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25 CENTS

Bok Vetoes Trubek, Reviews Dalton Bid

By David Snouffer

Harvard President Derek Bok last spring overruled the HLS faculty's plans to offer a full professorship to David Trubek, a visiting professor at HLS in 1986-87, and during the summer Bok began a reexamination of the faculty's divided vote to deny tenure to Assistant Professor Clare Dalton, LL.M. '73. In May, Bok blocked Trubek's appointment after Trubek reportedly had received the support of 80 percent of the full-time HLS faculty, as well as the required approval of two-thirds of the school's full professors. The tenured faculty had voted 29 to 20

in May to support Dalton's promotion to a tenured professorship, four votes short of the two-thirds needed for approval.

Dalton's failure to gain tenure spurred a protest rally in May, student petitions to Bok and calls by several of Dalton's student supporters for students not to speak in class for a day. The faculty vote also evoked spirited public criticism from Professors Gerald Frug '63, Morton Horwitz '67, David Kennedy '80 and Duncan Kennedy, all CLS adherents, and also three faculty members who are not associated with CLS: Professors Derrick Bell, Lewis Sargentich '70 and Laurence Tribe '66. Bell said last week that

he remained in his office for 80 hours during the Commencement period last June to protest the Dalton and Trubek actions.

Dalton and her supporters charge that she was a victim of gender and political discrimination, and during the summer Dalton threatened to sue Harvard if Bok does not offer her a tenured position.

The faculty's vote in favor of Trubek evoked little public comment at the time, but his bid had received sometimes intense opposition from about a dozen tenured professors, Horwitz said. Professors said Bok consulted a number of faculty

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Curll Combines Admissions And Financial Aid

By Jeffrey Gershowitz



Sal Casente

New Assistant Dean of Admissions and Financial Aid Joyce Curll

Joyce Curll has been named assistant dean for admissions and financial aid at HLS. This is a move to strengthen the relationship between those two separate offices, and Curll will be the first person to head both Admissions and Financial Aid simultaneously.

Curll comes to HLS from New York University Law School, where she served for 16 years, including 12 years as assistant dean of ad-

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Students Tell Senate To Reject Bork Nomination

By Jeffrey Gershowitz

A group of HLS students has begun seeking signatures for a petition calling for the U.S. Senate to reject the nomination of Judge Robert H. Bork to the Supreme Court, and is considering a number of other activities to publicize its anti-Bork stand.

The "Ad Hoc HLS Anti-Bork Coalition" held its first meeting on Friday, September 11, and attracted an overflow crowd of 60 students interested in drafting and circulating a petition opposing President Reagan's nomination of Bork to replace retired Justice Lewis Powell on the Court, a nomination that has met with opposition nationwide.

Members of the Coalition drew up a petition, based on a model prepared by meeting co-organizer Alan Jenkins, 2L, for the Long Island Coalition for a Just Supreme Court and one drafted by the Center for Constitutional Rights. The goal was to have the full petition distributed in class and in Harkness Commons beginning September 14 and ready to mail on September 17 to each of the 100 Senators who will vote upon the Bork nomination, with hopes that the petition might convince them to oppose Bork.

"Whether the senators will listen—I hope so," explained co-organizer Michael Linfield, 2L. "I think we can have an effect, by educating ourselves and because what we do at Harvard does have an effect on national opinion. We have people from around the country, of all kinds of political stripes. It's one of many activities that will ultimately affect what happens."

Impact

The impact "depends on the response we get," said Jenkins. "For whatever reason, HLS has a degree of credibility, and it may have an effect on decision making. It won't be a deciding factor, but actions of groups collectively will have an impact."

Discussion at the meeting emphasized that Bork was considered

to be outside the mainstream of legal thought and that the petition should emphasize opposition not just to Bork, but to all other possible nominees who shared his views.

"There is concern that Bork is so far out of the mainstream that he'll turn back the clock 100 years. I think Bork's interpretation of the Constitution is at odds with twentieth century thinking," said Linfield. "His belief is that the Constitution allows the majority to impose its views on the minority. As future lawyers studying the Constitution and dealing with this in the future, it's a frightening possibility that he'll determine what's going to happen until the year 2020," he continued.

"It's not an ideological thing. There was not a great clamor with (Supreme Court Justice Antonin) Scalia's appointment. We're talking about something much more than progressive versus conservative. It's a fundamental challenge to twentieth century interpretation of the Constitution," Linfield observed.

"I think the Supreme Court, as the highest court in the land, represents fundamental values," explained Jenkins, who believes that Bork's "bizarre" views have been "outside the mainstream of accepted jurists" and "really threaten to jeopardize individual rights and important elements of American society." Jenkins called the Reagan administration's argument that Bork is a moderate "so far from truth as to be insulting and kind of laughable."

Turnout at the first meeting was far above that expected, according to Linfield and Jenkins.

"I was pleasantly surprised. I never expected 60 people, and at least that many people told me they were interested but couldn't go," said Jenkins. "Any time you put up a few posters and get 60 people in the middle of the day, it shows overwhelming support."

The Coalition is making no predictions about the number of signatures it expects to receive.

"We'd like as many as possible," said Linfield, "but petitions are al-

ways difficult. There are always students who agree, but don't like to sign, for various reasons. Signatures always underestimate support. We'll see on Thursday (September 17), but I think we'll get a good turnout, based on the showing Friday."

Jenkins agreed. "My gut reaction is that we'll get a very good response."

Linfield pointed out that the petition drive is necessary, regardless of its ultimate effect. "It's important to do what one can, as a basic moral posture. When you see a wrong being committed, you speak out, even if you can't tell the effect you're going to have."

Other Schools

Students also discussed contacting other law schools, especially those in Alabama, Arizona and Pennsylvania, home of Senators Howell Heflin, Dennis DeConcini and Arlen Specter, who are considered to represent "swing" votes on the Senate Judiciary Committee, and coordinating their anti-Bork efforts. According to Linfield, the hope is that the "publicity of this will inspire others to do the same." Also planned is an effort to contact HLS students who are constituents of these senators.

The possibilities of organizing a day-long "Teach-In" during which HLS professors opposed to the nomination of Bork would cancel classes (or during which students would boycott classes) and hold a full day of lectures on the Constitution and the effect of Bork's nomination were also mentioned by members of the Coalition, as were proposals for some sort of civil disobedience to draw attention to their opposition to Bork. Sub-committees were organized to deal with these issues, and a later committee meeting will discuss such options.

"There are students who feel this very important, and we'll do whatever we can," said Linfield.

Interesting Students Highlight Incoming Class

By Jeff Gershowitz

As always, the new class of 1Ls at HLS contains numerous students with interesting and unusual backgrounds and experiences.

HLS is certainly a long way from Hawaii, but that didn't deter *Carl Christensen* from entering the Class of 1990. Christensen has worked in Hawaii as a biologist and zoologist, studying land snails, and as a legislative aid in the Hawaiian legislature.

According to Christensen, Hawaii is "the endangered species capital of the U.S.," and he worked to protect these animals, both as a biologist and as a chairman of the Hawaiian Audubon Society.

Christensen isn't sure about his future plans. "Three years ago I thought I'd be working on snails for the rest of my life, so my track record on predictions is not good."

A year ago, *Scott Collins* was a star linebacker at Harvard. Now he's a 1L at HLS. Collins was a first team selection for All-Ivy, All-New England, and East Coast Athletic Conference, as well as an honorable mention All-American. He was also an economics major, who had been thinking of a career in law "for a number of years. It was pretty much the direction I was headed, and my college experiences reinforced that," Collins indicated.

Collins was also considering a football career, but an unfortunate knee injury in his next-to-last game "put on hold for now any professional football aspirations." While Collins can walk, he still cannot run, and may never reach his previous level of performance on the field. Nevertheless, he is still performing in the classroom.

