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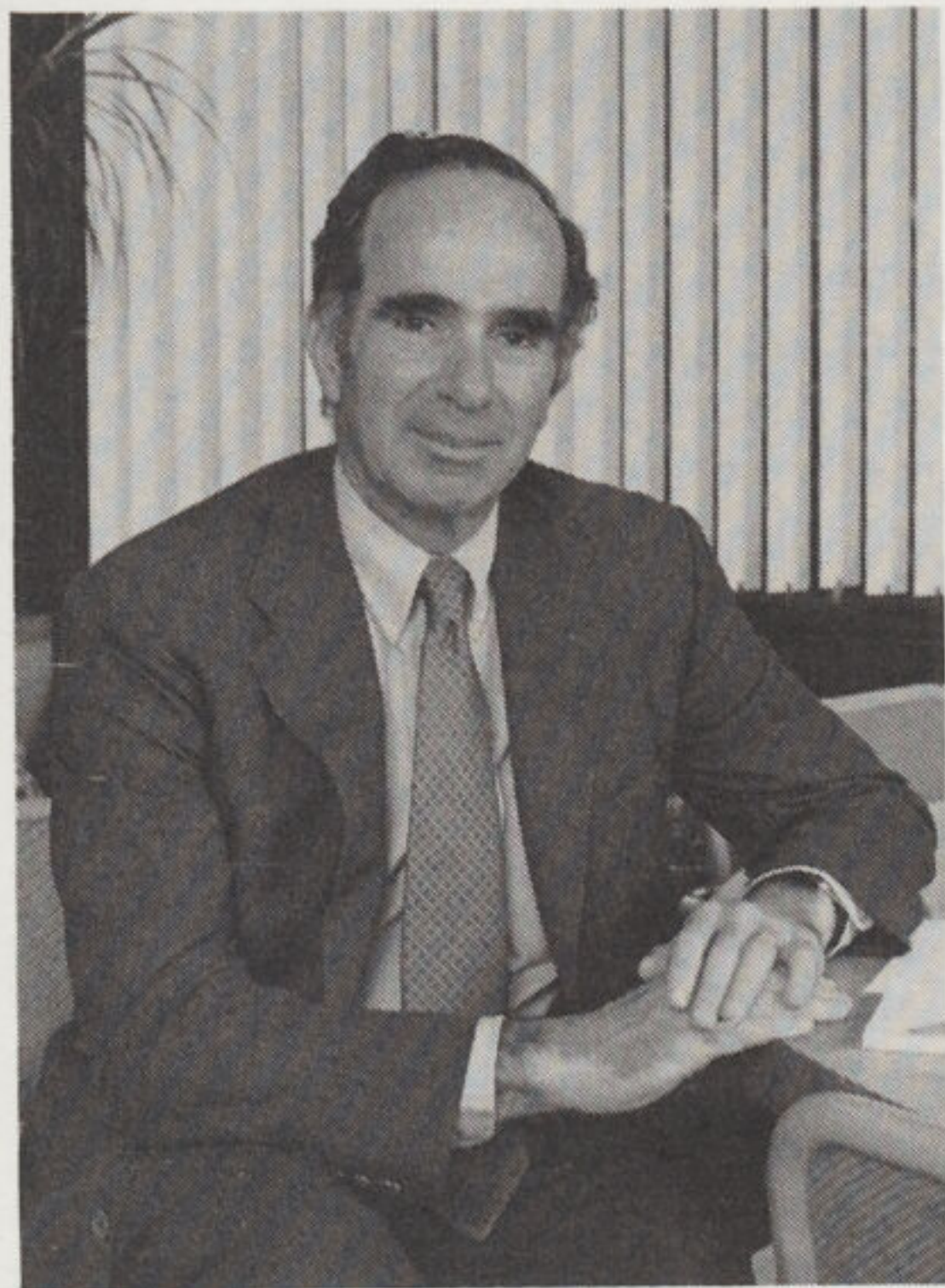
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Vorenberg Steps Down From Deanship

Pressure From Right Is Alleged

By Greg Herbert
and Chris Crain

Several law school professors claim the decision this week by Dean James Vorenberg '51 to announce his resignation came after pressure to leave from conservative faculty seeking an upper hand in selecting his replacement. (See story, this page, for more details on the resignation.)



File Photo

Dean James Vorenberg '51 plans to go back to teaching.

"I've heard rumors that some conservative professors pressured Jim [Vorenberg] to resign," said Prof. Richard Parker '70. "But I have no knowledge about whether this was a factor in his resignation."

Vorenberg denied being approached by anyone about resigning. "I can't tell you how people feel, but there is no truth to that," he said.

Prof. Emeritus Archibald Cox '37 rejected the notion of conservative pressure to oust Vorenberg, saying he "would be exceedingly surprised if that were true."

One professor, who asked to remain unidentified due to the sensitivity of the issue, said the controversy over Vorenberg's resignation was symptomatic of the ideological struggle within the faculty.

"They [the conservative professors] want it all. They are relentless," the professor said, adding that the liberal wing is particularly vulnerable now. The professor added that some conservative faculty directly approached Vorenberg and asked him to resign.

Prof. Robert Clark '72 said he is unaware of any conservative pres-

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Reminisces On Term In Office

By David Snouffer

HLS Dean James Vorenberg '51 plans to leave the post he has held for almost seven years and return to teaching, he announced Mon., April 25. The criminal law specialist, who holds the Roscoe Pound professorship, said he would remain at the school's helm for another year "to allow enough time for my successor to be picked and for me to be of any help I can."

Vorenberg said he decided that an eight-year tenure as dean "seemed about right."

In an open letter to the HLS community, Vorenberg cited a desire to return to teaching and research as the reason for his decision. Vorenberg has been diagnosed as having a mild case of Parkinson's disease.

Harvard President Derek Bok '54 said Monday that he accepted Vorenberg's resignation with "great regret" but expressed "much admiration" for Vorenberg's service.

Bok, who is charged with nominating a successor to Vorenberg, promised to "conduct a wide-ranging and careful search" for Vorenberg's

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LSC Wins Big In Battles With Local Landlord

By Dan Kroll

A local landlord recently discovered that those "little" housing code violations can add up quickly, especially when the tenants are represented by Harvard's Legal Services Center (LSC). The Center recently obtained a judgment of \$64,000 on behalf of a tenant against Boston landlord Nick Haddad, together with attorneys' fees of \$50,000.

The awards came in *Haddad v. Gonzalez*, which is among eleven lawsuits involving warrant of habitability claims filed against Haddad concerning five buildings which he owns in Jamaica Plain. A judgment of \$58,000 was obtained in a second of these suits, *Haddad v. Rivera*. Attorneys' fees have yet to be determined in that case.

