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TWENTY CENTS

## Nesson Becomes Associate Dean; Will Direct ITA

By J. Ezra Merkin

Prof. Charles R. Nesson, '63, has been appointed an Associate Dean and will immediately join Associate Dean James Vorenberg and Dean Albert M. Sacks in planning the curriculum and executing administrative responsibilities. The appointment was announced last week by Sacks and takes the form of a recommendation by him to the Harvard Corporation and Overseers.

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Prof. Charles R. Nesson

## Amendment Exercise Cancelled

By Steve Friedland

A student group calling itself the First Amendment Film Society has cancelled its showing of the classic pornographic film "Deep Throat" scheduled for tonight in Harkness Commons.

The group scrubbed its planned exercise of First Amendment freedoms after learning that those freedoms might be threatened by a possible criminal prosecution by the Middlesex County Prosecutor.

Tim Hanford, 2L spokesman for the Film Society, said, "The reason we're backing down is that, while we have received considerable support from the law school community and from certain faculty members, the risk of prosecution is a little too great. We're confident we could win in the end but the time and expense is a little too much."

The Film Society had planned to show the film under the assumption that it was not obscene in Massachusetts. "We were told that it was legal by the film distributor and had been under the impression that there would be no problem," Hanford said. "Then we were informed that the Middlesex County prosecutor was zealously opposed to pornography."

Hanford said that the group had not been contacted by the Middlesex County prosecutor. Information about possible criminal prosecution "was volunteered to us," Hanford said, refusing to elaborate.

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## Clinical Education Committee Releases Its Recommendations

By Larry Zelenak

After a full year of discussion and investigation, the Committee on Clinical Education, chaired by Prof. Richard Stewart, presented its monumental 113-page report at the April 4 faculty meeting. Although the faculty discussed the report for well over an hour, no votes were taken on any specific recommendations. The faculty is expected to vote next Wednesday on whether to give the report its general endorsement.

The conclusions of the committee were favorable to the continued development of clinical education programs at the Law School. The committee broadly defined clinical education as "all methods of explicitly experience based learning," thus including in-class simu-

lation exercises as well as actual fieldwork. Perhaps more surprising than any of the committee's recommendations was its survey of the past history and current condition of clinical education at Harvard—a survey that revealed that clinical education has already mounted an impressive challenge to the century-old primacy of the case method at Harvard.

### Clinical Involvement

About 200 students a year enroll in the ten-credit introduction to advocacy program, with its trial advocacy workshop, professional responsibility, lawyering process, and fieldwork components. In addition, a number of four-credit courses with specialized fieldwork

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# Nader, Criticizing HLS, Promotes EJF

By Dan Hershman

One of Harvard Law School's most prominent alumni, Ralph Nader '58, spoke before 200 people on Wednesday, March 21, on "The American Legal System: Why Those Who Most Need It Can't Use It." Nader's talk was sponsored by Students for Public Interest Law and the Equal Justice Foundation.

Nader stated that the Bill of Rights is "not on the Top Ten Hit Parade these days . . . The Burger court, in a series of decisions, has rolled back progress." He criticized what he called the "insidious requirements" of standing to sue, pointing out that no citizen can challenge the secrecy of the CIA budget or even a President who uses public funds for private campaign uses. Nader said that the costs of notice severely limit class action relief, allowing "hundreds of thousands [to] get ripped off a little bit." It costs too much for a citizen to challenge a bad drug before the F.D.A. Nader included among the obstacles to public relief the U.S. Supreme Court, the Business Roundtable, and the Chamber of Commerce.

"As a law student, I can't recall any discussion in a class of how many Americans can participate in our legal system and how many cannot . . . Deployment of lawyers was not discussed," Nader said. He asked the audience to consider what he said no one did when he attended HLS: "What is wrong with a profession that overservices the rich and powerful and ignores the poor and unrepresented?"

## What Is The Purpose?

Nader said HLS students must ask themselves: "What is the purpose of the Harvard Law School? What is it supposed to contribute to

society? What is its mission? . . . Should law schools be a reflection of the job market or try to lead and shape the profession?" Nader recalled his days at HLS: "We never got to tenant in the landlord-tenant course. We studied creditors' rights, never debtors' remedies . . . Ask yourself, 'What are the forces that shape the curriculum?'" Nader further admonished law students, "You're the elite, you're not the most just; you have to work at it." Nader criticized the Socratic method and "intellectual arrogance" that he felt law schools practiced; he quoted former Dean Erwin Griswold: "What is it we do to them that they come in so idealistic and leave so hardbitten?"

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*"What is wrong with a profession that overservices the rich and powerful and ignores the poor and unrepresented?"*

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He recommended that students read Joel Seligman's *The High Citadel*, a "legacy" to HLS, as Nader described it.

The material choice one makes in a career, Nader said, "is whether you live a comfortable life or are rich. Wealthy lawyers are among the most miserable people I know." One must decide between being a primary and a secondary human being, Nader said. "The primary lawyers bring their conscience and skill to work every day. This country needs them — thousands of them (in places like) the National Resource Defense Fund and the

Public Citizen Litigation Group. There are more jobs than you may be seeing," Nader said in recommending that students utilize Public Service Placement Administrator Douglas Phelps. "The fact that you may not make one-half or two-thirds as much as a secondary attorney is *de minimis* in terms of your achievements." Young attorneys charged with big responsibilities work in such areas as civil service reform with Congress Watch, where Nader said a lawyer right out of law school helped secure a key whistle-blowing provision.

## Tithing for Justice

Nader's mission was to sell the Equal Justice Foundation and its goals of wholesale preventive law, structural changes, and access to justice. EJF attorneys, funded with voluntary tithings, have been fighting for major amendments to the Freedom of Information Act, reform in class actions, and standing. Six percent of the 1978 HLS class pledged last year, Nader said, but with his reception and sign-up sheets, he hoped to improve on that. He hoped more lawyers would follow Ramsey Clark's example and tithe themselves.

Nader suggested law school graduates be required to perform public service work as a precondition to practice. In closing, he admonished his audience, "You are all far too talented to waste your promising careers peddling corporate wares."



## SPORTS QUIZ

1. This really *is* a sports question: What cost 5¢ in 1956 and \$220 in 1978?
2. What three men starred in the 1947 World Series and never played another major league game?
3. Who were the only two men to receive #1 votes for American League MVP in 1967?
4. Who led the American League in home runs in 1962, 1963, and 1964?
5. Who was the Clemson University football player Woody Hayes slugged in the Gator Bowl?

(Answers on Page 14)

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# HLS-Sponsored Legal Services Center Opens

By Bill Ross

The Legal Services Institute, a community legal services center, will accept 16 Harvard and Northeastern 3L's for an intensive full-year clinical program beginning next year.