Alfredo Gomez was born in Madrid, Spain and came to the United States in 1973 at age 29 not knowing English. He spent a year learning English before going on to earn an associate degree and a degree in civil engineering while also working full time as a draftsman. After graduation, Gomez taught engineering briefly before joining Exxon, where he served in a Project

Management Group as a contract engineer.

Gomez calls his most interesting project a sea water treatment plant "as tall as a six story building" producing "water enough to supply a city of several millions" to be used in the Arctic Ocean near Alaska's North Slope.

Phillip Inenacho had never been in the United States until he began his undergraduate study at Yale. Born in Nigeria to a Nigerian father and British mother, his family left that country during the Biafran crisis, returning after the war. Inenacho's father is a barrister, and he "heard about his cases all the time ever since I was a child. I've always been interested in the law."

After receiving a history degree from Yale (having originally planned on studying chemistry), Inenacho decided to go into the law. He hopes to study international law, "though I don't think I want to practice law. I'd rather use it and hopefully eventually work in in-

ternational business or an international organization in Africa and Europe."

Fred Neufeld comes to HLS after spending time as a union leader in the shipbuilding industry in Los Angeles. During that time he got a close look at the legal profession through his role in landmark mass tort asbestos litigation.

Neufeld formed the "White Lung Association" for workers exposed to asbestos in the late 1970s, and was part of the group filing the first class action suit against Johns Manville in 1978. He also wrote several articles on subjects such as toxic substances in the workplace, asbestos exposure, PCBs and safe working conditions. While he maintains an interest in labor law, he also has "kind of an intellectual interest in international law and international business transactions," and may decide to pursue that goal.

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Record Garner Awards

The *Harvard Law Record* was awarded the "Award of Excellence" for overall reporting for the year 1986-87 in the American Bar Association's annual law school newspaper competition.

In addition, the Record won two awards of excellence in the cartoon division for "Tom the Dancing Bug" by Ruben Bolling and an award of excellence for a feature piece on Ivan Boesky by David Snouffer, 3L.

Also awarded were two honorable

mentions — one for an editorial and one for a feature article on relationships at HLS by Marla Becker, 3L, and Greg Herbert, 2L.

Editor-in-chief Tegan M. Flynn is quoted as saying "We're vying for the *New York Times*' subscriber list. The next step is to get those newspaper vending machines they put on street corners. Our motto: All the news that fits our space. It shouldn't be a problem." She added, "Seriously, I'm very proud. Congratulations, RECORD staff!"

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Dismissal Of Professors Raises Ire

By Jeffrey Gershowitz

Troublesome employment decisions about faculty affiliated with the Critical Legal Studies movement are not unique to HLS. Recent occurrences at the New England School of Law concerning CLS exponents have drawn some HLS professors into another battle that in many ways parallels the situation of Professors Trubek and Dalton (see related story).

Four professors at New England, David M. Abromowitz, Margaret L. Houy, Steven W. Parnes, and Christine Williams, were denied contract renewals without explanation from the school. The four, all affiliated with CLS, charge that their firings were politically motivated and have brought suit against

the school. They also pointed to the visiting professorship of Harvard CLS proponent Duncan Kennedy in 1984-85 as a catalyst for their dismissal, claiming that his stay at New England drew attention to and increased the fear of CLS among New England's Board of Trustees.

In reaction to this, a group of law professors from other schools in the New England area drafted a letter and petition, which was circulated to all area law professors, condemning the firings and calling upon the American Bar Association, which accredits New England, to investigate the dismissals. HLS professor Morton J. Horwitz was one of the four co-authors of the letter, and among the 73 signers of the petition were 15 HLS faculty members, including Kennedy, Laurence H.

Tribe '66 and Alan M. Dershowitz.

"This is a national phenomena, not a local Duncan Kennedy phenomena," explained Horwitz. "There have been a lot of purges at a lot of places, including, possibly, (HLS). New England represents people saying McCarthyism has arrived in the 1980's. To those of us in CLS, it's been clear for a while that it has been on the rampage in law schools for perhaps five or six years. There were purges at least as massive at other schools five or six years ago."

As a result of the complaints of the faculty at New England and elsewhere, the ABA has decided to investigate the situation to determine if New England has violated the professors' academic freedoms or established procedural guidelines. The ABA has the authority to sanction New England by suspending its accreditation or placing the school on probation.

Horwitz is pleased with the ABA action. "It sounds very unusual to me, and I'm very happy about it, no question," he said. "The number of people who signed this petition really heartened me. I didn't expect it. Maybe if the professoriate stands up and says that this won't go, maybe there will be a change."

Horwitz also pointed out the parallel between the ABA investigation and the New England petition, as well as a recent petition drive of professor Bob Gordon of Stanford that has gathered 250 signatures in support of Trubek and Dalton. "All that one can hope for is that people will understand what's going on," he said. "It violates what most people in academia profess."

Horwitz noted the threat to the CLS movement that such actions present, a threat which goes beyond firings and tenure decisions.

"There are many cases of people not getting jobs because of their CLS affiliation. Today, you see students here diversifying their portfolios, especially when they want to go into teaching. One cannot afford to study just with CLS people.

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HARVARD LAW RECORD

New Dean Fills Expanded Position

By Jonathan Grunzweig

HLS' 1,700 students have a new dean this fall, Sarah Wald, formerly Assistant Secretary of Consumer Affairs for Massachusetts. Wald, whose husband, Steven Stark '73, is a lecturer on legal writing at HLS, replaces Mary D. Upton as Dean of Students. Upton is now Director of Admissions and Financial Aid at Washington College of Law, The American University.

According to Wald, her public service background will be very useful in fulfilling her role as Dean of Students. In the past, that position has been concerned mainly with occasional problems of individuals, Wald said. Without overlooking students' personal and academic needs, she said that one must also "look for patterns in individual problems in order to effect change."

Coming from a public background, Wald stressed her commitment to open communication: "Based on my experience as a public official, I see my role in much the same way. It's vital to try to make reasons for decisions as public and as rational as possible." Wald further believes that her "open door" policy will foster communication with the students.

In particular, Wald said she hopes to work closely with student organizations. Wald additionally noted her interest in women as lawyers. A graduate of Brown University (1974) and Yale Law School (1978), Wald is past president of the Massachusetts Women's Bar Association.

Wald said she believes she can best serve students by helping to expand the pool of information available to those facing career choices.

According to Dean James Vorenberg, Wald will expand the responsibilities of her office. Wald will have the assistance of Peter Kochenburger '86, who will also continue to assist Vorenberg.



Sal Casente

New Dean of Students Sarah Wald

Financial Aid Made Clear

(Continued from Page 1)

missions. She was also a member of the Financial Aid Committee at NYU and has served on the Law School Admissions Council and the Association of American Law Schools.

Curll called the opportunity to coordinate the two areas "a really exciting thing" that will lead to better integration within the entire process and to improved relations with students.

Difference

She noted that the major difference between the two departments is that while Admissions has said "yes" to everyone who comes to HLS, Financial Aid has to say "no" to some of these people.

"In Admissions, those who are disappointed go somewhere else," she said. "In Financial Aid, those who are disappointed are still there, and you want to keep working with them."

According to Curll, the integration of the two offices "doesn't mean that we can give students more money, but we can know them more as people from the start, and there

is a lot we can do in helping people understand." Dean James Vorenberg, '51, in a memorandum to 2Ls and 3Ls, praised the move and the new "unified management" of Admissions and Financial Aid, which was "partly in response to concerns expressed by students."

While noting that decisions by the two offices will continue to be made separately, Vorenberg expressed an expectation of improved communication and service by the two offices.