According to Jeanne Charn '70, director of LSC and co-counsel in the two suits, the Center is "almost finished trying the third lawsuit,

and there has still been no motion to settle." The other eight cases have been set for trial, Charn said.

In *Haddad v. Gonzalez*, decided in January, Judge Patrick J. King awarded tenant Luz Gonzalez, an Hispanic mother of four, a total of \$62,600 in damages for injuries suffered during the nine months of her tenancy from January until September of 1983.

The damages consisted of \$3,300 for warranty of habitability violations and \$18,000 compensation for emotional distress, which amounts were trebled by King based on his finding that Haddad's violation of the consumer protection statute was "wilfull."

Based in part on his personal observation of the apartment, Judge King found that "the apartment had virtually every imaginable defect ranging from an extremely severe infestation of cockroaches and rodents to collapsing walls and ceilings to leaking plumbing and to a

foul stench emanating from stagnant water in the basement of the building. In sum, the premises were not fit for the housing of livestock." King also found that on one occasion, Haddad told Mrs. Gonzalez that "if she wanted heat [Haddad] would come over at night and give her heat," and that Haddad threatened to have Gonzalez' sole source of income, her AFDC benefits, terminated.

Haddad said he is appealing the *Gonzalez* decision on the basis that King was "biased." Haddad insisted that all his buildings meet Housing Code standards, although he said that "no building will ever comply with all the details of the Housing Code." He asserted that the housing code law in Boston was "never meant to be applied [the] way" the Legal Services Center applies it, saying "I can comply with the violations the Inspector finds," but

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Turow Returns After A Decade Of Practice

By Jeff Gershowitz

Attorney and author Scott Turow '78 returned to the site of his autobiographical book *One L* on Mon., April 25, to deliver the last Forum address of the spring season. Turow, a former Assistant U.S. Attorney, now a partner in the Chicago firm of Sonnenschein, Carlin, Nath & Rosenthal, and the author of the best-seller *Presumed Innocent*, took the opportunity to offer "some continuing complaints with legal education that have been sharpened by my years in practice."

Turow emphasized that good can be achieved through legal practice. He was particularly critical of what he perceived to be an antipathy to actual practice on the part of many law professors at HLS, and a resulting reluctance to include practical and ethical issues in the law school curriculum. "If there's a debate to be had about what the profession accomplishes, it belongs

out front. It belongs in these years," he said.

"Law professors don't want to practice," Turow explained, "yet what they do in the law school is very much create a world in their own image." Rather than teaching students to "think like a lawyer," Turow claimed "the game at HLS when I was here was to learn to think like a law professor."

Turow's suggestion for improving legal education would be to take "the profession as a starting point for inquiry. The profession belongs more at the center of the legal education."

According to Turow, lawyers do not have a high opinion of the work they do, and he blamed much of this unjustified "legal malaise" on legal education. "The dichotomy between doing 'Good' and doing well begins in the law school, often in the first year," he said.

"Lawyers don't see themselves doing any 'Good'," he said, noting,

however, that "as a lawyer you are fundamentally involved with doing and determining justice. . . . That's really what is going on. There is good to that, there is nobility to that . . . [lawyers should] feel good about it." He said that the image of practicing attorneys as "a cadre of happy hired guns" who "pile the money high and represent the detestable causes" is incorrect, because "the legal system is not that blind" to justice. Justice, said Turow, may be deferred, "but it won't be denied."

"I'm not trying to turn law school into trade school," he said, but he stressed the need to discuss the tension between "impassioned advocacy and the limits the profession has provided." He stated that "it's impossible to teach civil procedure the way practitioners actually see it without [including] ethical considerations. They can't be shuttled off to a two hour course."

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Bureau Commemorates 75 Years Of Legal Aid

By Karyn E. Langhorne

Graduates from as far back as the classes of '24 and '25 returned to Cambridge last weekend to celebrate 75 years of the Harvard Legal Aid Bureau. Deval Patrick '82, former Harvard Legal Aid Bureau president, called it the "oldest and most distinguished student-run legal services office in America," before an assembly of over 300 alumni, guests and current members.

The celebration began with a luncheon speech delivered by Harvard professor and Bureau alumnus Gary Bellow '60. Bellow discussed the history of legal services in this country and the urgency of poverty in America.

Bellow's remarks were followed by a series of afternoon panel discussions on numerous legal services and clinical education topics, ranging from "The Duty of Law Schools to Respond to the Issues of Poverty" to "The Future of Public Interest Advocacy."

The event culminated with a banquet at which keynote speaker Alan Morrison '66 commented on the role of legal education in meeting the needs of the poor, and the role private law firms could play to supplement the needs of legal services offices.

Morrison, a former member of both the Bureau and the *Law Review*, has served as director of the Public Citizen Litigation Group since 1972, was a visiting professor at HLS in 1978-79, and continues to teach a litigation workshop periodically. He also served in the Carter administration, and as Assistant U.S. Attorney for the Southern District of New York.

Morrison began his remarks with the words of Bureau alumnus Justice William J. Brennan '31 who spoke at the Bureau's 50th anniversary in 1963. "What struck me was how precisely on point he was on so many things," Morrison commented, and added that Brennan's words still apply today. Morrison outlined Brennan's three-part recommendation for future legal education: more clinical experience,

a greater emphasis on alternative dispute resolution, and wider course offerings in criminal law and procedure. Brennan was unable to attend the 75th anniversary celebration due to illness.

Morrison added suggestions for the improvement of legal assistance for poor people, beginning with the idea that all law students should serve a one-year internship with a legal services office immediately after graduation from law school. "You can't begin to approach the problems of the poor unless you have experienced them directly. Working for poor people shows you the difference between the lives of the people who have to fight the system, and those who simply enjoy it," he said.

Morrison also suggested ways in which law firms and bar associations could help improve legal services for the poor. Firms should have programs in which they send lawyers to the neighborhood legal offices for a few months, or institute *pro bono* programs which make an

aggressive effort to reach out to the needs of low income people, he said. "Associates and young partners need to know that the firm supports *pro bono* not only as something you do when there's nothing else to do."

Morrison urged that bar associations across the country redefine the practice of law so that legal secretaries and paralegals can give basic advice and assist indigent people with filling out forms. "In a perfect world everyone could have their own lawyer," Morrison said, "but in reality a legal secretary or paralegal is better than trying to do it alone."

Dean James Vorenberg '51 also attended the celebration. He commented that although the percentage of students choosing public interest careers had been declining in past years, those figures have begun to increase again.