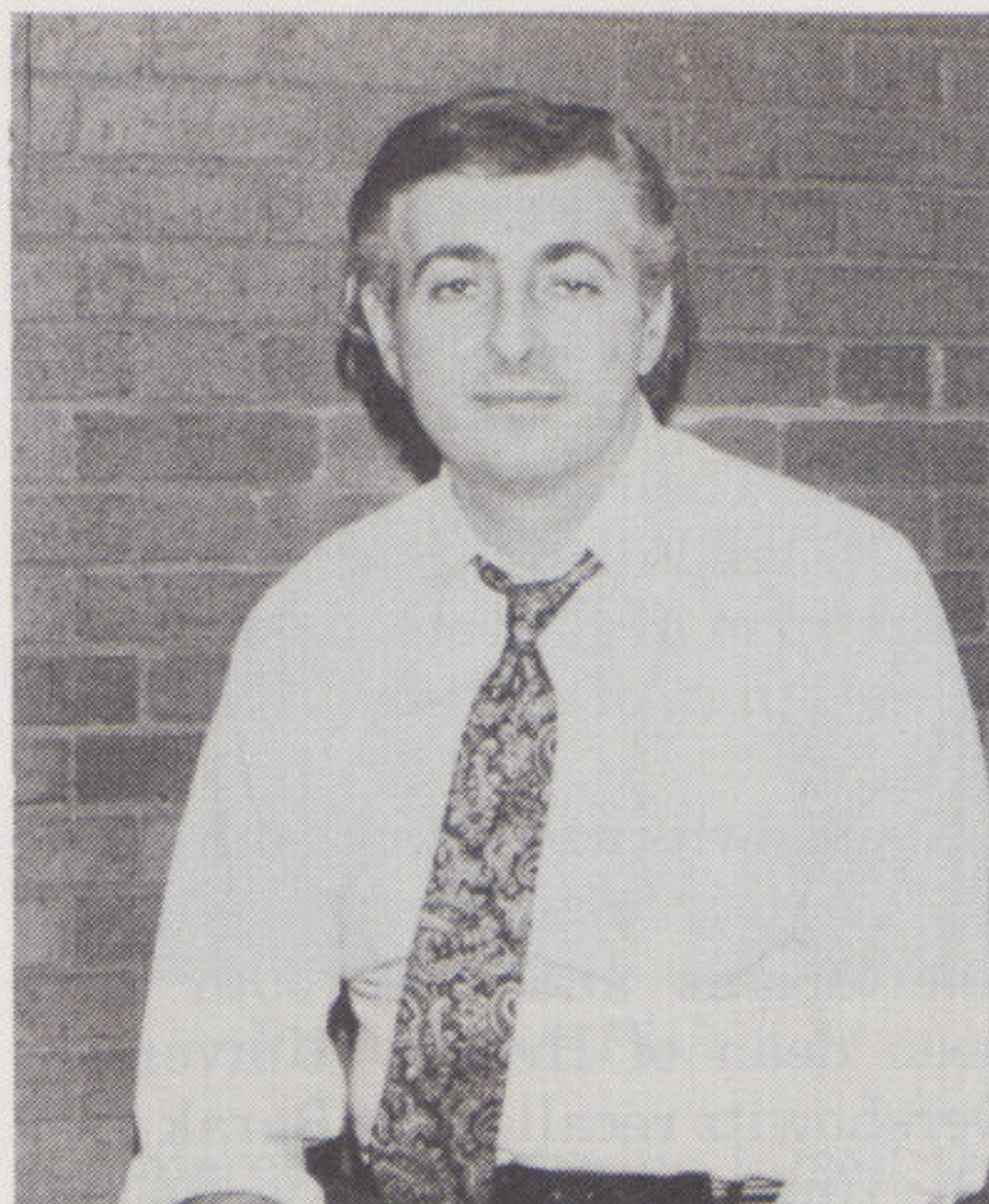
Professor Gary Bellow, one of the Institute's founders, described the Institute's primary goals: "First, we want to contribute in general to legal education. Second, we want to improve legal services for the poor by integrating talented young people into the legal aid system. Finally, we want to serve the Jamaica Plains community in which the Institute is located."

The Institute is supported by Harvard, Northeastern, and Greater Boston Legal Services (GBLS), which is in turn funded by the federally-chartered Legal Services Corporation. Institute officials hope that in the future other local universities will also join the project, according to William Simon, staff attorney and instructor at the Institute. Although GBLS will provide most of the Institute's funding, Bellow said that Harvard has agreed to make a good faith effort to raise \$1.25 million for the Institute over a four-year period.

## Progress Thus Far

Simon stated that although the Institute has thus far concentrated on "setting up the program and getting to know the Jamaica Plains community," its founders have already outlined the contours of the Institute's approach to legal programs. Simon explained that the Institute will not confine itself to any one type of legal problem. Moreover, it will "establish close contacts with the community through day-to-day cases" rather than emphasizing litigation of test cases.

Bellow noted, however, that the Institute's founders hope that intensive effort on routine cases will eventually work changes in certain areas of the law by making an organized attack on the problems facing the urban poor.



Prof. Gary Bellow

Simon explained that the Institute is also in the process of developing its academic program. Unlike most clinical programs, Simon commented, the Institute will feature "a very serious academic component." Since participating students will devote all of their third-year academic hours to the Institute, the Law School faculty has insisted that the program contain sufficient academic rigor. As Simon noted, the faculty's unanimous approval of the program signals the Institute's success in developing a syllabus meeting their standards.

## Academic Component

According to Simon, the program's curriculum will contain three components. The first part will "combine doctrine and social science" in law and legal institutions. The second part will consist of an in-depth Legal Profession course. The third part will teach lawyering skills through role playing and simulation.

The program's most distinctive feature, however, will be the clinical training it offers. "This is an opportunity to provide students with an education that is more practically focused than is the usual law school curriculum," Simon said. "It is career-line, giving students the chance to participate in an interesting and exciting practice. Law schools in the past

have slighted this kind of education."

Simon said he is not certain whether any other law schools have ever afforded students the option of devoting their entire third year to clinical training.

## Student Selection

According to Simon, the Institute has not yet developed any procedure for selecting students for the program, but it will seek students who intend to continue to work in legal aid following graduation. Bellow said that students will be selected for the program partly on the basis of writing skills and work experience. "It will be difficult to pin down the right criteria for selecting students," he observed. "We expect that our standards will evolve over a period of time."

Simon pointed out that the Institute will help students find permanent jobs. Although he noted that there is no way to force students to honor a commitment to enter legal aid work, he assumes that most persons who make such a commitment would want to keep it.

Since only one or two students in recent Harvard graduating classes have entered legal services work, it is not clear how many Harvard students will apply for the program, Simon said.

"Northeastern, in contrast to Harvard, traditionally has had a large proportion of its graduates go into legal aid work," Simon added. "We therefore expect a substantial response from Northeastern on this basis but we also hope that many Harvard students will be interested in the program."

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# Alumni Helped Shape Mid-East Treaty

by Dave Quinto

Several Harvard Law alumni played important roles in the Israeli-Egyptian peace negotiations.

Israeli negotiators Aharon Barak and Itzhak Zamir were both special students at the Law School during 1966-67. Abdalla Ali El-Erian, an Egyptian negotiator, was a special student at the Law School during 1946-47; Osama El Sayed Mohamed El-Baz of Egypt earned his LL.M. at Harvard in 1961 and then completed most of his S.J.D. work here during the next seven years. The Egyptian Ambassador to the United States, Asharaf Ghourbal, although never a law student here, was doubtless able to hold his own during the bantering about HLS which occurred during some of the lighter moments at the Camp David talks last September: Ghourbal earned his A.M. and Ph.D. at Harvard.

HLS Prof. Roger Fisher was in Jerusalem in November, 1977 when Egyptian President Anwar Sadat arrived on his "historic mission." On a hunch, Fisher phoned the King David Hotel and asked to speak to his friend and former pupil, El-Baz. Sure enough, El-Baz was among the small group of advisors accompanying Sadat. Fisher recalls that El-Baz was a "very able student. He got straight A's competing with Americans in law school courses." Fisher remembers him as "energetic, a doer."