New Goals

Curll has a number of specific goals in mind. For Financial Aid, her top priorities are hiring a new Financial Aid Director and filling two vacancies in the staff, which has been working short-handed throughout registration.

Another important goal is helping students better understand the entire Financial Aid process, which Curll said she feels has "gotten more complicated" because of increased federal requirements. Curll indicated a desire to work with students as "partners" for everyone's benefit.

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ABA Considers Loan Forgiveness Programs

By David Snouffer

Three Harvard Law Students spent much of their time at the American Bar Association Convention in San Francisco this August convincing students from other law schools of the value of loan forgiveness programs similar to HLS' Low Income Protection Program (LIPP). Student Bar Association President Laura Steeves, 3L, Law Student Division Representative Leslie Messineo, 3L, and ABA-LSD First Circuit Governor Salvador Casente, 3L, successfully lobbied members of the Law Student Division Assembly to pass HLS SBA sponsored Resolution 87-8.

The resolution calls for the American Bar Association to encourage the development and continued support of loan forgiveness for those students taking low-paying public interest employment. The resolution began last October through discussions between Casente and Suffolk Law School's Richard Donahue, then student liaison to the Individual Rights and Responsibilities Section.

Both sought ways to increase legal representation of the poor. Past efforts to make mandatory participation in pro bono activities through the ABA have failed, however. They decided that facilitating the choice of graduating law students desiring such work was a possible way for the Bar to better meet legal demands not met by the profession.

Casente looked to Harvard Law School's LIPP as a program that

could be adopted by other law schools to encourage students to enter public interest jobs or public sector employment despite outstanding educational debt. He and Jeff Levy, 2L, examined the basis for LIPP to present a generic guide in the first draft proposal. In addition to help received from the Law School, Casente discovered that the National Association for Public Interest Law had studied existing loan forgiveness programs. He used their information in authoring the report. "There are thirteen such programs in place or that will be in place soon," Casente remarked. "By presenting the programs to law students around the country, we hope that more programs will be started. Eventually, we hope the ABA will support the efforts — financially or politically — to start programs at schools that don't have the interest or the resources to do so now."

At first, using Harvard's LIPP as an example was more of a hindrance than a help. "Student's thought, 'Yes, you can do that at Harvard, but it won't work at my school,'"

stated Casente. "We convinced them that possible ABA encouragement might be the only way a school without finances such as Harvard could start such a program." Messineo and Steeves helped assuage the concerns of students who initially opposed the resolution for fear that other loan programs would be drained. Steeves explained to other members of the National Student Bar Association that the LIPP operates as a separate program and does not draw funds from other loans available to students. Messineo pushed for the resolution's passage with other representatives.

Though passage by the ABA House of Delegates is not certain, Robert MacCrate, '48, the ABA president, gave its passage by the [LAW Student] Division a big boost when he cited it as an example of new ideas of how the profession can better serve the public. Noting that nothing becomes the policy of the ABA or the LSD without ABA approval, Casente promised that efforts will continue through the year for the resolution's passage. ❦

HLS Enjoys Summer Vacation

By Jonathan Grunzweig

While most students spent the past three months acquiring legal experience beyond the environs of Cambridge, efforts to improve life at HLS took place on several fronts during the summer. According to new Dean of Students Sarah Wald, these "are mainly changes in tone." More substantive alterations are expected to follow the completion of analysis of the surveys undertaken last spring by the Quality of Life Committee.

In addition to Wald, Joyce Curll joins the administration as assistant dean for admissions (see related stories). Also new to the HLS community is Creative Gourmets, a food service contractor which replaced DAKA as keeper of the Hark kitchen.

Renovations of Harkness Commons itself are still under consid-

eration, but improvements such as carpeting and painting have been made to several dormitories and classrooms. Such changes were detailed by Dean James Vorenberg '51 in a letter distributed to students last week.

In addition, wooden benches now encircle some trees next to the Hark, and a new weight set is due to be installed in Hemenway Gymnasium exclusively for the benefit of law students. Further improvements to the athletic facilities are under consideration.

Finally, this summer marked the establishment of an experimental grant program for next summer. A limited amount of funds will be made available to students seeking jobs in public interest or low-paying, law-related positions. According to Vorenberg, this funding is a companion to the Low Income Protection Program announced last spring. ❦

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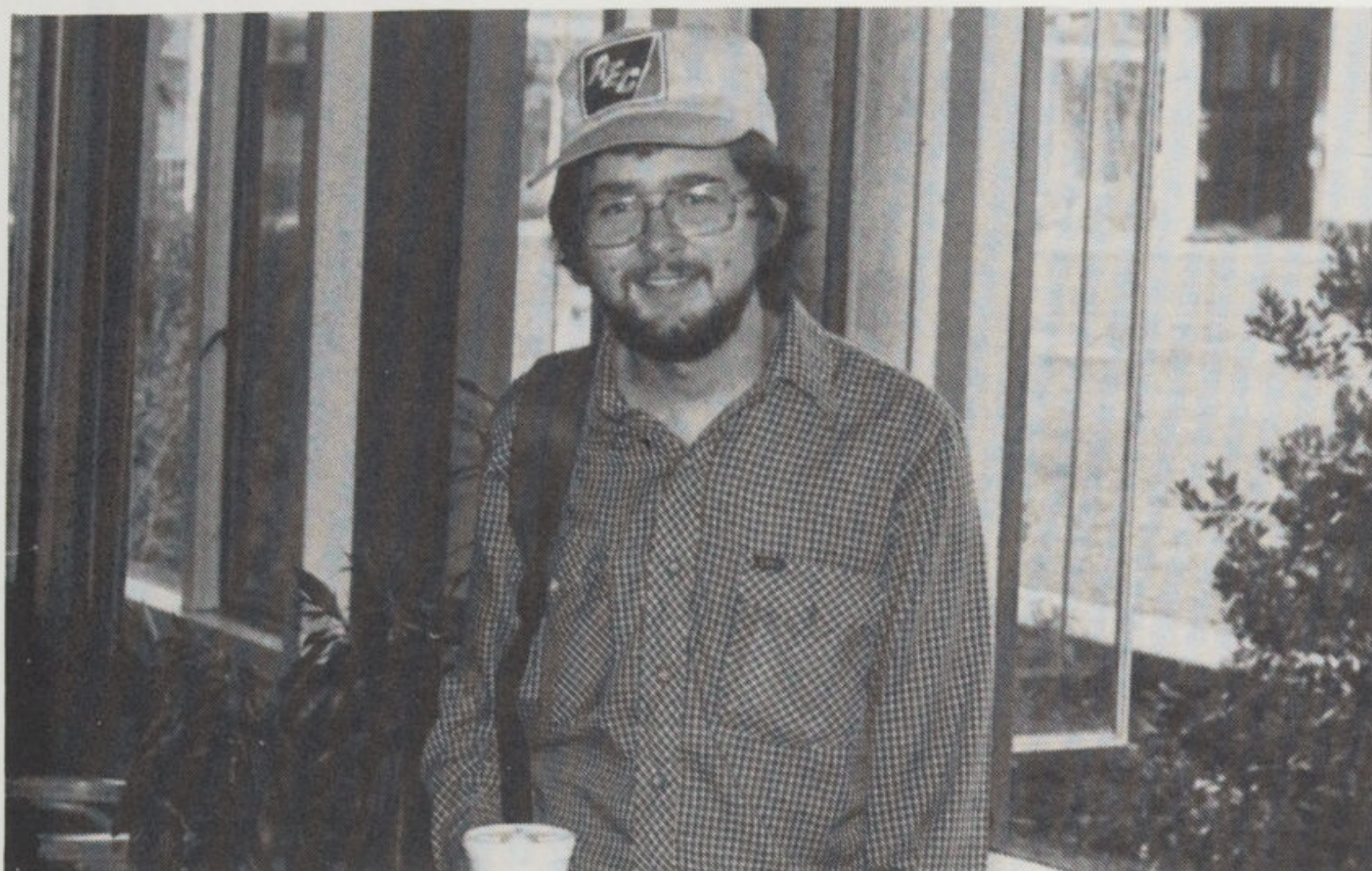
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Sal Casente

Firefighter Harry Bader, 3L, upon his return from the forests of Oregon.