Ronald Torbert, 3L and Bureau president for the 1987-88 school year, gave a historical perspective

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Homeless Shelters Benefit From "Code Critical"

By Julia Loewy

Code Critical, a benefit for the homeless of Boston organized by Alain Kodsi, 2L, attracted over 800 people to the Boston World Trade Center, raising an estimated \$9,000 to \$11,000 for four area homeless shelters.

The event, held Sat., April 23, featured a fashion show by Urban Outfitters with student models, including John Tipton, 3L, Janet Buddine, 2L, James Lovett, 2L, Dorothy Mitchell, 2L, Diane Moss, 2L, Mary Rasenberger, 2L, and Gordon Synn, 2L. Dancing to music played by disc jockey Joel Waltzer, 3L, followed. The World Trade Center facilities and all other components of the event were made available to Code Critical free of charge.

The four shelters to which the money raised will be donated, the Pine Street Inn, Long Island Shelter, Kingston House and Rosie's Place, had representatives at the event to provide information about their programs. There are estimated to be more than 3000 people without homes in the Boston area alone, and approximately 2250 of these persons live in shelters. A number of those in attendance volunteered to help at the shelters.

About 700 people purchased \$10 tickets prior to the event, while an-

other 240 purchased tickets at the door.

The benefit was brought about by the inspiration of Kodsi, who worked through a network of friends at the various schools involved (Harvard, Boston University, and Wellesley College). Over 100 students at HLS were involved in some aspect of Code Critical, from selling tickets and calling fellow section members to modeling in the fashion show.

Kodsi said that one underlying goal of Code Critical was to emphasize that "we each have different talents, and we should use them in a way that comes naturally. For some that means working in a shelter, for some, writing about or photographing the problems of the homeless, and for others, organizing benefits."

The project was intended to create a grass roots campaign that everyone could become involved in. Kodsi said there were really two purposes of the event: to raise money and to develop a sense of community. Kodsi himself has been interested in the problem of homelessness for some time. He wrote his senior thesis in college on low income housing on the upper west side of New York City.

The main disappointment to Kodsi was the failure of Boston



Kevin Reed

John Tipton, 3L, and Mary Rasenberger, 2L, model at Code Critical.

Mayor Ray Flynn to attend the event. Flynn had confirmed his intent to attend the event earlier in the week, and cancelled only minutes before his scheduled appearance. No reason was given for his absence.

Overall, however, Kodsi said he was pleased with the success of the event, and noted that "the enthusiasm of everyone involved made it go really well." Kodsi said he would probably do a similar benefit again next year, to raise money for educational programs which benefit low income residents of Boston. ☛

Dean Disclaims Faculty Role In Resignation

(Continued from Page 1)

sure to oust Vorenberg and said claims they would use the vacancy as part of a power play are "plain silly."

"It assumes a homogeneity of purpose among conservative professors which doesn't exist," Clark said, describing any alleged conservative plot as "bad dreams . . . and propaganda for obvious purposes."

When asked if he felt any conservative pressure to resign, Vorenberg replied, "not at all." He reiterated that his only reasons for

leaving were outlined in his memorandum to the HLS community.

Some conservative professors have criticized Vorenberg for his handling of the divisive struggle over whether to award tenure to Asst. Prof. Clare Dalton, LL.M. '73.

Vorenberg decided last spring to allow University President Derek Bok '54 to review her case, an unprecedented move after a negative vote from the law school faculty.

When contacted, Dalton said she had also heard that "conservatives have been asking him to leave because of how he handled my case. . . . They wanted him to support their agenda."

She added that she believes the conservative effort is not limited to criticism of Vorenberg but that "there is a danger that people within or without the faculty will use this opportunity [selecting a new dean] to consolidate conservative forces at the law school."

While a number of professors refused comment when asked about conservative pressure against Vorenberg, Prof. Henry Steiner '55 said he had "heard the rumors" and "wouldn't be surprised if they were true."

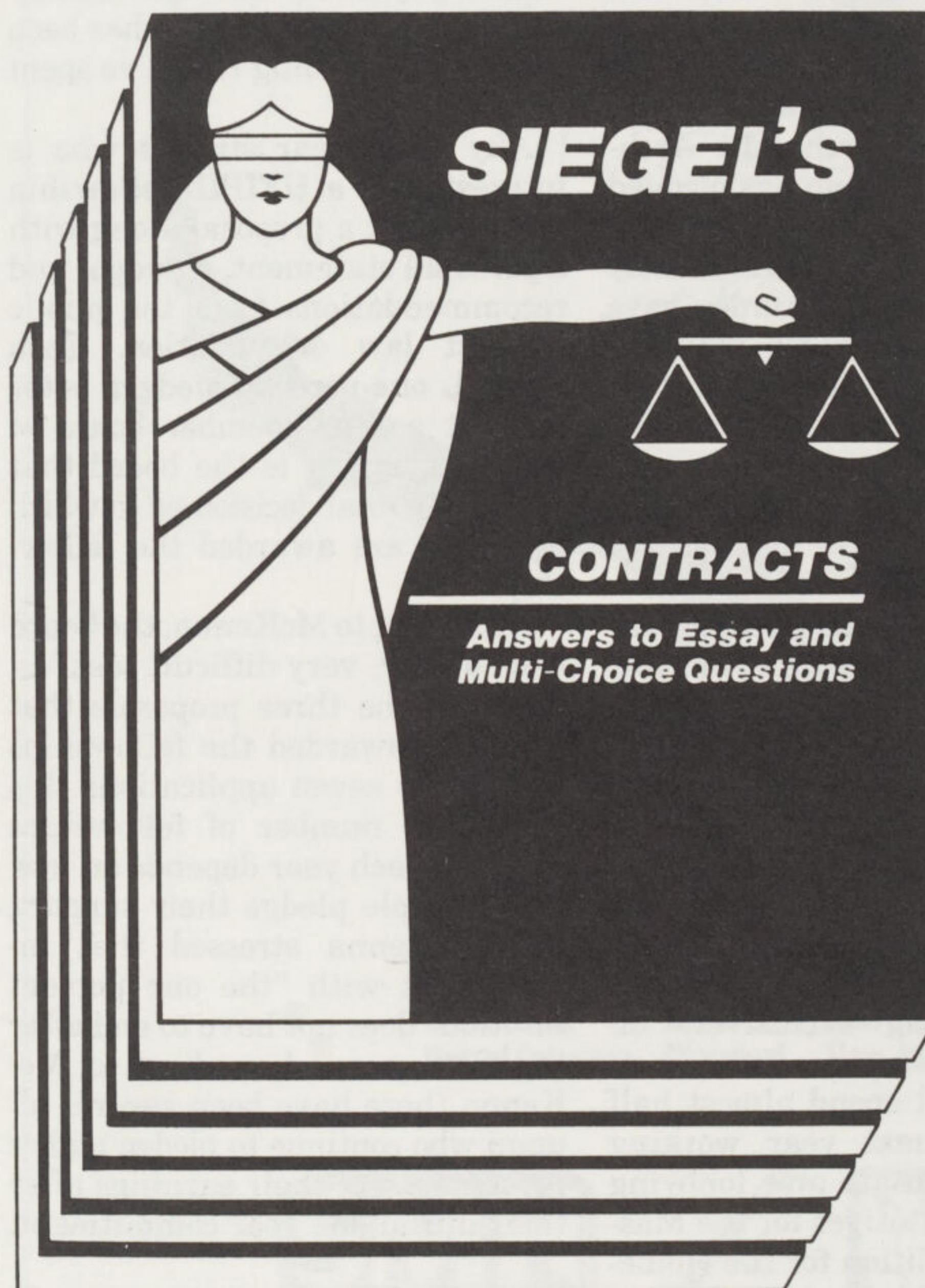
The Dalton tenure case has been

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HFIPIL Funds To Benefit Poor And Powerless