Once Fisher's wife invited El-Baz to a surprise birthday party for Fisher. El-Baz accepted on the condition that he be allowed to cook the entire dinner. "He made very good baklava," said Fisher. Professor Richard Baxter also remembers his former pupil warmly and recalls that El-Baz was active in the Arab Students Association while here.

## A Useful Course

In contrast, both Barak and Zamir are "apolitical", according to Prof. Alan Dershowitz. Dershowitz, although a professor at the time,

was a classmate of Barak's and Zamir's in the late Professor Henry Hart's Legal Process course. As he recalls, "both were very interested in the use of language in statutes to implement important social policies. Their training in the Hart and [Dean Albert] Sacks material stood them in good stead during the trying times of solving great issues of policy."

Dershowitz added that both Barak and Zamir are committed civil libertarians and that both have been dean of Hebrew University. Dershowitz recalls that Barak used his time at HLS to write his treatise, *Vicarious Liability in the Law of Torts*, and added that Barak is possessed of an "extraordinary sense of humor." Barak is "widely regarded as among the most brilliant and creative legal scholars in Israel," commented Dershowitz.

Barak, then the attorney general of Israel, participated in the Camp David meetings. The RECORD has learned that during the course of a ten-hour meeting with President Carter and El-Baz, one of the HLS grads chided the other about a particular proposal, asking "What would Professor Sacks say about this?"

National Security Council Mid-East expert William Quandt stated that on other occasions Barak and El-Baz teamed up to twit U.S. negotiators Cyrus Vance and Herbert Hansell (both Yalies). Barak's involvement with the negotiations ended this spring when he was appointed to the Israeli Supreme Court. Zamir, a former law teacher, replaced him as attorney general.

## World Court Appointment

El-Erian, a member of the Egyptian negotiating team at the Blair House and Madison Hotel negotiations which followed Camp David, also had to drop out of the negotiating process this spring as a result of good fortune: he has been appointed a Judge of the International Court of Justice at The Hague. Baxter, who was a classmate of El-Erian's at HLS and who will be joining El-Erian on the International Court of Justice, de-

scribes El-Erian as a "distinguished person" who has been active in the area of international legal conflicts.

According to Nabil El-Araby, deputy permanent representative of the Egyptian Mission to the United Nations, El-Erian has served as the legal advisor to the Ministry of Foreign Affairs, deputy permanent observer to the United Nations, Ambassador to France, ambassador to the United Nations in Geneva, and, most recently, ambassador to Switzerland. El-Erian also taught a summer program for government legal advisors with Baxter at HLS in the mid 1960's.

## Effective Operator

El-Baz's credentials include having been the under-secretary of state of the Ministry of Foreign Affairs, Counselor of the Ministry of Foreign Affairs, Director of the Diplomatic Institute, and director of the Foreign Minister's cabinet. He has also advised the late President Abdul Gamel Nasser and the former Foreign Minister Fahmy. El-Baz is currently the foreign affairs advisor to the Vice-President. Fisher observed that El-Baz is a "very effective operator in bureaucratic politics."

Other members of the HLS faculty played parts in the peace process. One professor recalled phone conversations with former students who were among the negotiators, in which he encouraged them during bleak moments. One professor said, "Some professors undoubtedly had substantive discussions with the various participants."



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# Fisher Text Used in Mid-East Talks

By Dave Quinto

A year ago, Prof. Roger Fisher used the spring recess to draft *International Mediation: A Working Guide — Ideas for the Practitioner*.

Last September, practitioner-President Jimmy Carter used some of those ideas to help reach agreement between Israel and Egypt at Camp David, and continued to use those ideas this spring to arrive at a peace treaty. The RECORD learned of this connection in a conversation with the National Security Council's Mid-East expert, William Quandt.

According to Quandt, "Fisher talked to us on an individual basis about his ideas. Some conversations were very helpful. I can't recall where all the ideas came from, but a number of the ideas used were Fisher's. His concept of a 'single negotiating text' did get used at Camp David."

Fisher, whose specialty is conflict resolution, said that he used the Arab-Israeli conflict as an area of special study. Following discussions in 1970 with President Nasser, King Hussein, Prime Minister Golda Meir, and others, he published as a book, *Dear Israelis, Dear Arabs*, letters of advice that he had written to various friends among the parties.

## Single Negotiating Text

Two years ago, concerned with the number of painful concessions usually involved in the mediating process, Fisher devoted several sessions of a "Devising Seminar" to the problem. Professor Louis Sohn, a participant in the multi-party negotiating techniques used at the Law of the Sea conference, helped develop the concept of using a single negotiating text in mediation. William Ury, a graduate student in Anthropology and currently a full-time research associate of Fisher's, was a major contributor to the work.

In November, 1977, at the time of Sadat's visit to Jerusalem, Fisher was also in Israel attending



Prof. Roger Fisher

a conference and trying to sell the approach to Itzhak Navon, now President of Israel, and to Ephraim Evron, now Israel's Ambassador to the United States. Subsequently he discussed the single negotiating text method with the Egyptians and with U.S. officials William Quandt, Roving Ambassador Alfred "Roy" Atherton, and Assistant Secretary of State Harold Saunders.

In August 1978, ten days before the Camp David meeting, Fisher was playing tennis on Martha's Vineyard with Secretary of State Vance, who was a house-guest next door. Fisher gave Vance a copy of the *Working Guide* and discussed it with him on subsequent days.

The basic mediating process used at Camp David was that of the single negotiating text. Rather than discussing the written proposals of either the Israelis or the Egyptians, or asking them to accept a U.S. proposal, the United States listened to the parties and then produced a rough draft for purposes of discussion. None of its provisions could be rejected (or accepted) because none was being proposed.

In his book Fisher writes: "The essence of the procedure is to prepare a discussion paper of some kind which blocks out the lines of an agreement, and then to go through a series of sessions in which the mediator listens to criticisms and suggested improvements. After a number of such sessions, the mediator prepares a revised and improved version of the

document. . . . It is wholly non-binding and without prejudice to the position of any party. The objective of the working sessions is to improve the draft until the mediator believes that it cannot be further improved."

## Reconciling Interests

Fisher drew an analogy between the peace talks and having a husband and wife with differing desires design a house. The architect would be best advised not to ask each to clarify exactly what he or she wants and then try to work out each difference by asking each to give up something. Rather, the architect should ask each what his or her interests are and should then suggest a possible way of reconciling those interests. The architect should ask for criticisms, not concessions; nor should he allow partial agreements. Even should both decide that some points are acceptable, they should not be taken as settled; the parties may "paint themselves into a corner" and not leave enough room or flexibility to resolve other issues.

Fisher writes that the advantages include avoiding the "otherwise overwhelming pressure on the parties to crystallize and harden their positions; allow(ing) progress to be made without anyone's having to make 'concessions;' direct(ing) the parties' attention to the future by focusing on the means for coping with practical problems; allow(ing) a party who fears the slippery slope to refrain from giving up anything until it sees the end of the road;" and others.

## An Added Advantage

Coincidentally, the single negotiating text had an added advantage in the Israeli-Egyptian negotiations. The Israelis were reluctant to accept a full United States role in the negotiations with the U.S. making official proposals, and the Egyptians were reluctant

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# Fisher Devises Negotiation Tactic

(Continued from Page 5)

to accept a full U.S. role unless the U.S. could make official proposals. The single negotiating text proposals had just enough status to satisfy the Egyptians and little enough to satisfy the Israelis. Fisher states that parties in stronger bargaining positions often take Israel's position and parties in weaker positions Egypt's position with respect to third party participation. Presumably the single negotiating text approach can frequently be used as a compromise in such situations.