By S. A. Casente

Few returning third year law students need good reasons to skip the first week of classes. For Harry Bader, 3L, nothing less than a fiery threat to the Pacific Northwest could drag him away. While students whiled away their first four days of classes in Cambridge, Bader's were spent fighting forest fires near Grant's Pass, Oregon.

The extinguishing excursion was not a planned part of Bader's return to HLS. Due to timing miscalculations on his 5,402 mile drive from summer employment in Anchorage, Alaska, Bader arrived in Cambridge one week earlier than he expected. He learned through an evening newscast report of the severe need for experienced firefighters to combat out-of-control blazes in Washington, Idaho, Oregon and California.

Years of experience with various federal and state wildlife and forestry agencies gave him the qualifications needed. A call placed to Vicki Neiman at the Forest Service's Potlatch District in Northern Idaho confirmed the televised demands for people with experience. "The Forest Service was yanking receptionists away from their desks to fight the fire," recalled Bader.

Within a day Bader went from registration for fall classes to bat-

tlung the catastrophic fires in Oregon. "I spent the first twenty-one hours working on the fire line. The next assignment was to mop-up for fourteen hours, going across burned ground and making sure the smoldering fires were out," explained Bader. Logistical problems prevented him from strenuous work for two of the four days he was there. By Friday, Bader was en route back to Harvard, as "things were coming under control."

Fighting forest fires may not be as exciting as it seems on television. "Much of the job is more like digging a ditch or building a road than putting a hose to the fire," revealed Bader. Trees, stumps, brush and grass are cleared away ahead of the blaze. Then the forest between the dirt swath and the approaching flames is set aflame. "When you see firefighters in front of burning trees during the news, the fire is usually one set by those combatting the big blaze," said Bader. "That second fire should deprive the catastrophic fire of fuel load."

Bader cautioned that he was not belittling the dangers of the work. Even the most experienced firefighters can lose their lives, he said. The fire Bader worked to fight took the lives of several firefighters.

The cause of the fires in the Pacific Northwest was a combination of lightning and a Chinook wind —

a thirty mile-per-hour hot, dry wind that sweeps off the mountains. The Forest Service recorded four hundred separate ignitions within a forty-eight hour period.

Bader foresees a trend of major forest fires continuing for the next few years. "From the 'teens to the early seventies, the Forest Service extinguished each forest fire. This led to a build-up of brush and other fuel load which has led to the outbreak of catastrophic fires from the middle seventies continuing through today. Now, most people recognize that low-grade fires are part of the cycle of growth in the life of the forest — they return nutrients to the soil and clear out materials that feed bigger fires," Bader stated. When those fires do grow out of control, Harry Bader expects to be there fighting them.

✽

Curll Happy

(Continued from Page 5)

"If it is not clearly understood, these (requirements) can be seen as us putting up more hurdles to jump over to get Financial Aid," Curll explained. "Many people may not be doing the best they can right now. If we can get people knowledgeable, people will become more in control of their own finances, and therefore their own education and their own lives."

Oriented Early

Her goals for Admissions are more general and are aimed at expanding the post-admission recruitment role of HLS, so that students are "oriented early." While she notes that the "yield" of accepted students who choose to come to HLS is higher than that of other selective law schools, she said she sees a need for "making them feel comfortable once they get here."

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Welcome to HLS

Tradition. That which is often the driving force of large institutions such as the one at which we find ourselves for this finite period and that which moves me to devote this space to the HLS Class of 1990.

Welcome. You have now finished your second week of classes and having done so, are well underway to becoming fully indoctrinated to the Harvard ethic. Consider your first year here a Rush Week which lasts ten months. Indeed, the analogy to pledging a fraternity by completing first year and attending HLS, a school comprised overwhelmingly of men in a time when women make up about half the population of many law schools, seems most appropriate. You will be asked to perform incredible acts of dedication to academia. You will be required to communicate in a language similar to no other. You will be taught to think in a manner which sometimes requires uncomfortable mental contortions. All this in pursuit of becoming one with the wisdom of this temple of law.

I caution you not to become blind to the problems of this institution and the perceptions of it held by those on the outside. More than a dozen times in your first year you will be told, either outright or by inference, that you are the chosen people. That you are the best. That this is the best of schools. May this not become your ethos. Indeed, we are all good. We are all driven. We are all overachievers. But, this most certainly does not make us the best nor does it make this law school necessarily better than others. In fact, this is an institution full of red tape, often impersonal and cold. It is an institution whose methods of teaching do not necessarily distinguish it from those of other law schools. It may have an inordinate number of professors renowned in their particular fields — great legal minds, they are often called. But this is not without cost to the students. This is indeed a surcharge, if you will, the result of which is the unavailability of professors and the very courses that they teach due to the pursuit of their outside interests.

This is not to say that this is not a fine institution. This is not to say that I have not here enjoyed my academic pursuits. It is to say that the workings of this institution are frustrating at best, and it is, in the end, the resilience of the student body that makes HLS special. For better or worse we make this institution what it is, both for those of us at HLS and for those whom we will meet in pursuit of our profession. And it is, I believe, for the better.

My only real advice, as it were, to you the Class of 1990, is to appreciate the people around you. Take full advantage of your class time, but do not neglect to take full advantage of the many talented people you will see for the next three years. For it is these people, your fellow students, who will truly enhance your academic, legal, and, perhaps most importantly, personal growth.

T.M.F.

HARVARD LAW RECORD

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Fenno

"Fenno, honey," a sultry young female voice whispered, "Mr. Grabbit is looking for you."

Fenno opened his eyes. Fluorescent streams of light faintly illuminated the interior of the storage cabinet into which he had crawled hours before. Fenno had raided the luncheon planned for a closing scheduled in Conference Room A. Beluga caviar, poached salmon and little fruit-and-ham tasties had overwhelmed Fenno's delicate constitution and given him an uncontrollable urge to sleep.

"Miss Fuzzy, you're always looking out for me. In return for your kindness, let me give you this advice: stick to a liquid diet."

"Shure, Mr. Fenno, you always crack me up. I'll miss you when you go back up to Yale."

Fenno decided not to comment on her faux-pas.

Staggering into his plush, stained seat, Fenno snapped open a Meister Brau, poured it into his JLPP mug, and looked out over Los Angeles. The glazed eyes then scanned his desk. He moaned. His eyes focused on the object of his disgust — "End of summer Review with Mr. Grabbit," signed by the hiring partner himself. Fenno knew that he would again be berated for an unproductive, indeed, destructive summer. Predictably, the exit interview would end with an "I'm- sorry-Fenno-but-you-just-don't-fit-in-around-here."

Grabbit's speech would undoubtedly be the same as that of employers past: Fenno had gotten drunk at the summer associate cocktail reception, thrown up on a client at a business lunch, totalled five golf carts at the firm outing, and made lewd propositions to Grabbit's wife on the firm cruise.

"Fenno, I couldn't wait for you to come down to my office, so I decided to pop on down myself," Grabbit bellowed at the stunned Fenno. "We on the hiring committee, as you probably know, met last night to make decisions with regard to permanent offers. After much discussion, we Harvard men were able to persuade those skeptics of your potential. After all, anyone who survives a semester of Professors Vagts, von Mehren, and Trautman has the stamina we want here at Lasso & Whipem."

Fenno was speechless. Slowly, as Grabbit prattled on about the team spirit and philosophy of the firm, Fenno realized the nightmarish consequences of Grabbit's offer. No longer would he be able to stroll along Venice Beach on a Tuesday morning or surf on Thursdays at Malibu. He would become one of them — a zombie/associate whose life revolved around THE FIRM.

"Argh!" Fenno awoke to find himself staring into Lasso & Whipem's rejection letter. "Thank God," he muttered, "only a dream. Let's have a brew." Fenno walked into the Somerville sunset. ☼

WANTED: Cartoonist

Your cartoon could be here, in the award winning **Harvard Law Record**. The cartoon will appear in each issue (nine more this semester) and should have a "legal theme." Interested cartoonists should submit a sample cartoon to the RECORD mailbox located in the Hark by the door closest to the dorms. Questions? Call Tegan at 495-4418.

Letters to the Editor of the Record

Knee Jerk Liberals?

To the Editor:

I have been reading the RECORD off and on since September 1948, and wish to say that the April 1 issues are the only ones that make any sense to me.

All the other issues appear to me to have been written by people from the knee-jerk liberal eastern establishment (which, I will allow, is just a trifle worse than the knee-jerk conservative southwestern establishment).

For a balanced view of things you must come to what Professor Casner used to call (and probably still does) the "great plains of the middle west." Dean Vorenberg never slept when we were in class together. From that I deduce that today's students and professors are more boring than they were when we were students at the Law School.

Donald F. Ryman, 1951
Buchanan, MI

Strange Bedfellows

To the Editor:

Hats off the Harvard Law Record for its great piece on the Antioch Law School! ("Off the Record, April 24, 1987). I missed the article at the time due to illness, but the piece is just as timely today as it was then.

As author Linda Monk makes clear, Antioch is our only law school where public interest law and legal services for the poor are the primary purposes. The American Bar Association's attack on Antioch is a simple

case of lawyers for the rich telling the poor they can't have even one law school of their own.

Ms. Monk apparently assumes the efforts under way for a District of Columbia Law School to take over from Antioch can't be successful. Maybe not. But those strange bedfellows, one-time radical D.C. Mayor Barry, and the bigwigs in the ABA, can't bill so fine and decent an idea.

Joseph L. Rauh, Jr., '35,
Trustee, Antioch Law School

Sullivan On Apartheid

To the Editor:

The article on Apartheid And Divestment was outstanding, but there is though just one little correction. In the second paragraph on page 23, it should read: "South Africa is at the crossroads. It is my view that within this year South Africa will either *go the direction* of 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 *move towards* a chaotic revolution that will destroy not only South Africa, but will result in conflagration throughout the entire southern region of Africa."

I would appreciate your making the correction for your records and clarification. Otherwise, the article was precise and fine in every way.

Leon H. Sullivan
Philadelphia, PA

Kennedy Lacks Maturity?

To the Editor:

I have read your report in the April 25 RECORD of the professors' debate regarding the first year legal education program at the law school. I don't know whether the problem is with the reporting or the reported, but if the quote from Duncan Kennedy is correct, the problem seems to be a lack of maturity.

Donald M. Feferman, 1955
Corpus Christi, TX

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.

You've Gotta Fight For Your Right To Be

Michael Norko, M.D., is a Fellow in Forensic Psychiatry at Yale Medical School. He spent his residency at Saint Vincent's Hospital in New York City. He has lectured and written extensively on personality disorders and consent to voluntary hospitalization.

Imagine that Thoreau had decided to escape to a life of simplicity not in the woods of Walden Pond, but in his home in a northeastern suburban neighborhood. He might still abandon the use of modern conveniences with which his home was supplied. He might still spend his time in gardening, long walks and thought-filled solitude. If you were his neighbor, you might think he were rather odd, but at least he would never bother you and you would have not reason to bother him. You would hopefully not think he needed to be locked up somewhere.

Now suppose that this neo-Thoreau was not motivated in these actions by his desire to be alone with his thoughts, but because his thoughts drove him to these actions. Our new Thoreau — let's call him Fred — has the idea that the world is a place filled with intrigue and deceit and enemies with dangerous weapons pointed at him. Before your opinion changes too quickly, recall that the same world view, though less personalized, is held by many Americans, including our president. "But you're comparing delusions and reality," you argue. Yes, that's what I do for a living — I'm a psychiatrist. Back to Fred . . .

It's unlikely that his neighbors know what I know about Fred. He's just an old man with a beard and tattered clothing they see walking around the neighborhood, never stopping to talk to anyone. That's why Fred lived this way undisturbed for so many years — until an officer of the peace who didn't know him thought he'd better stop and make sure the elderly gentleman was not lost or ill, the victim of

senility, separated from his normal protective environment.

"No, thank you, I'm fine," replies Fred. "I live in the neighborhood." Fred shows the officer his identification. "I'm on a secret mission for the government," he adds.

I meet Fred on the psychiatry ward of the local hospital. I'm one of two psychiatrists appointed by the court to evaluate him to determine if he should be committed to a state psychiatric hospital. It's clear just from the chart that Fred has a mental illness. He is paranoid and delusional, he's been treated before, and there is evidence to support a legitimate questioning of his ability to care for himself.

I begin my conversation with Fred with the theory that he is unable to provide for his basic human needs because of his mental illness. My theory begins to crumble. I realize that Fred isn't so different from all the homeless mentally ill people I saw during my residency in New York City. In fact, he's better off—he's got a roof and walls, he's got fresh vegetables, he's in a low crime area.

"People have a right to be quietly crazy," we would say to ourselves as we discharged a homeless person from the emergency room. We operated under the principle that if someone did not want treatment, and was no danger to anyone, we could not just admit them involuntarily — even if our intentions were to help them and we had a reasonable chance of succeeding. While this principle was often frustrating to a young physician eager to help people, it seemed reasonable. Anyway, it was the law.

Constitutional Basis

In fact, that's the law in all 50 states because the U.S. Supreme Court decided in 1975, in *O'Connor v. Donaldson*, that "there is . . . no constitutional basis for confining [mentally ill] persons involuntarily

if they are dangerous to no one and can live safely in freedom." While state legislatures have adopted statutes which are consonant with this opinion and have defined the concepts of "dangerousness" and "living safely," it is still difficult to determine the boundaries of these concepts in individual cases.

When New York's Mayor Koch decided to have the homeless rounded up in sub-freezing weather and taken to hospitals for psychiatric evaluation, there was a storm of protest from civil libertarians. Psychiatrists envisioned an impossible task, having to answer difficult questions about thousands of people. Is an individual crazy because he lives on the streets in freezing weather? If an individual is mentally ill and homeless, does that mean that he is not living safely? Does it matter if the individual can find shelters, warm air vents, discarded food? The idiosyncracies of each individual's life and personality would add many more difficult questions.

It is simply not possible to answer these questions categorically. To do so would mean either the violation of some individuals' civil liberties or the failure to appropriately treat some individuals' mental illnesses. In New York, instead of rounding up the homeless, small teams of mental health workers (including psychiatrists) were sent out in the field to individually interview persons thought to be at risk and make appropriate interventions.

Adequate and Safe

In Fred's case, there were many such individual questions. It was clear that his lifestyle was more than two standard deviations from the norm, but was it adequate or safe? If not, then the state could exercise its *parens patriae* powers and commit him to a state hospital *for his own good*. The treating physician, following his belief that an

Crazy—A Psychiatrist Talks About Fred

by Michael Norko

elderly man needed better living conditions than Fred could provide for himself, argued that his lifestyle was not safe. The two court-appointed psychiatrists testified that while Fred was mentally ill, the evidence that he had lived for years in these conditions without adverse consequence could not be ignored. After all, there is nothing inherently dangerous in such physical conditions — not too long ago all men, women, and children in this country lived under such conditions. In some ways, it was a healthier lifestyle than ours. Besides, Fred was not going to be cured by his stint in the state hospital — such long-standing delusions are simply not amenable to treatment. Fred would never be a "normal" suburbanite, but he simply did not meet the statutory requirements for civil commitment.

Justice Stewart's opinion was clear, the law was clear, the expert testimony was clear. In the bang of a gavel, Fred would be on his way back to his suburban Walden. Or would he?

On his way out of the courtroom, the judge commented off the record, "It's a matter of how protectionistic you want to be." He evidently decided he wanted to be fairly protectionistic.

I decided I wanted to be infuriated. "The courts are supposed to prevent this kind of abuse, not perpetrate it!" I thought in less-edited words. If a psychiatrist is not entitled to be protectionistic beyond the law, how is it that a court may be? It was stupid and it was wrong. Fred knows how to live and provide for his minimal needs in his own way. He may have crazy ideas, but he's not a crazy man and he's not stupid. But he does not know how to live in an institution. He could never be happy there. He will probably never stop talking about his crazy beliefs, so he could be there for quite a while — and he doesn't have many "quite-a-while's" left.

Of course there is an opportunity for appeal, but there is no guarantee that the opportunity will be exercised. His attorney may not pursue it, and Fred is not a good self-advocate. He doesn't understand this whole business. You see, he's got this idea that a man has a right to be left alone and he doesn't see why he should have to defend that right. "I didn't do anything to anybody," he says. "They took me!"

The irony in this reversal of the stereotypical roles for psychiatry and the courts is not particularly comforting or amusing in this context. I find no solace in having an anecdote with which to counter the next thoughtless boob who assaults me with some canned Szaszian generalizations about psychiatrists' abusive deprivation of citizens' civil liberties. (Although that thoughtless boob is in for more than he or she realizes.)

Watchdog Measures

This decision shocked me because I do have faith in our judicial system. Although I have argued that judicial hearing is often an unnecessary and burdensome watchdog measure in psychiatric practice, I have always believed that judicial hearing was the most stringent and careful of such watchdog measures.

My colleagues, with whom I discussed the case, were far more careful in their analysis and questioning of the issues than was the court.

I had presumed that the court would uphold the libertarian perspective. The tenor of the courtroom was relaxed; there was no strenuous argumentation from counsel. It all seemed so obvious. It turns out that the only thing that is obvious is that even in 1987 you still gotta fight for your right to be crazy. I've just been too naive to believe that such events belonged to a bygone era from which I could safely distance myself psychologically, politically and emotionally.

Were it not for Fred's chance encounter with a diligent and well-meaning police officer, he'd be home right now harvesting his tomatoes and squash, living a simple life. He would still be paranoid and isolated, but at least he would have his freedom and his garden to give him some joy. Maybe Thoreau realized what precautions are necessary in order to live this way when he said, "If you see a man approaching you with the obvious intent of doing you good, you should run for your life."

CLS Controversy Spreads

(Continued from Page 4)

"Last year, a student was looking for a teaching job. After grades, the thing that counts the most is the third-year paper. I learned that she was on the job market when people called me about her third-year paper. I realized I was not listed as a reference despite the fact I gave her an A+ on her paper. She obviously had made a calculation."

Nevertheless, Horwitz is confident in the CLS future. He points to recent success in lawsuits based on claims of wrongful discharge of academics based on political reasons and the potential for a changed climate after the 1988 elections.

"It's hard to believe this will permanently roll back the CLS movement," he said.

Tenure Battle Rears Its Ugly Head—Again

(Continued from Page 1)

members on the Trubek recommendation last spring. When Professor Robert Clark '72 and others expressed opposition to Trubek, Bok invited five scholars from other universities to come to Harvard to discuss Trubek's work with him. Bok then notified the faculty that he was rejecting Trubek's appointment. Professors said Bok has not yet disclosed to the faculty what led him to pick out Trubek's case for special review or why he had decided against his appointment. Bok has declined comment.

Horwitz last week quoted HLS Dean James Vorenberg '51, however, as saying Bok will explain his decision on Trubek to the faculty soon. Vorenberg declined comment last week.

Several professors described Bok's rejection of Trubek's appointment as unprecedented. Professor Detlev Vagts '51 said last week that the most recent parallel he knew of was when Harvard's president "foisted" Christopher Columbus Langdell on HLS as dean in the 1870s. Langdell is credited with replacing a lecture style of teaching with the case method.

Bok, a former dean of HLS, told *The Harvard Crimson* in May that he was reluctant to intervene in Dalton's case. Soon after the faculty voted to deny tenure to her, however, a total of 21 HLS professors signed two letters asking Bok to consider promoting Dalton. The two letters remain confidential.

Vorenberg also recommended that Bok take up the Dalton case, because of what he termed the "special circumstances of this case" — most notably the sharp split among those [professors] who have commented on Ms. Dalton's work."

Bok announced in July that he would review Dalton's promotion bid. As a first step, Bok has asked Vagts and Professor Paul Weiler, LL.M. '65, to try to interview 15 scholars from other law schools, about favorable and unfavorable critiques that faculty members wrote last spring on a forthcoming

legal history book Dalton has written. The 15 outsiders evaluated Dalton's book for the faculty last spring. Bok has declined to say what further steps, if any, he will take in his review.

Professors who would comment in the last two weeks tended to argue that Bok should have intervened in either Trubek's or Dalton's case, but they did not agree on which. Frug and Horwitz said the detailed level on which several of Dalton's faculty opponents criticized her scholarship — including an 80-page study by Professor David Rosenberg — indicated that she had been held to a higher standard than men or more traditional scholars. Ideological considerations were not addressed openly, they said. Rosenberg was not available for comment.

In discussing a scholar's work, Frug said, professors usually address the scholar's ideas and whether the work is convincing. But Dalton's book on *Rylands v. Fletcher* was subjected to a "footnote-by-footnote attack on the whole work," he said, in which critics read her original sources and evaluated how accurately she used them. Dalton's faculty supporters answered all criticisms, Frug added.

"I don't think anybody was consciously discriminating, but a higher standard was applied," said Professor David Kennedy, who was promoted to a tenured position last year, as were Professors Christopher Edley '78, Richard Fallon '80, Louis Kaplow '81 and Daniel Meltzer '75. "Every one of the males promoted last year knows that our scholarship could not possibly have withstood the scrutiny that was applied to Clare's."

Professor Reinier Kraakman, who was a visiting professor last year, also received a tenured appointment last spring.

Vorenberg declined to comment on Dalton's case last week, but in a letter to Bok that Bok's office has released Vorenberg said the faculty used "fair" procedures in evaluating her. "I believe genuine disagreement on the quality of Ms. Dalton's scholarly work, rather than dis-

crimination, . . . was the basis for the substantial negative vote," Vorenberg said. "Furthermore, I do not believe that vigorous inquiries by members of a faculty about work submitted as a basis for tenure are improper. Indeed, the willingness of members of a faculty to undertake energetic inquiries is important to the successful working of the appointments system."

Clark, a Dalton critic, said the detail with which professors studied Dalton's work accorded her "extraordinary due process," rather than holding her to an unusually high standard. "The advantage of a detailed substantive debate is that the critics can't get away with global conclusions," he said.

And Clark defended professors for focusing on Dalton's use of sources, even though this is not usually an issue in tenure debates. It is "not at all uncommon for lawyers and legal scholars to look at sources," he said. "That's what *The Harvard Law Review* is all about, checking cites."

Clark said conservative professors could persuade "people in the middle" only by offering substantive criticism. "To make something sinister out of that is perverse, because it's saying that if there's a scholarly disagreement, not to pursue it," he added.

Clark and David Kennedy agreed that junior professors in the past several years have been required to produce more and better scholarship than their counterparts of the 1960s. Clark said the tougher standards have spurred better "fundamental inquiry" about the law, including a "renaissance" in corporate law writing, Clark's specialty.

Horwitz said the faculty's vote against Dalton was striking because she had written a full book accepted by Oxford University Press. He also quoted Vorenberg as saying Dalton had the "strongest" recommendations from scholars outside HLS that the dean had ever seen. Vorenberg declined comment on Dalton.

(Continued on Page 16)

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Faculty Renews Debate Over Tenure Process

(Continued from Page 14)

Clark conceded that outside evaluations of Dalton's work were "pretty good" and better than those of the five men who were promoted last year. But he said Dalton supporters had "exaggerated" how favorable the reviews were.

The 15 scholars that the Appointments Committee chose to comment on Dalton's work were "unusually eminent" among outside readers, Horwitz said. But Clark said the faculty did not need to defer to outside experts because torts and legal history are "not that hard to understand."

Faculty members who use one scholarly approach may be unable to appreciate fully work done using another approach, Horwitz said. In appointments deliberations, he added, professors must be "willing to defer to the notion of diversity" by relying on the judgment of colleagues more familiar with candidates' scholarly methods.

"There is a certain kind of law and economics work which I personally think is tautological," Horwitz said, but rather than reject such scholarship out of hand, he said he has "often deferred" to more conservative professors' views.

Clark disputed Horwitz's profession of deference. As a member in 1984-85 of the Lateral Appointments Committee, a now defunct faculty group that Clark chaired for three years, Horwitz "never hesitated" to criticize law and economics scholars whose work he did not approve of, Clark said. "Deference there may have been, but it was very hard to find," he quipped.

But Clark said the main issue in Dalton's case, whether sources were represented accurately, did not require deference to experts. Besides, he said, "in many cases, an expert has no advantage over any old smart member of the faculty in judging the quality of reasoning."

"On some kinds of scholarship, almost everyone has to rely on experts in that particular genre," Vorenberg said.

Horwitz said about a dozen con-

servative professors have joined in opposing six candidates for appointment or promotion who were contested on the floor of the faculty in the last 3-1/2 years. When they could pick up a handful of swing professors — whom Horwitz jokingly called the "de facto appointments committee of the Law School" — the conservatives could block a candidate, he said.

But Clark said non-traditional professors also have acted as a faction and "cohesively" opposed a string of scholars from other universities whom Clark and other conservative professors wanted to give appointments at HLS.

"Really conservative legal scholars can't get to first base in our appointments process," Clark said. But David Kennedy said non-traditional professors joined in voting to appoint Fallon, Kaplow and Meltzer, all relatively conservative, to the faculty in 1982 and later to tenured professorships.

Clark said, however, that Kaplow is "one of the most liberal law and economics scholars."

Frug and Clark agreed that the issue of teaching played little part in faculty deliberations on Dalton, although Clark said the issue nevertheless was "important" because it was a "real factor" for a few professors, and the vote was close. But Clark disclaimed disparaging remarks about Dalton's teaching in 1985-86 that *The New York Times* attributed to him last summer.

Clark said Dalton's tenure bid did not deserve Bok's review but was "inevitable" when so many professors — whom he termed "sore losers" — protested her failure to be promoted. "When you have people of the stature of Larry Tribe making strong accusations, if you're the president of the University, you have to do something."

But Clark praised Bok for reviewing Trubek's tenure bid. Presidential oversight was necessary, he said, to prevent inbreeding and mediocrity on the faculty. Law professors "are not more immune to the temptations of abuse of power

than any other professional group," he added. He declined to specify what he had told Bok about Trubek.

Bok's rejection of Trubek drew criticism from Frug, however, who said Trubek had gained "wide" support on the faculty and whose appointment should have been "routine."

In announcing Trubek's appointment as a visiting professor last year, Clark told the *RECORD* in 1985: "It really is possible [for professors of divergent approaches to the law] to agree on what is good work. The really good people shine through."

Horwitz said Clark had presented Trubek to the faculty two years ago for a visiting slot in "glowing terms." Clark said Horwitz had "misrepresented" his initial attitude toward Trubek, which he said was much less enthusiastic.

Clark said that while Dalton, Trubek and former Assistant Professor Daniel Tarullo — all CLS adherents — had lost their bids for tenured positions in the last two years, conservative professors had shown their willingness to promote "quality" CLS scholars like David Kennedy and Professor Martha Minow.

"We have more good CLS faculty than any other institution," Clark said. "It is a question of quality. Why can't the CLS people attract more quality followers?"

"You don't have to fire all the crits to discriminate against crits," David Kennedy responded. "You just have to fire some of the crits because they're crits."

Frug said it was "no accident" that Dalton, Trubek and Tarullo were CLS adherents and all lost tenure bids. But Clark said former Visiting Professor Zipporah Wiseman was not a CLS adherent but was denied tenure, as well.

Trubek said last week that Vorenberg had been "genuinely committed" to placing Trubek in charge of a center to study the legal profession and how the legal system affects society. Vorenberg cut short

(Continued on Page 20)

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The Bar Course That Cares.

Black Lawyers Host Constitutional Conference

By Victor Bolden

Around the turn of the century, W. E. B. DuBois, in *The Souls of Black Folk*, described African-Americans as cursed with a "double-consciousness" of being an American citizen, yet never really feeling like one. It is in this schizophrenic, ambivalent spirit that the National Conference of Black Lawyers (NCBL) sponsored a conference entitled *The Constitution and Race: A Critical Perspective* on September 11-13 at HLS.

The NCBL dedicated this conference to an intensive evaluation of what the Constitution has and has not been to "people of color."

The conference began with greetings from Dean James Vorenberg '51 and from Thomas Fox, 3L, National Black Law Student's Association (BLSA) president, following which opening remarks were delivered by one of the conference coordinators, Geraldine Hines.

The first panel discussion, "Setting the Record Straight," examined the treatment of race in conjunction with constitutional legal development. Historian Juliet E. K. Walker cited some of the circumstances that influenced the Framers' decision not to eliminate slavery, and San Francisco attorney Donald Tamaki commented on how racial hysteria resulted in the Supreme Court sanctioned policy of internment for Japanese-Americans during the early to mid-1940s.

A second panel discussion, "The Civil Rights Movement and the Constitution," focused on the issue of whether the Constitution helped or hindered the civil rights movement. Former Student Non-Violent Coordinating Committee (SNCC) member Margaret Burnham acknowledged that the use of the precedent of *Brown v. Board of Education* was a hindrance, in that it limited the movement to courtroom battles, but also considered the Constitution to be useful in protecting the NAACP from attack.

The conference also featured workshops designed either to amend the Constitution or suggest alter-

native means to remedy constitutional inequalities that have disproportionately harsh effects on African-Americans. A workshop facilitated by Assistant Professor David Wilkins '80 suggested that the NCBL should focus its efforts on opposing the appointment of Judge Robert H. Bork to the Supreme Court because of his narrow interpretation of the Fourteenth Amendment. In addition, the workshop called for an investigation into the system of disproportionate representation and its effect on minority political participation.

The most detailed proposals came from the criminal justice and economic rights workshops. In the criminal justice workshop, moderated by Visiting Professor Charles Ogletree '78, discussion centered around support for legislation proposed by the NAACP Legal Defense Fund and the ACLU to prevent the imposition of the death penalty when there is racial disparity in regard to application.

The economic rights workshop participants drafted an economic rights amendment that would

guarantee people rights to a job or guaranteed income, a nutritionally adequate diet, -decent housing, quality health care, an education and energy resources.

In the keynote address of the convention, Professor Derrick Bell, an NCBL founder, urged the NCBL to ride with the times because the "Meeses and the Borks have always been around" and to be grateful to the civil rights movement for transforming the Constitution from "a property-protecting document into one which includes individual rights."

In light of the purpose of the convention and in honor of Bell's role for many years as a leading legal scholar, the NCBL bestowed upon Bell the "Distinguished Constitutional Scholar Award" for being "the constitutional scholar of the last 200 years."

Overall, Fox noted, the conference represented an effort to make the celebration of the two hundredth anniversary of the United States Constitution "a time for re-evaluation in the midst of the pomp and circumstance." ❧

New Class Reflects Diversity

(Continued from Page 3)

Paula Ranney was known as "the lady with two heads" back in Wisconsin, not because of any physical problem, but because she had to carry her baby on her back while running the family hardware store by herself while her husband underwent treatment for Hodgkin's disease. With her husband now having a 90-95 percent chance of recovery, Ranney has decided to go to law school.

"I thought I might want to go back to school, and all I had to do was take the test," she said. "It's a challenge, something new. We were looking for a new challenge. Just because you pick a career when you're 25 doesn't mean you have to stay in it until you're 85. Your interests change. After I get my degree, I don't know what I'll do.

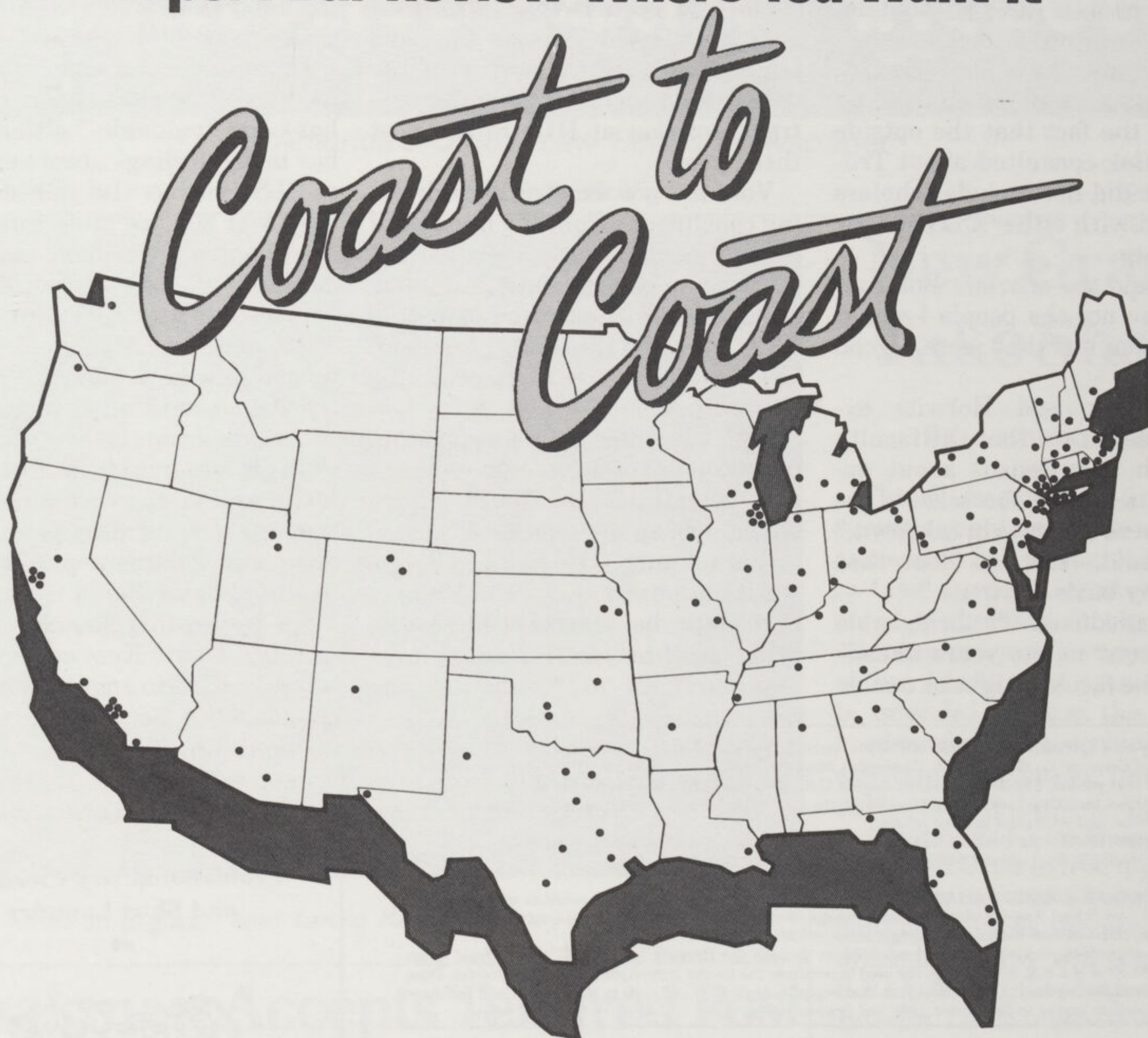
Maybe our interest will take us somewhere else."

Cornelia Tenney is enjoying life as a 1L. "I'm having a wonderful time so far. It's better than anything I've done for a long time. Plus, no one asks me for a sandwich the whole time I'm at school."

So says the mother of two young children, a former ballet teacher (who stopped because of "sore hips and a desire to try something completely different") and librarian. Tenney chose law "because it looked interesting and uses entirely different faculties from what I've used before."

As for the long term, Tenney is unsure about her plans. "I started out thinking I'd like to go into family law, children's rights. But I'll wait to see what looks interesting and what I'm good at." ❧

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President Bok Mulls Future Of Dalton

(Continued from Page 16)

an interview last week without addressing the issue. Trubek is an adherent of the Law and Society movement, as well as CLS. Frug criticized the fact that the outside scholars Bok consulted about Trubek's case did not include scholars associated with either CLS or Law and Society.

Clark said the scholars Bok consulted "are not the people I would have chosen, but they were a good bunch."

Both Clark and Horwitz expressed pessimism that the faculty will reach a consensus about appointments in the foreseeable future. "There's some breakdown," Horwitz said. "It's not clear that there's any basis for trust."

Clark predicted "unbridgeable disagreement in the years ahead" and said the faculty might be unable

to add new members to its number this year.

Horwitz noted that Assistant Professor David Wilkins '80, who joined the faculty last year, is the only person appointed to a tenure-track position at HLS in the past three years.

Vorenberg warned against drawing conclusions from the number of appointments in any given year. "I continue to be optimistic about our ability to attract outstanding people over the years ahead," he said. "Events will have to speak for themselves."

Both Clark and Dalton supporters praised Bok's decision to have Vagts and Weiler interview the 15 outside scholars as an appropriate first step in his review.

All but one or two of the 15 have agreed to be interviewed, Vagts said, and he and Weiler have "worked hard to neutralize" the

questions they'll pose to the scholars. Bok said Vorenberg may attend the interviews if he wants to but that no one else should.

Dalton said the support she has received from students and faculty has been "valuable," although she has mixed feelings about remaining at HLS. She has also gained support from over 200 law professors around the country, who have asked the Association of American Law Schools and the American Association of University Professors to investigate how Harvard handled the Dalton and Trubek cases. Dalton is spending this year at Radcliffe College researching midwifery.

Clark and Horwitz agreed that the mood among disagreeing faculty members remains tense. "I happen to think Bob [Clark] is one of the more interesting members of the faculty," David Kennedy said, "but it's very hard to engage him in discussion when faculty politics become so important."

♦♦♦

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