By Paul Tsuchiya

Regardless of where they go to work or what kind of law they practice in the fall of 1988, over 200 members of the HLS Class of 1988 will be helping provide legal services to those who need it the most and can afford it the least. By pledging one percent of their first year salaries to the Harvard Fellowship in Public Interest Law (HFIPIL), these students have provided the funding that will enable classmates Hillary Richard, David Lopez, William Dooling and Laurie Spengler to devote at least their first year of practice to providing legal services to the indigent and powerless all over the world — from San Salvador, El Salvador to San Antonio, Texas, to the streets of downtown Boston.

According to HFIPIL President Deirdre McKenna, 3L, the student-run organization seeks to provide one year fellowships to graduating students who wish to pursue careers in public interest law, but will be working on projects or for organizations that will not be able to provide even minimal compensation. The source of funding for HFIPIL fellowships are the graduating 3Ls themselves.

Richard will be using her \$9,000 fellowship to work for a year with the *Comision de Derechos Humanos de El Salvador No-gubernamental* (the Non-governmental Human Rights Commission of El Salvador), in San Salvador. According to Richard, "the Commission works tirelessly to provide information on the harsh and systematic human rights abuses committed in El Salvador to the international community." The legal department of the Commission, which Richard will be joining, provides free representation to political prisoners, assists poor *campesinos* with the preparation of legal documents, and takes testimony from victims of human rights abuses from all over the country.

Richard will also be involved with the implementation of a legal education project that will teach po-

litical prisoners how to represent themselves and how to file legal documents. Richard spent the summer of 1987 in San Salvador at the *Instituto de Derechos Humanos* (Institute of Human Rights) and returned to El Salvador during the past Winter Term to analyze the new amnesty law, which was passed as part of the Arias Peace Plan.

Dooling and Lopez will use their \$17,000 fellowship to pay the salary of a staff attorney at the San Antonio Community Law Center (SACLC), which will provide legal services to the indigent of San Antonio, Texas (RECORD, March 10, 1988). Co-founders Dooling and Lopez will establish the SACLC in the fall of 1988 with support from the local Catholic Church. The Archdiocese of San Antonio has pledged \$50,000 of non-salary operational support and the Brothers of Holy Cross of Texas, Dooling's order, have pledged an additional \$25,000. The coordination of the resources of religious organizations and the private sector to respond to the urgent legal needs of San Antonio's indigent is an innovative approach in the legal services field.

Spengler will spend her first year of practice among Boston's homeless population, providing legal representation as well as lobbying for various legislative and policy initiatives on behalf of the single adult homeless. The \$18,500 HFIPIL fellowship will allow her to take a position as a volunteer with the Greater Boston Legal Services (GBLS) working exclusively on homelessness issues.

Spengler will spend almost half of her time next year working on policy proposals and lobbying legislative initiatives for the Massachusetts Coalition for the Homeless and the Massachusetts Law Reform Institute. Spengler's efforts will also be devoted to working with Barbara Sard, her supervisor at GBLS, and Professor Gary Bellow '60 to develop a course on homelessness, which may be added to the HLS curriculum in 1989. A proposal for this course has been submitted to the administration and

Bellow and Sard are awaiting a reply.

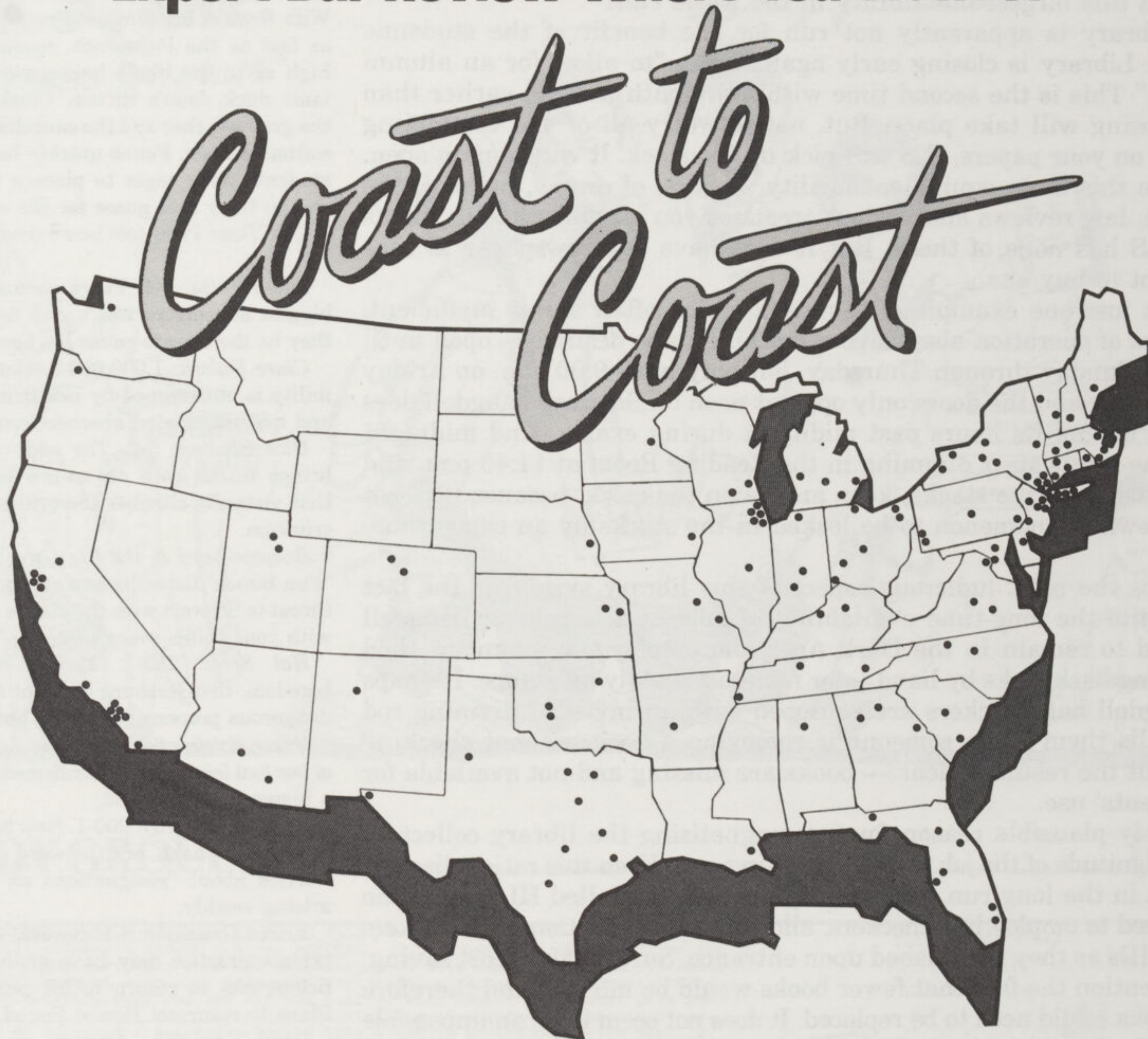
The remainder of Spengler's time will be spent reaching out to local shelters and soup kitchens in an effort to deliver legal services directly to the homeless. Spengler will receive her caseload intake directly from shelters such as Rosie's Place, where Spengler has been a volunteer on dinner and overnight shifts for the past year and a half. Spengler's work at Rosie's has given her "an insider's perspective on a homeless person's daily struggle for survival." Spengler added that "while physically and emotionally taxing, my time at Rosie's has been the most rewarding time I've spent at law school."

Any third year student who is interested in a HFIPIL fellowship must submit a proposal along with a personal statement, a budget and recommendations from the public interest law organization. Each HFIPIL one-percent pledger votes to elect a nine member board of directors, and it is the board that makes the final decision as to which proposals are awarded the fellowships.

According to McKenna, the board had "a very, very difficult task" in selecting the three proposals that would be awarded the fellowships among the seven applications this year. The number of fellowships awarded each year depends on how many people pledge their support, and McKenna stressed that involvement with "the one percent solution" does not have to end after the first year. According to McKenna there have been several alumni who continue to pledge higher percentages of their earnings after their initial one year commitment.



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Dewey Decimal, Do We Stay Open?

Did you ever wonder about the library system at HLS? The *Catalogue* boasts that it is the "largest academic law library in the world" with almost 1,450,000 volumes. But the real question remains: for whose benefit is this largest law library in the world run?

The library is apparently not run for the benefit of the students. Langdell Library is closing early again today "to allow for an alumni function." This is the second time within a month that an earlier than usual closing will take place. But, not to worry all of you completing research on your papers, ILS will pick up the slack. It will remain open. Of course this is an equivalent facility. It does, of course, have all the reporters, law reviews and various treatises you might need. Oh, that's right, ILS has none of these. But it does have the newspaper in case you forgot to buy one.

This is just one example of a system which often seems inefficient. The hours of operation also leave something to be desired — open until midnight Sunday through Thursday, but only until 9:00 p.m. on Friday and Saturday and the doors only open at noon on Sunday. Langdell does not even extend its hours past midnight during exams. And midnight means the lights start dimming in the Reading Room at 11:45 p.m. and if you're down in the stacks, keep an eye on the clock, because it is not an unknown phenomenon to be locked in the stacks by an eager time-keeper.

Perhaps the most ludicrous aspect of this library system is the fact that despite the long-time availability of modern technology, Langdell has opted to remain in the Dark Ages and employ the quaint method of checking backpacks by hand — or more accurately by glance. Perhaps the Langdell bag checkers are equipped with an invisible divining rod which tells them when someone is removing a book without checking it out. But the result is clear — books are missing and not available for the students' use.

The only plausible reason for not magnetizing the library collection is the magnitude of the job and the resulting cost. Even this rationalization collapses in the long run. Once the system was installed HLS would no longer need to employ bag checkers, allowing the circulation desk workers to check IDs as they are flashed upon entrance. Surely *this* is cost saving, not to mention the fact that fewer books would be missing and therefore fewer books would need to be replaced. It does not seem to be an impossible task either. One of the largest liberal arts college libraries was magnetized over a summer. The college simply employed a number of student workers to sticker the books with the magnetic strips. Though law students would be unlikely to take this job, undergraduates surely would. And this new system would make life easier for the library's reference staff — a very efficient and helpful group of people who deserve a break like this.

T.M.F.

HARVARD LAW RECORD

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Fenno

Never before had Fenno found such a cost-less way to garner precious Meister Braus. With news of Big Jim's abdication spreading as fast as the Pubstench, speculation ran high as to the likely heir-apparent to the lame duck dean's throne. Combined with the gray weather and the cancellation of the softball season, Fenno quickly learned that students were eager to place a frosty cool one on their best guess for the successor.

The "Dean Pool" tote board read as follows:

Larry Tribe: 3-1. Fears abound that his biggest supporters won't vote for him lest they be the ones to cause his head to burst.

Clare Dalton: 1,000,000-1. Her high visibility is outweighed by her British accent and her anticipated absence from HLS.

Dick Stewart: 5-2. The odds-on favorite brings to the race an ad-law background that virtually clinches the critical "boring" criterion.

Boopsie-head & the Big Guy: 325-1. The "Fun Bunch" ticket poses a strong darkhorse threat to Stewart with the pledge of "tequila with your coffee every morning."

Hal Scott: 250-1. Though strong on boredom, the Ginsburg incident indicates a dangerous propensity toward honesty.

Susan Estrich: 8-1. Odds may rise if rumors of her foul language are confirmed. May have a bigger prize in mind.

Duncan Kennedy: 200-1. New half-glasses bolster his image, but the word is that Bok worries about "resignations on principle" arising weekly.

Erwin Griswold: 6-1. Several decades in private practice may have given him sufficient rest to return to his proper place. Plans to resurrect Roscoe Pound.

Derek Bok: 6-1. Already runs the law school, so might as well take the job. However, has sights set on seven other deanships, and we all know how the faculty craves attention.

As Fenno surveyed the rankings, a fast-breaking newsflash that Stewart secretly acts in an interesting manner threw the tote board into disarray. Fenno ran off into the buzzing crowd to ferret out the truth.

Upon his return, all bets were off. The apparent cause of the end to speculation was a new entry:

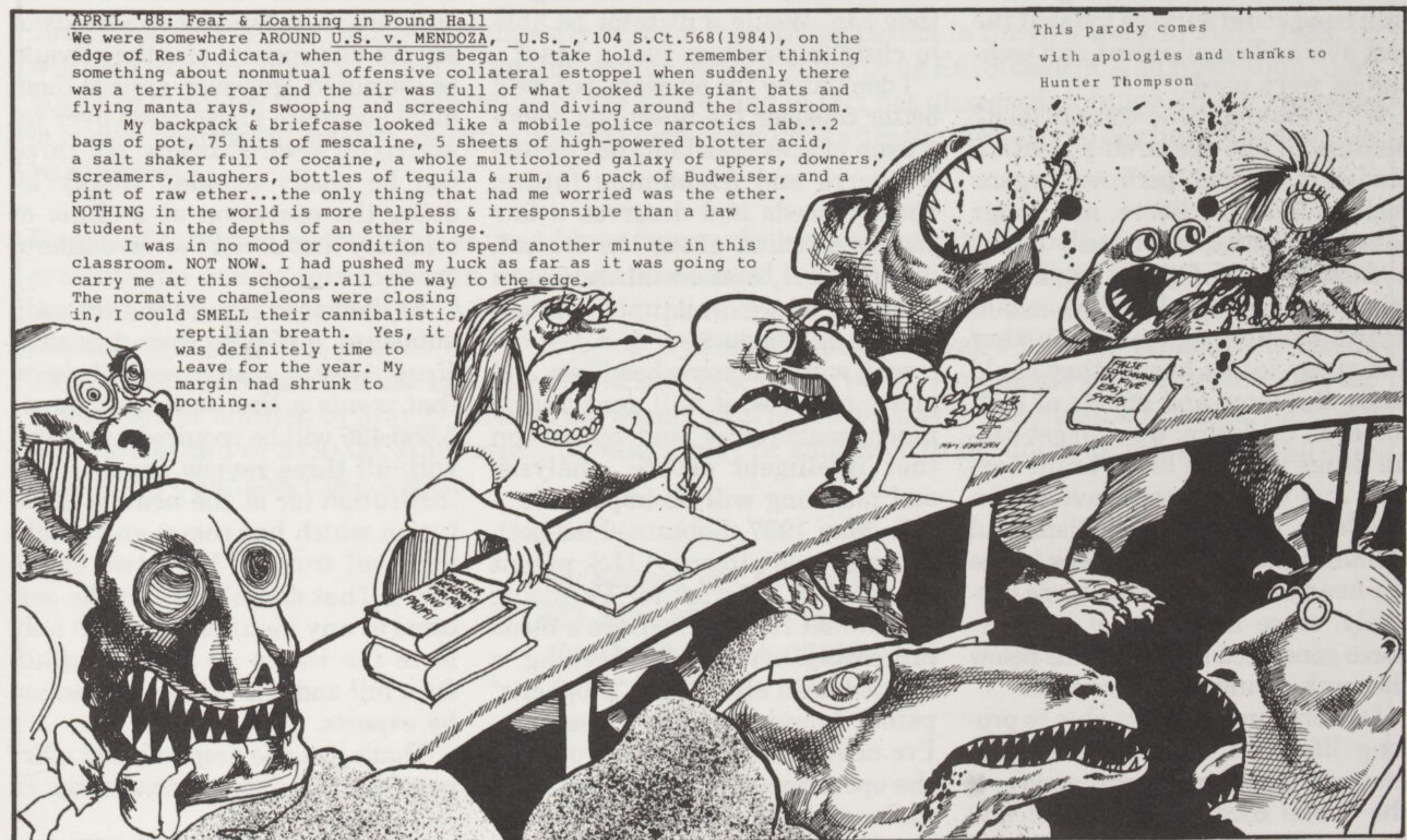
Fenno: 2-7. Inconsistent from week to week, he should appeal to anyone he hasn't yet offended. Students, faculty, and alumni are banding together behind HLS' most popular figure.

Fenno shuddered and drained his beer, knowing that each sip now could be his last — unless he formed a committee on executive beer drinking, that is. Hmm. Maybe being dean wouldn't be so bad.





STUDY GROUP _____ by KA



Off the Record Law Can Head Off Discorporation Disarray

by Chet Fleming

Chet Fleming is the nom-de-plume of a recent HLS graduate and author of If We Can Keep a Severed Head Alive . . . Discorporation and U.S. Patent 4,666,425, published by Polynym Press, St. Louis, MO.

One of the most bizarre and disturbing developments in the history of medicine is approaching. In simple terms, it is possible to sever the head of a lab animal or even a human from the body and keep the head alive on blood processing equipment. Alive: conscious, alert, able to see and hear and think. And if it's a human head, able to talk.

This isn't a hoax. Oxygenators, dialyzers, and other devices can do nearly everything the internal organs do, and the blood could be routed through the body of a second animal (or a comatose person) for fine-tuning. Medical technology has made huge strides since 1971, when transplanted monkey heads regained consciousness for 36 hours, and no one knows how long a severed head could survive today if the best available equipment and techniques were used.

Why would anyone want to do it? Because of the research potential. Studies of isolated "perfused" organs such as kidneys, livers, and lungs have contributed enormously to our understanding of those organs. If scientists could take that established research technique further and study intact heads, they could study the fates and effects of molecules in the brain, ways to get useful drugs past the blood-brain barrier, and the processes involved in problems such as alcoholism and mental illness. What happens inside the head could be studied more precisely, since hundreds of interferences generated by the organs below the neck would be eliminated.

Doctors might also be able to prolong life with far less pain than many dying people suffer today. If the spinal cord is cleanly cut and nerve cells are killed or protected

from pain-triggering substances, they won't send any signals, which will probably be interpreted as numbness. Removing a terminally injured or diseased body might be a release from horrible agony.

But the potential advantages don't justify this technology unless the advantages outweigh the dangers and disadvantages. The ability to keep a severed head alive raises extremely difficult and disturbing questions of animal rights, medical ethics, and social values. How much pain will lab animals suffer? If a severed human head is overwhelmed by pain or depression, can the pumps be turned off? Who will pay for the operation if people want it? What will the heads do after the operation? Would a severed head still be married? Or employed?

And who will get the operation? Geniuses like Einstein usually just want to live a normal lifespan, but dictators like Stalin and Papa Doc Duvalier try to hold on as long as they can. Would a dictator be able to cling to power as just a head?

I don't know the answers, but we'd better consider the questions before a team of scientists launches us into a bizarre and frightening future. Society needs and deserves a fair chance to think about the ethical, moral, legal, and social issues, in advance. If we wait until the operation is announced as a *fait accompli* with gruesome headlines and grisly pictures, it will generate so much controversy and opposition that intelligent debate, analysis, and planning will be impossible.

In May 1987, I obtained (as both inventor and attorney) U.S. patent #4,666,425, "Device for Perfusing an Animal Head." It covers a blood processing system for keeping a severed head alive. It's a "prophetic" patent based on library research. I've never built the system or done the operation, and I have no desire to. I merely described how someone would assemble and use the com-

ponents which are already available, in order to warn the public that this technology is growing closer.

A patent does not allow the inventor to use his invention; instead, it allows him to stop other people from using the invention. So I have the right to stop anyone from using the system I patented. That's why I obtained the patent: I want to make sure that if and when this operation is done, it's done with full and careful regard for the long-term issues, and that it's subject to wise and reasonable legal controls.

Nearly every university or medical school already has three scientific panels (Institutional Review Boards, Institutional Biosafety Committees, and Animal Care Committees) to control certain types of research. They contain both scientific and non-scientific experts with no personal stake in the research they review. They're excellent resources with skill and experience in balancing the needs of science and society, and they should be consulted. However, none of them have adequate jurisdiction over research on severed heads. All three can be easily avoided simply by doing the operation at a clinic or company that doesn't receive federal funds.

As described in a book I recently published, *If We Can Keep A Severed Head Alive . . .*, any research team that wants a license to use patent 4,666,425 will be required to consult with all three review panels at its institution (or at the nearest institution which has them) and obtain approval from at least two of the three. That doesn't predict the outcome at any institution; it will only force the issues up to the surface for a full and fair debate, moderated by experts.

That's just one proposal, and other people might have better ideas. In

(Continued on Page 12)

LEGAL COMPETITION

Proposition

"May marijuana legally be rescheduled to Schedule 2 of the Controlled Substances Act to facilitate the extraction of pharmaceutical THC under currently extant C.S.A. provisions providing for the extraction of pharmaceutical cocaine in the United States from coca leaf under Schedule 2?"

Background

THC (tetrahydrocannabinol), the active drug in marijuana, was placed in Schedule 2 in 1986. The 95% pure THC is used to counteract nausea in cancer patients and is considered a safe, efficacious, and non-toxic drug. Cannabis, containing less than 4% THC, remains prohibited, in Schedule 1 with heroin. Any possession at all, except for research, is illegal.

Cannabis Corporation of America, holder of the sole patent for the processing of cannabis (marijuana) into pharmaceutical THC, has submitted its final brief to Judge Francis L. Young. Judge Young is the Administrative Law Judge appointed by the Drug Enforcement Administration to issue his opinion after the close of the "medical marijuana" hearings in Washington, D.C.

Cannabis Corporation manufactures only legal THC capsules; it has no interest in issues concerned with marijuana itself, for either medical or recreational purposes. However, among those arguments filed on April 15th, we feel that their argument is the strongest *legal* case for rescheduling of cannabis into a legal control category similar to that of coca leaf. THC, currently made only synthetically, has been legally manufactured and sold since 1986.

Judge Young will hear final oral arguments of the three moving parties in the first week of June, 1988; he will then issue his opinion. John Lawn, the Administrator of the Drug Enforcement Administration, does not have to follow the recommendation of the Judge, and in fact has disregarded Judge Young's opinion in similar hearings in the past. No final decision may occur until after the presidential election. Appeals may be expected.

Copies of this brief are available at the address below; the law student with the best argument *refuting* our presentation will be provided with transportation to and from Washington, D.C. along with overnight accommodations, to assist C.C.A.'s attorney at the final oral presentation. In addition, each law student requesting a brief will also be sent a copy of William (Iacocca) Novak's recently republished **HIGH CULTURE, Marijuana in the Lives of Americans**, as a source book. Arguments will be due May 22; the winner will be notified by May 27. Should the winner elect not to attend the Washington hearings, there will be a cash award of \$350.00. Any further questions may be addressed to the undersigned, agents and consultants to Cannabis Corporation.

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Tenants Recover Thousands With Student Aid

(Continued from Page 2)

"nobody can comply with everything Legal Services looks for. . . . They could find a million little things wrong with a million dollar condominium."

Haddad claimed that LSC used litigation tactics to delay the *Gonzalez* case. "They [LSC] took seven or eight depositions in a simple summary process [eviction case]. All the questions they asked were irrelevant: 'Do you have insurance? How much insurance do you have? How much did you pay for the properties?' We had already answered all those questions in interrogatories," he asserted.

"It's a sad situation," Haddad continued. "The law is created to help the indigent and the poor, but it goes beyond the bounds of justice to make landlords suffer like this. Now landlords will say, 'Let me give you \$5,000 or \$10,000' in a case even if it involves a phony claim," he said.

Dan Collins, 2L, who is serving a second term of placement in the housing workgroup at LSC, rejected the notion that the Center drags out trials or uses needless delay tactics. "Where we don't see a claim,

we usually just tell the tenant or refer [the tenant] to another attorney. I don't think we've ever taken a case just to drag it out," Collins said.

Professor Gary Bellow '60, who was lead counsel in both cases, said that the decisions are "merely the application, and to a small degree, the extension of existing law." He said that apart from the size of the damage awards, the cases were not very unusual.

"This kind of treatment [of tenants] happens a lot — but it's rare that it's proven," Bellow said. "There are plenty of cases where landlords have been as neglectful, and have put economic and psychological pressure on tenants. One difference in this case was that the landlord wouldn't settle. It's unusual that the case was tried."

The case may begin to give landlords the message that the "law has teeth to it," said Bob Patten, 2L, who is now in his third term of placement in the housing group at LSC. "The old way of doing business is for the landlord to assume that he or she can evict the tenants or buy them out at a low cost." Patten said that since the large majority of tenants never resist their land-

lords or have legal representation, they tend to get "railroaded. . . . If enough of these tenants get representation, maybe the landlord's bar will start to advise their clients in a way that they can avoid this kind of exposure."



Using Your Head

(Continued from Page 10)

addition, the patent is in jeopardy, and it might not survive attack. So I've asked Congress to tackle this issue.

Not surprisingly, no one I've contacted in the federal government is willing to take a stand on this issue. So, I'm hereby notifying HLS alumni that an extremely complex issue of law and technology is rumbling toward the surface. If any of you want to join the debate, please do.

I don't want to control anything; I only want to help generate an informed and useful debate. This technology is real, and it's getting closer.



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Author Returns To One-L Scene

(Continued from Page 2)

Asked about the Socratic method, Turow responded "I didn't like the way I saw it utilized in the most bullying fashion," adding, "I really see what goes on in the classrooms today as often an exercise in ego without a necessary pedagogical end. That's not so much the method as the people involved." He also stated that HLS' large class size "forecloses education and give and take."

Much of the audience questioning centered on Turow's years as an HLS student. Turow confessed that he had the contract to write *One L* before coming to school, and revealed his first year professors: Lewis Sargentich '70 for torts,

Duncan Kennedy for contracts, Arthur Miller '58 in civil procedure, James Vorenberg '51 for criminal law, Charles Haar '44 in property and Philip Heymann '60 in law and public policy. Turow noted, however, that "no character in *One L* represented any one person, including professors . . . though Professor Miller apparently wasn't convinced of that."

Turow defended the accuracy of *One L*. "I'm an anxiety-ridden creature. I always have been and I still am. But one thing I will say — I didn't make anything up. Did my section go crazy over outlines at the end of the year? That's exactly what happened." He called the first year of HLS "an experience worthy of reflection and scrutiny."



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Diversity And New Courses Were Achievements

(Continued from Page 1)

successor "in close cooperation with the faculty."

Before tapping Vorenberg in 1981, Bok heard from a faculty committee about candidates from outside HLS and consulted various professors about candidates from among the faculty. All HLS deans in recent years — Erwin Griswold '28, Bok, Albert Sacks '48 and Vorenberg — have been both professors and alumni of the school.

"Under Jim Vorenberg's leadership, the Law School has not only maintained the traditional excellence of its academic program," Bok said, "but has broadened its curriculum to meet the challenges of contemporary society and the needs of today's legal profession." Under Vorenberg, HLS has added important new programs in human rights, law and economics, the study of lawyers and their ethics and international criminal justice, he added.

Among achievements with which he is "pleased," Vorenberg cited an increase in the number of women and minority faculty members during his years, a growth of clinical programs and the school's commitment of financial assistance to students and alumni who do public interest work.

The number of full-time women professors has grown from four to seven since 1981. One black professor died but two more were added during that time and four are currently on the full-time faculty.

The HLS faculty's diversity "has sometimes made it harder to reach agreement," Vorenberg said. "But that diversity also enables us to offer our students an educational opportunity of unrivaled richness, and enables our faculty to contribute broadly and deeply to legal scholarship." Recent years have seen public discord among professors, but Vorenberg said controversies among the faculty "have sort of bubbled along at about the same rate" during his tenure.

The dean said he plans to use his final year in office to continue a long-range planning project that

began last year and may include a major capital fund drive. The decision on whether to launch a capital campaign probably will not be made for two to three years, he added, but he said by the time he leaves his post he hopes administrators "will have a fairly clear picture of the needs of the school and of some of the opportunities that could result from capital financing." He said he will leave "major decisions about the needs and how to meet them" to his successor.

A native of Brookline, Mass., Vorenberg grew up there and in Cambridge before attending Harvard College, where he was graduated *magna cum laude* in 1948. Vorenberg's father operated a family-owned department store in downtown Boston for 52 years.

After two years in the Air Force, Vorenberg clerked for Justice Felix Frankfurter '06, then did corporate work for the Boston law firm of Ropes & Gray for eight years until 1962.

Vorenberg recalled Frankfurter as "wonderfully complex" but said he did not fully appreciate "what

an interesting guy he was" at the time.

Vorenberg joined the HLS faculty in 1962 to teach corporate law but "almost immediately got deeper and deeper into criminal law," he said.

During the 1960s, Vorenberg served for a year as special assistant to U.S. Attorney General Robert Kennedy, then took a two-year leave of absence to serve as executive director of President Lyndon Johnson's Commission on Law Enforcement and the Administration of Justice, a group that Vorenberg said made "sweeping" proposals to reform the nation's police forces, court systems, prisons, juvenile justice system and policies for fighting drug and alcohol abuse.

Vorenberg said he expects to involve himself in clinical programs and the program on the legal profession, as well as teach criminal law. Several students complained this year when HLS cancelled a course on advanced criminal procedure, and Vorenberg said he may teach that class himself after he steps down.

☛

Successors Jockey For Position

(Continued from Page 4)

seen as just one of a number of ideological battles within the faculty over the last several years, and Vorenberg has attempted to maintain a moderate position throughout, according to several professors.

"He's managed to hold us together and keep us concentrating on curriculum and other important concerns in a time of considerable strife on a number of questions," said Prof. David Shapiro '57. "It's not been an easy job, but it was done with irrepressible optimism."

Prof. Philip Heymann '60 also credited Vorenberg with maintaining some unity within the faculty, attributing his success to a "willingness to listen to both sides and an unwillingness to take sides when everyone demanded he take sides."

Asst. Dean Andrew Kaufman '54

agreed, saying "some people expect too much of a dean; he's only one person among 60. To the extent it could be done, he tried to hold the faculty together and make it possible for people to be productive scholars and good teachers."

All the professors who commented when approached the day after Vorenberg's announcement agreed that the search and selection of Vorenberg's replacement could further divide the faculty along ideological lines.

Speculation among those close to HLS about likely choices as new dean has centered around Professors Richard Stewart '66, Lance Liebman '67 and Mary Ann Glendon, as well as University of Chicago Prof. Cass Sunstein '78, a former HLS visiting professor.

(Continued on Page 16)

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Rumored Replacements Downplay Speculation

(Continued from Page 14)

Other professors mentioned as possibilities include Charles Nesson '63, Philip Heymann '60, Paul Weiler, LL.M. '65, Frank Michelman '60, and Laurence Tribe '66.

While Stewart refused comment when asked about his possible candidacy, two professors requesting anonymity said Stewart has actively sought the position. One described Stewart as "campaigning like mad" for the post, adding that he has been supported by other conservatives, who might advance an even more conservative candidate to make Stewart appear moderate by comparison.

Glendon, a graduate of the University of Chicago Law School who only arrived at HLS in 1986, said mention of her name as a candidate was "nothing more than scuttlebutt. You will hear a lot of rumors over the course of the next year. I don't think anyone is 'under consideration' yet."

Liebman, Heymann and Tribe refused comment about their interest in the position, while Michelman, Weiler and Nesson were unavailable.

Sunstein, when contacted in Chicago, said he would not consider the position if offered. "I like teaching and writing. I have no interest in being a dean," he said.

Vorenberg's successor is expected to be chosen through an unprecedented procedure that will involve more faculty participation than in the past. "My understanding is that there will be an effort to put together a search committee that will work with the faculty and the president," Shapiro said. The faculty passed a resolution in 1984 calling for more involvement in the dean selection process, as a result of complaints about the procedure being "too ad hoc and too individualized," he said.

Morrison Lauds Legal Aid

(Continued from Page 3)

on the significance of the Bureau. "We've seen 75 years since that first group of 25 students set up shop in

Central Square to the 62 dedicated law students and supervising attorneys who today work to resolve the legal problems of those in our community."

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