## Series of Drafts

In following the single negotiating text approach at Camp David, the U.S. ran through 23 drafts, each time asking the two parties to criticize the draft. Each time the U.S. in effect said: "We're not committed to it. Tell us what's wrong with it." And finally, on the last draft: "Will you buy it if the other side buys it?" "This approach allowed Begin to state truthfully about the treaty that I didn't make a single concession until the last day," said Fisher. It also obviated the need to make concessions because neither the Israelis nor the Egyptians were working from a draft proposed by the other and it spared the time and effort that would have been required to negotiate each concession en route to a final text.

According to Fisher and Ury, the technique worked slightly less well at the Blair House and Madison Hotel negotiations which followed the Camp David meeting than at Camp David itself "because the two sides began to agree on certain things and thus locked themselves into positions. By accepting particular clauses, and by referring some issues to Cairo and Jerusalem, the process broke down." Fisher is confident that the technique allowed the parties to "loosen up and permit imaginative inventing."

Fisher states in the *Guide* that many of his ideas were derived

from personal experiences in the armed forces, in the federal government, advising foreign governments as an international lawyer, and as an "inveterate kibitzer."

Fisher emphasizes that the most important factor leading to the treaty was President Carter's personal commitment — "greater than that of any previous President." Also crucial in achieving success were the "thirteen days of fulltime devotion to the problem by many highly competent people on all sides; President Carter's commitment to Sadat to continue to play

an active role; and Sadat's willingness to accept points he might not otherwise have accepted in recognition of his and Carter's mutual need for success."

How do Fisher and Ury feel about their role in the success of the mediating process? Fisher says: "Pleased. The Secretary of State wrote me a very nice letter. It is good to be reassured from time to time that however modest a role theory plays, it can sometimes be useful."



## Nesson Succeeds Keeton

(Continued from Page 1)

Nesson said he was "very proud" to form a committee with Vorenberg and Sacks to administer the academic policies of the Law School. "The three of us operate as a group, creating an extension of the dean's office," said Nesson, "and giving him extra pairs of hands." The third associate dean at HLS is Jerome Alan Cohen, whose supervision of East Asian Legal Studies constitutes, in Nesson's phrase, "a separate bailiwick."

Nesson sees his appointment as "a means of helping the dean run the school." He will meet with faculty members to review teaching assignments and courses, and to consider new configurations for next year. Although significant departures in the curriculum are generated by the more specialized process of faculty committees, Nesson's meetings will spark new ideas for courses.

### Nesson to Run ITA

One significant innovation in the curriculum in recent years has been the Introduction to Advocacy program, initiated and supervised by former Associate Dean Robert E. Keeton. Nesson will take over the running of ITA, an assignment he received prior to his new appointment. He says he is "strongly committed to ITA as a teaching ve-

hicle," and hopes to run "as competent an administration as that of Keeton's."

Nesson says he plans to run the program "in the same way at least the first time out," with perhaps some changes in staff. Nesson is unsure whether a visiting appointment remains to be filled, and has declared his intention to invite Visiting Professor Irving Younger to participate in the program. "I hope I can persuade Younger to continue his association with ITA, in whatever capacity we can work out," said Nesson. The two plan to meet this week.

## Writing Portfolio

Another innovation in the HLS curriculum is the product of a committee which Nesson has chaired and which has just made its report to the faculty.

The recommendations of the Writing Committee are only now being considered and their fate is unclear. While Nesson says that he is not quite certain what specific responsibilities will be his as associate dean, it seems apparent that he will be directly linked with two important clinical aspects of law school training: advocacy and writing.



# Faculty Mulls Clinical Education

(Continued from Page 1)

components—government lawyer, small business lawyer, and public interest lawyer among them—have been introduced in recent years. Courses with simulated lawyering exercises have emerged in areas of law as diverse as federal litigation, family law, and environmental law. And five voluntary student organizations—the Harvard Legal Aid Bureau, Harvard Defenders, the Prison Legal Assistance Project, the Harvard Government Attorneys Project, and the Committee on Military Justice—currently have student members representing clients.

At the faculty meeting Stewart estimated that of the roughly 29,000 credit hours 2Ls and 3Ls amass annually, about 1,700 are in courses with fieldwork components, while classes with simulations account for still more credit hours.

Although interest in this sort of education has never been totally lacking (the Harvard Legal Aid Bureau was founded in 1913, and business planning courses with simulated exercises have been around since the 1950s), the report points out that the vast majority of the interest in clinical education at HLS has developed in the past ten years.

Stewart emphasized to the faculty that despite the record of accomplishments of the last decade clinical education at Harvard faces a serious challenge with the departure of three key faculty members. Associate Dean Robert Keeton, who is largely responsible for the development and administration of the very popular trial advocacy workshop, has accepted an appointment as a federal district judge. Profs. Gary Bellow and Jeanne Kettleson, who have done much of the work in establishing the introduction to advocacy program, are departing for the newly-established Legal Services Institute.

In light of these losses, which the committee called a "major blow,"

the report states that "recruitment of additional fulltime faculty with clinical interests is an urgent priority."

## No Quantum Expansion

Specifically, the committee recommended: "Special efforts should be undertaken to recruit new faculty with an interest in clinical instruction; Faculty status should be created for certain senior fieldwork supervisors; A Committee on Clinical Appointment should be created to make certain clinical appointments and recommend others to the Faculty or the Appointments Committee."

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*"The lesson Harvard is teaching is that it is all right for Harvard students to practice on the poor before they go on to represent the rich."*

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While the tone of the report clearly approved of the development of clinical education programs, there was some disagreement among the faculty over what sort of future growth the committee was calling for. Stewart denied any intent to drastically change the balance between clinical and more traditional course offerings: "I don't think we are calling for a quantum expansion."

But Prof. Louis Loss thought differently: "There is perhaps inadvertently, a feeling in the report that 'this is the wave of the future and you'd better get used to it.'" He urged that nothing be done to

"make those who do not want to engage in simulated exercises second-class members of the faculty."

Prof. Charles Donahue was also concerned about over emphasizing clinical programs at the expense of other courses. He noted that as more attention is paid to recruiting professors for clinical programs, less attention will be paid to recruiting other types of teachers, and the balance will be shifted.

## Dissenting View

The final matter discussed was Prof. Elizabeth Bartholet's dissenting report on the question of the degree of supervision the Law School should exercise over the practice of law by students in the five voluntary organizations. She remarked that the organizations are carrying on the practice of law on a significant scale—over a thousand cases were handled last year alone. Although the organizations employ part-time supervisory attorneys, and are under the general supervision of an associate dean and the assistant dean of the clinical program, Bartholet feels that the amount of supervision currently offered is inadequate. She charged that "the lesson Harvard is teaching is that it is all right for Harvard students to practice on the poor before they go on to represent the rich, so long as malpractice is not committed."

She recommended increased expenditures by the Law School for supervisory attorneys' salaries, and a closer relationship between the supervising attorneys and the Law School.

The majority of the committee, by contrast, found no major problems with the quality of representation offered by the organizations, and placed a high value on maintaining the organizations' autonomy. The report recommended an annual or biennial audit of the practices and policies of the organizations to insure the quality of their work.

TGIF: Friday, April 13, from 4-6 p.m.  
in the Hark.

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Saturday, April 14  
at 8:00 and 10:00 p.m. in the  
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# Legal Writing Suggestions Made

By Tammy Jacobs

A recommendation that "writing portfolios" for all students be kept by the school may be reconsidered in the wake of faculty criticism of the proposal.

The suggestion was one of over a dozen recommendations offered in a memorandum prepared by a faculty-student Writing Committee.

The committee, chaired by Prof. Charles Nesson, has worked for a year on its proposal to expand the writing program at the law school. The group's report was submitted to the faculty last week, with a request that it be adopted as a "statement of policy."

Among the suggestions are detailed plans for a screening program to identify and aid students with serious writing problems, an expansion of first year federal litigation offerings to eight sections, more courses and seminars emphasizing written work instead of exams, and major technical assistance to law school reviews and journals so that students would have more chance to concentrate on writing.

## No Action Taken

Faculty discussion of the issues in the report was lively, with the portfolio idea the most controversial.

Discussion was slated to be continued at next week's faculty meeting. In the interim, Nesson said, the committee would meet to consider some of the criticisms offered during the discussion.

"I don't know [what the changes would be] but I expect we may moderate the portfolio suggestion," said Nesson.

The suggestion was that the Law School would maintain a portfolio for each student, to include required first year writing such as Ames briefs and Legal Methods papers, as well as any other curricular or extracurricular law school writing, with the exception

of exams.

Employers, under the committee's proposal, would have "limited access" to the portfolio, dependent on the student's consent.

"Ideally," says the report, "a student would regard the portfolio as a statement about himself and would see each addition to it as enhancing his stature. Upon graduation the school would deliver the complete portfolio to the student."

## Increasing the Agony

Among the critics of the portfolio suggestion were Prof. Lloyd Weinreb, who commented that "anything that increases the complexity and the agony of the placement process is a bad thing," and Prof. Duncan Kennedy, who referred to the portfolio as a "turning of the screw."

While Nesson indicated that one possibility for "moderating" the portfolio component of his committee's report would be to make it recommended instead of required, he defended the idea.

"My own feeling is that concern for employment as we now see it is most often distracting and destructive of the school's program," he said. "I would consider it an advantage if some of the students' concern would be channeled into constructive connections with the curriculum."

## The Greatest Resource

In searching for ways to expand writing opportunities, the Committee noted that "any program that calls for a significant increase in the amount of faculty time spent on student papers seems predestined to fail."

Instead, the group turned to students as the "greatest untapped resource for further development of a writing program."

Nesson and those participating in the faculty discussion commented that some students are excellent legal writers, some have major problems, and a third group, the majority, have solid writing skills, but problems translating those skills into a legal mode.

The committee feels that the screening system will identify those with real problems; and those with superlative skills can learn while supervising and editing work by the remaining majority.

Nesson noted that most of the proposals in the report can be independently implemented by the dean. However, he is optimistic of faculty support.

"I think the report's got a lot of different ideas that are good and practical. For the most part I think it's a well-thought-out plan for improvement of the writing program."

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# Nazi Petition Presented to West Germany

By Tammy Jacobs

Members of the Harvard Jewish Law Students Association recently presented to West German consulates in New York and Boston a petition urging extension or repeal of the Nazi war crimes statute of limitations, which is slated to expire December 31, 1979.

The petition bore the names of 200 professors and administrators from over a dozen prestigious American law schools, including Harvard.

"When the Federal Republic of Germany became a member of the postwar community," the petition states, "it inherited a moral obligation to condemn the atrocities of the Nazi regime."

The three-paragraph statement

urges the West German government to "demonstrate its commitment to the cause of human dignity" by extending or repealing the statute.

## Deans Sign Up

The signatories to the petition include 42 Harvard Law School professors and administrators, among them HLS Dean Albert M. Sacks. HJLSA members say five more Harvard names and nearly two dozen names from other schools have been added since the petition was presented to the West German consulates March 28.

Deans of the law schools of Boston University, Columbia University, New York University, Northeastern University, the University

of California at Berkeley, the University of Pennsylvania and Yale University signed the petition.

Among the other law schools represented are Stanford, Georgetown, the University of Chicago, Benjamin N. Cardozo Law School, and the University of California at Davis.

The petition is part of a year-long project by the Harvard group to urge repeal or extension of the statute. Another aspect of the project is an HJLSA legal memorandum on the issue, which was read into the Congressional Record by Rep. Robert Drinan (D-Mass.) and cited by Rep. Elizabeth Holtzman (D-N.Y.) during a House discussion on the issue.

(Continued on Page 16)

# Movie Showing Faced Deep Threat

(Continued from Page 1)

The scheduled showing of "Deep Throat" stirred controversy around the Law School, by the mere fact that it was going to be shown and by the fact that the showing was to be on Good Friday. Despite opposition to the film, the law school administration stated before announcement of the film's cancellation that it would not prevent the screening.

"The school is not going to censor the activities of groups of students," said Assistant Dean Russell B. Simpson. However, Simpson did request that film organizers take precautions to insure that no one under age 18 be allowed into the movie and "that no one else using the facilities of Harkness Commons at the time would have the movie inflicted on them," said Simpson.

Some members of the Law School community had voiced their opposition to the showing of the film. Hanford noted that the opponents fell into two categories: "those who think the showing of the movie on Good Friday is sacrilegious . . . and those who think the movie is sexist. I've yet to hear from the expected

third category: those who think the movie is pornographic and obscene."

Hanford explained that the timing of the film on Easter weekend was unintentional. "It was the only weekend date open," he said.

Yet the timing, as well as the advertising, caused consternation. "Whether intended or not, certainly its timing and advertising are going to offend a great many of the Law School community," Simpson said before the cancellation. "It's not an activity that one would like to see happen at this time of year."

## If You Like Head . . .

The identity of the film filtered out only after Harkness Commons was reserved for its showing. Following the scheduling, the group distributed advertisements for the film, which read, "If you like head, you'll love Throat."

Simpson objected to the advertising "on two grounds. First, it's misleading, in that it appears that Harvard Law School supports a pornographic movie, and second,

it's obscene." The ads displayed the school's name in large print, with "First Amendment Film Society" below in much smaller print.

Assistant Dean Stephen B. Young said, "The way the film was organized showed a lack of respect to other important elements of the law school community. I would have appreciated it if the group had taken more time and thought to the planning of the movie."



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## The Right Direction

We appreciate the amount of energy and work that went into the development of reports on clinical education and legal writing. And to a large extent we agree with the problems identified and most of the solutions offered.

The important aspect of the Committee on Clinical Education's report is that the Law School needs to attract faculty members to staff a clinical program. That program, more than any other, stands or falls on the strength of its faculty. As the report indicated, the professors and teachers selected for such a program need to be chosen on a different basis than faculty members chosen for regular law school work because of the difference in the types of skills being taught.

The maintenance of a clinical program is crucial to Harvard's preeminence in the legal education field. A school as large as this one has an obligation to provide diversity in its educational offerings. Some of us want to be litigators and to be good ones to boot. The Law School can meet both our needs and the needs of the legal profession by providing its students with a quality clinical experience.

The writing program, as the Writing Committee recognizes, is in need of serious expansion. The popularity of classes offering a more extensive writing experience indicate the student support for that type of opportunity. But as the report stands, we have objections to one aspect of the solution proposed, that of a compulsory writing portfolio. The faculty has discussed that problem and we hope the Writing Committee will rework its recommendations with those concerns in mind.

The important thing to remember is that students are here to become attorneys. That means that we need both writing and courtroom skills. We support the two committees' attempts to make Harvard the place where we get those skills.

## A Special Kind of Study Group

The idea, discussed elsewhere in this issue, of a Student Study Group to evaluate the law school is a good one, if well executed. Constructive criticism based on extensive analysis and carefully thought-out recommendations would be a tremendous step in establishing students as concerned members of this institution with positive contributions to make to its health and well-being.

We urge every student who is interested in making the Law School a better place and who is interested in finding out what makes the Law School work to attend the initial meeting of the Study Group on Monday.

### HARVARD LAW RECORD

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## Fenno

Fenno put on his tour-guide hat and led the small group of 1Ls into Wyeth Hall.

"This is our first stop on the 'Why I Should Love the Law School Dorms Tour,'" he began. "Just another effort by the Dormitory Office to make your stay at Harvard more comfortable."

"They could start by locking Frank Michelman in his room," a 1L said. "And losing the key until sometime in June."

"It won't work," said Fenno. "He manages to escape through the chimney every time they try."

The group walked into the Wyeth TV room.

"Here we have the entertainment center of the dorms," Fenno noted. "Complete with all the modern electronic entertainment devices."

"All I see is a black and white television set," said the 1L.

"Don't forget the electric lights," said Fenno. "And sometimes people bring in transistor radios and listen to them."

A few 1Ls began to leave.

"There are other advantages to living in Wyeth," Fenno said hurriedly. "Like the Cambridge Construction Workers Morning Wake-up Service. Every morning at seven. And there's no truth to the rumor that they're building a nuclear power plant out there."

"What about the rooms in the graduate center?" a 1L asked. "Isn't it true that most law school dorm rooms are slightly smaller than beehives?"

"You have less to clean that way," said Fenno. "And just think—if you live in the graduate center, you'll be the first to know when Pre-exam Panic strikes."

A few more 1Ls began to leave.

"The Hark is just a few steps away, so you won't have to do any cooking," Fenno shouted after them. "And you can have the companionship of law students 24 hours a day."

Fenno looked dejectedly at the one remaining 1L. "I guess I don't make too good a salesman," he said.

"You just tried the wrong approach," offered the 1L.

"Maybe you're right," said Fenno. "Next time I'll try my 'How are we going to make 1Ls miserable, unless we fill up the dorms with 2Ls and 3Ls' routine."

"But tell me one thing," the 1L said. "How'd they ever get you to be a dorm salesman?"

"I need the money," Fenno winked. "Dormitory fees are going up next year."



# Letters to the Editor of the RECORD

## Present Both Sides

### To the Editor:

Having read the exchange of correspondence with you in the March 2 and March 9 issues on the Third World Conference, I was taken aback somewhat by the naivete of the 3L "Chairperson" of that Conference's Co-ordinating Committee. If the purpose of the Conference was, as represented, to benefit "the economic, political, and social status of third world people," I find it hard to understand the inclusion of speakers critical of human rights in non-Third World countries.

I could understand Iranians lecturing on human rights problems in Iran, Chileans speaking about political excesses in Chile, or even Kurds expressing their views about persecution of Kurds in Iraq. Pray enlighten me, however, as to how the complaints of Palestinians about conditions within Israel — admitted to be not a part of the Third World — could benefit "the economic, political, and social status of third world people?" Or explain, if you will, what connection there is between the "Chicago Seven" or the "Wilmington Ten" at the Third World? Would a discourse on the plight of migrant farm workers in agricultural United States or on the living conditions of political prisoners in Soviet forced labor camps have been equally suitable?

Finally, if the planners of this "Third World" Conference truly believed that an analysis of Israeli treatment of Palestinians somehow would carry out these purposes for Third World peoples, would it not have been essential that at least two sides of the question be presented so that such analysis by an unbiased listener could lead to an objective, if not intelligent, conclusion? As a lawyer, I find difficulty in appreciating the value of a one-sided statement of facts in such a conference, especially when "co-ordinated" by a Harvard Law School group that should know better.

**Julian H. Singman, '53**  
Washington, D.C.

## An Outside View

### To the Editor:

Your editorial of March 23 (received yesterday) ends: "The hike is enough of a blow—it adds insult to injury when it's effected in a way that insults the intelligence of the students who will be paying it."

The editorial adds insult to the alumni and alumnae of the Law School of suggesting that only the students and faculty should have a role in the decision process. In only three years, everyone now at the Law School will be either an alumnus or alumna. After three years at the Law School, you do not suddenly lose interest in it, thanks in no

small part to Dean Bevins.

The hike (described on page 1 as 0.5% but arguably 5%) is relatively small for a budget of \$13,900,000. What's so tough about having to borrow \$1700 before matching grants are allowed. As for Dean Sacks' vacation (overdue, I suggest) if it was unwise, it was because of the possibility of editorials like yours which ignored (1) the possibility that your editorials in the past have added to the Dean's problems (2) the fact that a good administration can carry on even in the absence of Dean Sacks. You suggest he is indispensable, a tribute to him he would oppose.

**Roger P. Stokey '48**  
Boston, Massachusetts

## Strike One

### To the Editor:

The answer to question #3 in the Sports Quiz published in your March 9, 1979 edition is inaccurate. Martin Lauer of West Germany was a hurdler and the record you listed was for the 200 meter hurdles. The record was tied by Glenn Davis on August 20, 1960. Any good high school dash man, not to mention Tommie Smith and Don Quarrie, can run 200 meters under 22.5 seconds.

**Dennis W. Rocheleau '67**  
Fairfield, Connecticut

## Strike Two

### To the Editor:

Sports Trivia at Harvard Law School is in sorry decline. Some teams in this year's HLS Trivia Contest included no sports experts, and the audience gaped as all nine contestants in one round didn't know how many consecutive games Lou Gehrig played (2130). Etc.

This upsurge of ignorance has been mirrored, if not aided, by an increase in the number of inaccuracies in your Sports Quiz column. Ever since I was a 1L, the situation has deteriorated. Letters of correction from readers have dotted your issues. The nadir, however, was reached on March 23. Question 5 asked, "Who was the first pitcher to pitch a perfect game?" and answered, "Cy Young in 1904. . ." But John Richmond of Worcester (N.L.) pitched a perfect game on June 12, 1880, and John Montgomery Ward of Providence (N.L.) pitched another five days later.

Yet this error pales when set beside Question 4: "Ty Cobb was the first American League Batting Champion. Who was the first National League Batting Champion?" A.: "Larry Doyle of New York with a .320 in

1915." What are we to make of this nonsense? Nap Lajoie was the batting champion in 1901, the American League's first season. Ross Barnes led the N.L. in 1876, its inaugural year. If one prefers to talk "modern era," Jesse Burkett led the N.L. in 1901. Where Cobb, Doyle, and 1915 enter are anyone's guess.

I understand that this week's Sports Quiz is composed of questions from the Trivia Contest Finals. I hope this will represent an improvement.

**Hayden Trubitt, 3L**  
Cambridge, Mass.

## Strike Three

### To the Editor:

I am sure this is not the first letter you will receive with respect to this matter. However a clarification is in order. In your sports quiz of March 9, 1979 you state that the oldest world record in track and field is 22.5 seconds in the 200 meter run which was set by Martin Lauer of West Germany on July 7, 1959. That one bothered me since I definitely remembered that Tommie Smith ran under 20 seconds on more than one occasion, and I knew people in High School who ran the 220 (slightly longer) faster than 22.5. Therefore I pulled out my handy sports almanac and came up with the answer that Martin Lauer does in fact hold the world's record of 22.5. It was set on July 7, 1959. However, it is in the 200 meter *hurdles*, not the 200 meter run. I might add in passing that the only reason the record is still intact is that the event is no longer run in international competition. For your information the current world's record in the 200 meters is 19.8 held jointly by Tommie Smith and Donald Quarrie.

**Charles R. Brown**  
Salt Lake City, Utah

## We're Out

### To the Editor:

I was appalled to read your answers to the second and third questions of the Sports Quiz appearing in the March 9 issue, which I received today.

Your answer to Question 2 was faulty in numerous ways, but first a word on the question itself. The first sentence of the question is false. No current track and field record predates 1960. In fact, none predate the 1968 Olympic Games.

Now then, as for the answer,

(1) The event in question was the 200 meter hurdles, not the 200 meter run.

(2) There is no longer any world record for

(Continued on Page 12)

## Letters to the Editor

(Continued from Page 11)

the 200 meter hurdles. The event hasn't been run at any kind of championship meet in years. It is not among the events that are recognized as world record events. It hasn't been since 1976.

(3) At the same time that the 200 meter hurdles was de-listed as a record event, the rules were changed so that hand-timed records would no longer be recognized at any distance less than 400 meters. Thus, even if the 200 meter hurdles had remained as a record distance, Lauer's 22.5 would no longer be the record.

(4) The oldest world record currently on the books is the 9.95 run by Jim Hines for the 100 meter dash on October 14, 1968.

As for question 3, I haven't the slightest idea who ran the first sub-4:30 mile and neither do you. Robert Pariente, in his 1200+ page *La Fabuleuse Histoire de l'Athlétisme*, describes an 1825 race in which one Jim Metcalf gave one Jim Halton a 20 yard handicap and beat him in a race involving a stake of 1,000 pounds. Metcalf's time was 4:30. Pariente cites no marks between then and 1860, when Siah Albison ran the mile in 4:22 1/4, which he regards as the first acceptable performance on a circular (oval) track. But Corder Nelson, Founding Editor of *Track and Field News*, and Roberto Quercetani, who is generally regarded as the world's leading track and field authority, cite, in their book *Runners and Races: 1500M./Mile*, a clocking of 4:23 run by Thomas Horspool in 1858. Chinnery's record is believed to have been the first sub-4:30 run by an amateur. But all authorities seem to agree that many sub-4:30's had been run before then. In that era, of course, the concept of amateurism was just beginning to take hold. There were numerous professionals and they were decidedly better than the amateurs. At the time of Chinnery's 4:29.6, the world record (that term did not become the exclusive preserve of the amateurs until after the turn of the century) was 4:17 1/4.

Chinnery's name, incidentally, was Walter, not William.

May I respectfully suggest that in the future you check the answers to track and field questions with a recognized authority. While I generally charge a fee for such consultations, I shall gladly provide this service gratis to the newspaper of my alma mater.

I might also suggest that if you plan to apply the same degree of diligence and care to your legal research as you apparently do to your sports questions, you would do well to purchase large amounts of malpractice insurance before embarking on your careers.

**Robert M. Hersh, '63**  
New York, New York

## The Younger Controversy

### To the Editor:

It is unfortunate that I am moved to write you by unhappy circumstances, but I am greatly distressed to learn that Harvard Law School has not seen fit to offer Visiting Professor Irving Younger a permanent position on the faculty.

Professor Younger came to Harvard for the 1978-79 academic year with unimpeachable credentials. A former assistant United States Attorney for the Southern District of New York, Professor of Law at N.Y.U. from 1965 to 1968 and Judge of the Civil Court for the City of New York from 1969 to 1974, Professor Younger has been the Samuel S. Leibowitz Professor of Trial Advocacy at Cornell Law School since 1974, and is widely recognized as the preeminent teacher of trial technique in the United States today. His reputation around the country grows with each new lecture or showing of his highly acclaimed video-taped series of presentations on the law of evidence.

He was legendary among several classes of law students at Harvard even before coming to the University this year. I was privileged to hear three of his lectures during my second year in law school and consider them among the highlights of my legal education. I am informed that the students in his classes this year have been no less enthusiastic, and that the enrollment for each course he has offered has been astronomical.

Apparently, the administration had set in motion the formal apparatus which would have culminated in the offer of a permanent appointment but for the intervention of a certain few members of the faculty who, for reasons best described as unfathomable and petty, led a successful campaign to blackball the appointment.

That Harvard should refuse to offer a faculty position to a teacher of Professor Younger's stature is a startling and shameful exercise in small, regressive thinking on the part of the law school faculty and administration. Since the pedagogical prowess of more than a few of the faculty leaves much to be desired, perhaps this hypocrisy should not be surprising. Probably the greatest folly of all is my own in continuing to expect Harvard to live up to its express educational ideals and its carefully-cultivated public image.

**Eric H. Zagrans, '77**  
Cleveland, Ohio

### Editor's Note:

*The comments in the attached letter, implying that the scheduled return of Irving Younger to Cornell next year is the product of "unfathomable and petty" intervention by Harvard faculty members, is one of a rash of rumors regarding the Younger issue.*

*We on the RECORD take exception to such rumors. In the March 23 issue, we reported that members of the Appointment Committee had taken no official action on Younger and that Younger had asked not to be considered further for an appointment to the Harvard faculty.*

*The RECORD made a vigorous and extensive investigation of the issue, prompted by persistent student rumors that committee members had scuttled consideration of Younger for personal reasons. We talked to many students, as well as to each member of the appointments committee; we are convinced that there is no truth to those allegations.*

*One especially distasteful story was recently given credence by the American Lawyer, a national lawyer's publication. A brief article in that paper claimed that Prof. Arthur Miller had "campaign[ed] to prevent visiting Professor Irving Younger from getting permanent faculty status . . ." The article's reporter attributed his facts to unnamed "students at Harvard," and did not speak to Miller before running the story.*

*"I deny violently that I performed any such role in this," said Miller, calling it an "absolutely falacious and scurrilous story."*

*Laurence Tribe, chairman of the faculty Appointments Committee, of which Miller is a member, stated that "any suggestion that Arthur Miller acted in any way to discourage or prevent an offer to Irving Younger is preposterous."*

*The RECORD does not comfortably leap to the defense of faculty members acting in secret and without student input; we in no way condone the closed manner in which the Appointments Committee functions.*

*However, when a national publication implies that a Harvard professor launched a personal campaign to derail a potential rival; when student rumors persist; and when we get an alumnae letter such as the one to which this note is appended, we feel compelled to comment, knowing well that we may be accused of personal bias and/or naivete.*

*Our point is basically this: we found no evidence that the rumors have any foundation, and evidence that they have none. Since Younger himself has said that he withdrew his name from consideration, we'd rather he was believed. At the very least, we would hope that the law school community would presume good faith, rather than bad, on the part of the Appointments Committee members.*

**Tammy Jacobs**  
Editor

**Michael Smith**  
Managing Editor

# Yale's Black to Give Holmes Lecture

By Richard B. Bernstein

Prof. Charles L. Black, Jr., Sterling Professor of Law at Yale Law School and one of the nation's leading authorities on constitutional law, will give the 1979 Oliver Wendell Holmes Lectures at 8 p.m. on Tuesday, April 17, and Wednesday, April 18, in the Ames Courtroom. He will also hold an informal discussion with students on Thursday, April 19, from 2 to 4 p.m. in the student lounge on the second floor of Pound.

Prof. Black's general theme will be "The Pursuit of Lawfulness"; in his first lecture, he will consider

"The Field of Decision," and in his second he will discuss "Decision According to Law."

Born in 1915, Prof. Black received his B.A. and M.A. from the University of Texas and his LL.B. from Yale Law School. He taught at Columbia Law School from 1947 to 1956. In 1956 he became Henry Luce Professor of Jurisprudence at Yale University, and in 1975 he succeeded the late Alexander M. Bickel as Sterling Professor of Law. Black has participated in litigating many constitutional cases before the Supreme Court, among them *Brown v. Board of Education*. Among his many books are *The*

*People and the Court*, *Capital Punishment: The Inevitability of Caprice and Mistake*, *The Law of Admiralty* (with Grant Gilmore), and *Telescopes and Islands*, a book of poems.

The first Holmes Lectures were given by Hans Kelsen in 1941. Other Holmes lecturers have included H.L.A. Hart (1957), Judge Learned Hand (1958), Herbert Wechsler (1959), Judge Henry I. Friendly (1962), and Alexander M. Bickel (1969). The most recent Holmes Lectures were given in 1977, by Guido Calabresi, also of Yale Law School.



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#### Second Week

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Criminal Law and Administration: Current Issues, Vorenberg  
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# Study Group Aims at Probing HLS

By Robert Reznick

The Law School has come far in the last six weeks toward becoming more sensitive to its own needs as an educational institution.

The Irving Younger crisis, the Michelman Committee, and the efforts by the Law School Council to achieve student representation in the appointments process all have served to heighten faculty and administrative awareness of the needs of students, as students and as people. The Law School does what it does in the context, not just under the pretext, of being an institution whose purpose is to teach and which unleashes 500 of its graduates upon the country every year.

This much, at least, has been achieved.

## Deeper Questions

But the questions raised in the last six weeks have yielded not solutions, but larger, deeper questions about the way the Law School is run. Most troubling, it has become clear that *no one knows* how the Law School is run. Aside from even the simple questions about governance — budget, appointments, etc. — which remain more or less shrouded in mystery, much of what makes the Harvard Law School experience what it is is the product of unarticulated, unexamined policy choices.

Nowhere can a student (or an administrator or faculty member) go to find out how, for example, the

placement process *affects* student perceptions of the profession and their role in it. Or upon the basis of what priorities the Law School decides to spend its money. Or whether the Visiting Committee in fact does anything more than visit. Or how the absence of any real student government might promote apathy in a wide variety of contexts. Or how the attitude of faculty members toward students affects the manner and content of teaching. Or how the appointments process might be selectively excluding the best candidates for teaching positions.

By now you should see the point. Out of this mass of unasked and unanswered questions the Harvard Law School Study Group is about to be born.

## Informal Association

The Study Group will be an informal association of students whose purpose will be to look into crucial questions of Law School governance and policy. It will have no official ties to the administration, the faculty, or other student

organizations. But the help and cooperation of these other bodies will be solicited.

The agenda will depend upon the resources available and the ideas of Study Group members. It is hoped that something in the way of a report will be completed and made available by about a year from now.

April 16, 1979

The first study group meeting will be held this Monday, April 16, at 8:00 p.m. in Pound 102. All members of the Law School community are invited. But most important to the success of this enterprise are students. Students will run the Study Group, research the questions and write the reports. And the more people there are to help, the better and faster the job can be accomplished.

The Study Group provides a rare opportunity to engage in interesting work at the Law School. Equally important, it is a rare opportunity to contribute something of value to your fellow students, present and future.

It should prove worthy of your time.



## Sports Answers

1. Transportation between stadiums in a
2. Dodgers — Yankees World Series.
3. Floyd Bevens, Cookie Lavigetto, and Al Gionfriddo.
4. Carl Yastremski and Cesar Tovar.
5. Harmon Killebrew.
6. Charlie Bauman.

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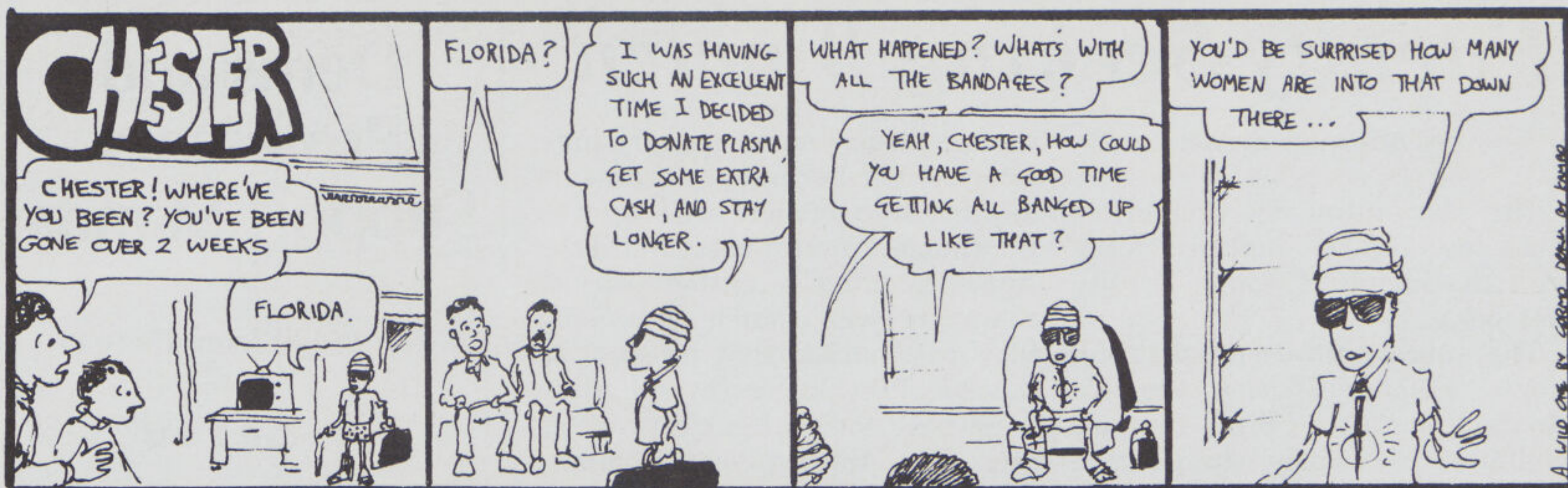
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Contact Ed Collins for further details.



## HLS Students Advance in National Advocacy Contest

By Jorie Roberts

By arguing, under the doctrine of substituted judgment, that a young mental incompetent must donate one healthy kidney to his kidney-less sister, three HLS students won the New England Regional Title of the ABA Law Students Division's National Appellate Advocacy Contest.

### Trivia Winners

By Emily Bresler

What is Wolfman Jack's real name? One contestant blurted out "Clark Byse" and the 1979 Harvard Law School Trivia Contest finals began. Some typical questions include this sports item: what cost five cents in 1956 and \$220 in 1976? Do you know who was the last United States President to own a slave? And can you say what type of wood the "Spruce Goose" is made of?

The team of Richard B. Bernstein, 2L, Michael G. Psareas, 3L, and Kaye A. Thomas, 2L, came from a fifty-point deficit at halftime to win the finals by a margin of 180 points. The second place team consisted of Frederic P. