: "There's something unsexy about people who do everything you do. There's not much mystery in the life of a law student. Can you really

fall in love with someone that you're doing Legal Research Training with?"

Jeff Dunlap, 1L, refuses to date any law students because "the conversation inevitably turns into, or rather degenerates into, talking about the law." Another 1L disagreed. "That's an excuse. You're not going to talk torts or something on a date," he said.

No Eroticism Here

Intimidation, boredom, fear, lack of basic social skills — these were buzz words frequently invoked to explain why men and women spend so much time avoiding each other here.

As one seasoned 3L explained "People have narrowed themselves. A lot of people come to the law school and they lose touch with themselves, with their emotional, erotic side because they're concentrating so hard on being lawyerlike. That's why these people are so frustrated now, because they suppress those feelings — but it doesn't go away, and that's why it gets better their second and third years. You return to being the person you were."

Maybe there's hope for 1Ls, then, but not if you listen to these 2Ls talk about the hopeless social life of a law student.

"It's because most of them have been working in libraries for the last twenty-something years and never go out and have absolutely no social skills — it's amazing that there isn't a test to have social skills before you get accepted." Or this 1L woman's conclusion that "everyone who is at HLS who seems normal by HLS standards, was really *the* wimp of their college class. So when they get here, nobody knows what to do and everyone wants to interact, but nobody knows how."

"How dare these people speak for those of us who aren't intimidated at all by intellectual challenge?" asked several other students. "I happen to love smart women," a confident 3L asserted. "I couldn't

tolerate going out with anyone I thought was not intellectually engaging — to me, brilliance is a very seductive quality."

Battle of the Sexes

From the male perspective, there simply aren't enough women here. Others added that there aren't enough attractive women. One 2L illustrated the common male dissatisfaction by reducing it to sheer mathematics.

"Well, you start with the 500 women who are here, and about, say 100 of them are married, right? So we're down to 400. Now how many already have a serious relationship? About 100? All right — so we're down to 300. What percentage do you think are lesbians? Maybe ten percent? So now we're down to about 250 women. How many of them would you say are so incredibly . . . uh, physically unattractive that, you know, basically you wouldn't want to deal with them? ["That's your call," the RECORD interviewer responded]. "Well I think you can say half right there. Now you're down to 125. . . of those 125 women, well, perhaps half of them just aren't *looking* for a real serious relationship right now — so now we're down to sixty women — down to *sixty* women now. Of those sixty women, maybe the ones who are like, you know, *cute* are about a third. We started with 500 — now we're down to *twenty* women. Of those twenty, most of them — I'd say 19 of those 20 women *know* that they're a part of that twenty, and they have this incredibly arrogant attitude knowing that they are part of the twenty women. Of course, they think, they don't want to have anything to do with *us* — they know they can do better than that. So that comes down to one woman — there is *one woman* in the entire Harvard Law School for everyone, and I know myself that I would be nervous."

No, the women of Harvard Law School do not sit idly by and let the

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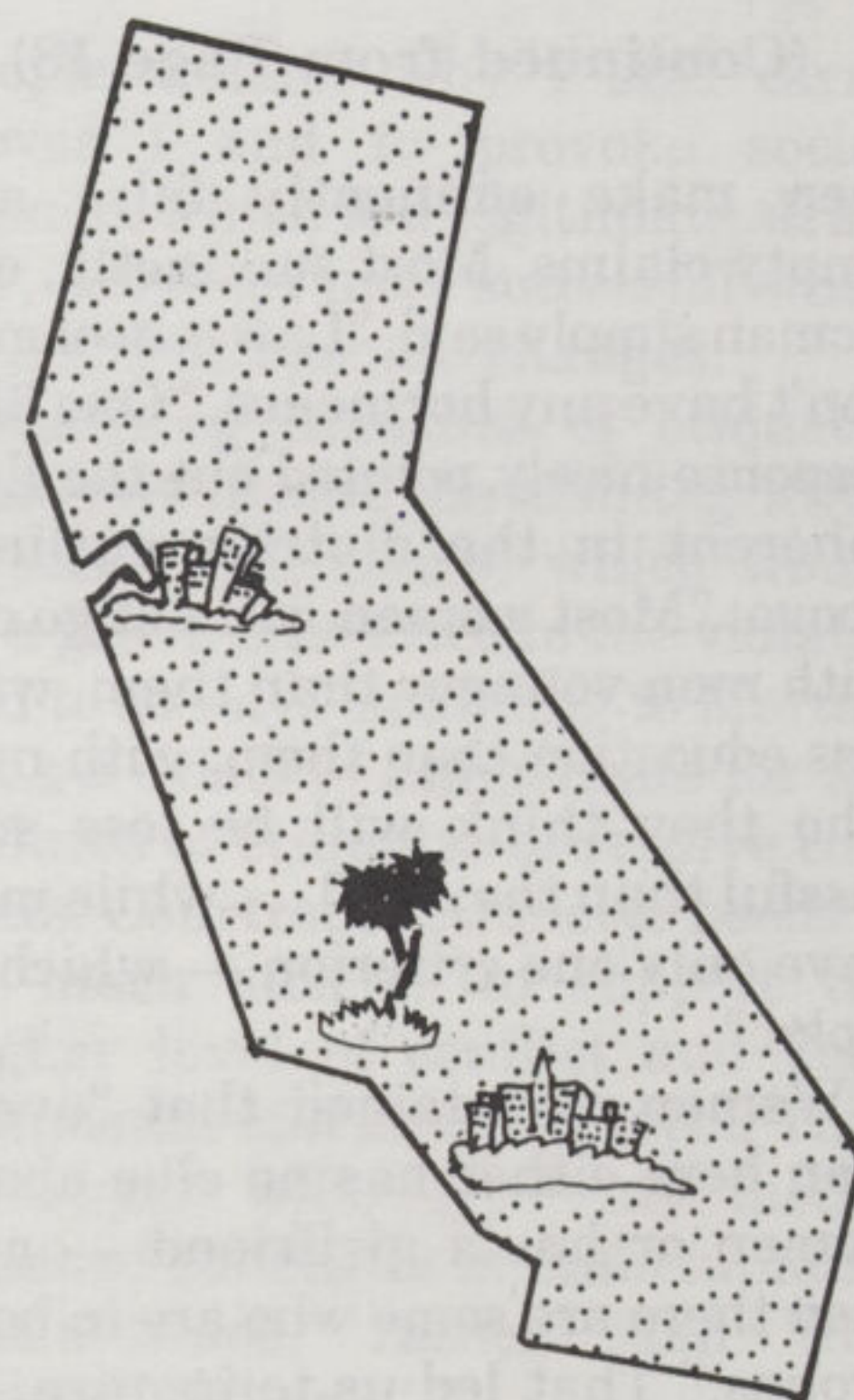
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Queried About Sex, Responded With Relationships

(Continued from Page 18)

men make eminently false and empty claims. Most succinctly, one woman simply said, "Law school men don't have any hormones." One 3L's response nicely pointed out the flaw inherent in the diatribe outlined above: "Most women will not go out with men younger than them, with less education than them, with men who they think will be less successful than they will. . . while men have only one criterion — which is looks."

Women complained that "every man here either has no clue about women or has a girlfriend — and then there are some who are in both groups." That led us to inquire, do the men here have a clue about women? A 3L answered emphatically in the affirmative, but then (as so many women did) qualified her enthusiasm with scathing crit-

icism when she told the RECORD that "with one person [at HLS] I've had the greatest sex I've ever had in my life. But I think that a lot of guys are selfish in bed. . . . With the person I was with at HLS — even though I think he's a pretty selfish person — I think he's too conceited to let me think he's not a good lover. I think a lot of guys are like that here."

Sexual Currency

We heard a lot about the irresponsibility and bravado of the men at HLS from both the women *and* the men at HLS. One woman thought that "a lot of men's complaints in the first year are unjust, because they want to have sex but they don't want to be in a relationship."

A male 3L admitted that the men felt secure in criticizing women at

HLS because of the perception in the outside world of an HLS degree-holding male: "I think a lot of HLS men have the attitude that, socially, because of their position and prestige, and the alleged man shortage, that they're very hot property. Their social position is a real sexual currency; they can trade for it. They're reluctant to get into exclusive relationships for that reason. I've never really heard a *woman* speak of it in those terms."

Not all women thought that the men exhibited a sexist nature at every turn, however. In fact, one 2L woman complained that "you get these guys that are so attuned to feminist issues that they constantly turn everything over to you and say, 'it's your call' constantly, and you say, 'stop — I'm not the only person in this relationship — you make some of the decisions,'"



Fifteen Years Ago At HLS . . .

More than 250 law students boycotted classes Friday, April 21 to protest the escalated air war in Indochina, and more than 130 endorsed demands of a mass University-wide meeting the night before to protest the war and support the demands of black students who occupied Massachusetts Hall for seven days to end Harvard investment in Gulf Oil.

Some 25 blacks, including a 3L, occupied Massachusetts Hall to force Harvard to divest itself of more than 600,000 shares of Gulf Stock since Gulf has extensive holdings in the Portuguese African colony of Angola. They left Mass Hall April 27 because of the possibility of contempt citations following the University's threat to enforce a temporary restraining order against them.

No action has been taken yet by the University against the 3L or the other demonstrators. The student, who requested not to be identified, said Tuesday that he thought

the Law School would seek to discipline him in some way.

The building takeover was supported throughout the seven-day occupation by sympathetic picketers, ranging in number from 25 to 1,500 and including numerous law students.

Attendance in most classes Friday, April 21, was down 15 to 30 percent as part of a nationwide strike to oppose the war. In various classes, striking students appeared in class, with one spokesman explaining to the class their reason for supporting the strike. Following such statements, the striking students walked out, and classes were conducted as usual.

Although the University-wide mass meeting April 20 at Sanders Theater called for a strike until Tuesday, few law students failed to attend classes Monday and Tuesday.

A mass meeting Friday, April 21, drew some 140 students and 3 faculty members, but a follow-up meeting Monday, April 24 was

sparsely attended.

The Harvard Black Law Students Association endorsed the five-day strike to protest the war and the demands that Harvard divest itself of Gulf stock.

During the week-long occupation, President Derek Bok distributed a statement reaffirming Harvard's decision to retain Gulf stock. Bok's statement indicated that the University intended to "strongly influence Gulf Oil to use its power to aid the lot of the Angolese people."

Randall Robinson, '71, helped organize the blacks' demonstration and the demands of the Pan American Liberation Committee. Another Law School graduate, University Counsel Daniel Steiner, '58, asked the blacks to leave Mass Hall peacefully on several occasions and was otherwise active in formulating University response to the demonstration.



Martin Proclaims Alliance Of Etiquette And Law

(Continued from Page 1)

tonomy for general harmony which is preferable to a state of savagery, no matter how noble the savages," Martin said.

Much to the regret of Miss Manners, etiquette is no longer passed on orally. "Children started whining, 'I just want to be me,' and for some reason their parents decided to let them, rather than civilize them."

Although etiquette is rooted in tradition, it does evolve, according to Martin. For example, although we have abolished the old precedent system based on gender, we have not yet replaced it with a new one, so we have a system called "get out of my way."

Martin noted that there are two types of etiquette: natural etiquette, which is mandated by God; and positive etiquette which is mandated by society. Natural etiquette consists of the universal principles of polite behavior, such as that the strong should yield to the weak. "Unfortunately, it's against all human nature," which is why we need positive etiquette, and why, for

similar reasons, we need law, she said.

Positive etiquette consists of arbitrary rules adopted by a particular society, "and common sense won't help you." These rules allow people to know what is expected of them, judge the intentions of others, avoid antagonism and find a feeling of belonging.

Unlike the law, however, the etiquette trade has a big problem with sanctions. Shame and shunning are among the few sanctions available and have become less effective as social circles have become less stable. The need for sanctions is acute because "people are defying the rules" and "the worst etiquette anarchists are those who complain the most. . . The world is getting too rude for Norman Mailer."

Martin discussed a number of reasons cited for violating the rules, including the thrill ("There must be a bigger thrill than wearing white shoes before Memorial Day"), hostility ("There are perfectly proper ways of expressing hostility. For example it is proper to slap people across the face with your gloves. People wonder why I still carry

People wonder why I still carry gloves.") and to provoke social change, which is a legitimate strategy, although most successful when directed at specific changes.

Excusing breaches of etiquette "can only lead to the disintegration of social intercourse which would be a grave disservice to the violator and to society," according to Martin.

Law exists to compensate for the failures of etiquette to resolve conflicts. Courtroom etiquette needs to be much stricter to support the higher level of conflict and keep comments at a civilized level. Thus a lawyer will say, "'my distinguished colleague is unfortunately misinformed,' rather than 'that bastard is lying.'"

Martin noted that the Chicago Seven managed to break so many etiquette rules at their trial that the Supreme Court forfeited their rights to be present at their own trial. The result does not trouble Martin for whom "the act of compliance with the rules of etiquette is a pledge of allegiance to the concept of community."

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Vorenberg Would Do It All Over Again

(Continued from Page 16)

matter is not entirely new and the approach is not entirely new makes the second and third year something

of a letdown. . . . I think we're making progress through the clinical program, through use of workshops and simulation materials, and advanced courses, and offering as much writing and seminars as we can. We're trying to deal with that, to provide a variety of approaches in second, and particularly in the third year. One of the reasons I hope students will take the writing requirement seriously is that I think just having had the experience of one intensive scholarly experience is itself a kind of diverse experience that's worthwhile. Still, I think we have a long way to go in making the second half of the experience more varied and intense. . . .

RECORD: If you could do it all over again, would you have become Dean in 1981?

VORENBERG: My first reaction is to wonder whether I would have picked these particular years when we have had just about every sort of contention, dispute and disagreement. In the end, I probably would have, because these have been years when the school has been susceptible to change — when diversity and experiments have been possible. I hope that when we look back on this time, we feel we made good use of the opportunity to make the school stronger. The legal profession is undergoing enormous change and it is an exciting time to try to figure out what the role of law schools should be.

✽

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	Guedes, Laura Cordero	HLS Republicans	Joe Anderson
Alliance for Public Interest	Pauline Kim, Joel Feldman,	Human Rights Group	Daniel Hefferman, Bill
Alternatives	Doug Curtis		O'Farrell, Zazi Pope
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Students Association		International Law Society	Lech Kalembka
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Students Association		Journal of Law and Public	David Mayo
Black Law Students	Millicent Hodge	Policy	
Association		Journal on Law and	Tom Carney
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	Borkowski, Vincent Chang	Women's Law Association	Hilda Burgos, Shirley
Harvard Law Review	Adam Cohen		Sagawa
Harvard Mediation Program	Marcia Lamel	Women's Law Journal	Catherine Creech
HLS Crew	Karen Russell, Matt Teplitz	Yearbook	Bob Gerber

Sullivan: World Peace Demands End Of Apartheid

(Continued from Page 14)

rights, education, economic and social advancement.

But the tide of aspirations of Blacks seeking liberation from their bondage in South Africa is rising, and South Africa needs not just fair employment and equal job opportunities or equal rights in public places, but Freedom: Freedom and justice and human dignity for the Black population, and especially the rights of Blacks to participate equally in determining those who will govern them.

South Africa is at the crossroads. It is my view that within this year, South Africa will either become a unitary free nation, as for the first time we see Whites and Blacks standing bravely together in the interest of a free South Africa; or South Africa will undergo a chaotic revolution that will destroy not only South Africa, but will result in conflagration throughout the entire southern region of Africa. Further, what starts as a racial war would surely become an ideological war that could, because of the area's strategic importance, spark confrontation between the United States and the Soviet Union. Peace in South Africa, and peace in the

HLS C.L.U.

(Continued from Page 2)

and dissatisfaction among the students involved in the HLS-CLU. Lori Stern, 2L, commented on the absence of discussion on civil liberties issues in her criminal law class last year. During a discussion of a stop-and-frisk case last year, Stern said one student commented "well, he had a gun."

Simonoff expects a lot of interest in the organization next year. Although he noted "very little political activity on campus," he said he sees "lots of energy to mobilize." The group expects to submit a budget next year featuring a speaker/discussion series.

world, could hinge on the rapid eradication of apartheid in the Republic of South Africa.

I am working day by day with company executives and others from around the world to help bring economic, moral, and political influence to bear on the South African government for the dismantling of apartheid before May 31. We are hoping for a miracle, but if the South African government does not move aggressively to dismantle the apartheid system by May 31, I will call for American companies to

leave the country. There will be up to \$100 billion invested in American companies currently doing business in South Africa supporting that call.

I know the opposition to such a position by many will be great, both in America and in South Africa, but a line must be drawn. The South African government must be required to choose. If South Africa is to benefit from continued American economic interests and the presence of American companies, it must eliminate apartheid.

☛

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Botha: Law Is Indivisible, Must Apply To All

(Continued from Page 15)

drawal from UNESCO and, particularly, America's decision to end its acceptance of the compulsory jurisdiction of the International Court of Justice following its decision not to participate in further proceedings in a case brought against it by Nicaragua.

The rule of law is one of the cornerstones of democracy and the United States, in the view of many, the very symbol of democracy. In addition, it has played a significant role in the shaping and articulation of modern international law. Since this is the case, it is even more sad that its Congress, for reasons of political expediency and in accordance with the illegal actions of the United Nations, has chosen to punish South

Africa in a fashion which is manifestly in breach of international law.

In Allen Drury's novel *A Shade of Difference* the character Hal Fry addresses the General Assembly as follows:

"What happens to the UN when everyone is free and all the decisions of history have been turned upside down and made over again?

"What then? *What then, if in the process you have set aside law and justice and orderly progress and decent dealing between men?*

"What happens to you, having turned the UN into an instrument of vengeance, when you attempt to turn it back into an instrument of peace?

"It cannot be done, Mr. President. It will have been twisted and torn

too far. *Nothing can ever again establish the rule of law in the affairs of men if law is permanently flouted here.*"

If only the philosophy which inspired these words could be understood.



Letters

(Continued from Page 13)

to avoid the tedious aspects of the final exam process?

Face the logic. Any student who *really* wanted pass-fail would lobby hard on the ground that grades must be given but that, in order to achieve true meaning and integrity, grades must be based upon mid-term plus final exams plus a paper due during the third month of the semester on a topic of the student's choice related to the course's subject matter. Confronted with the only conscionable basis for awarding grades, the *faculty* would then burn the papers and exams about to bury them, chanting: "Pass-fail's the key/For what ails me!"

Tiane L. Sommer '83
Santa Fe, NM

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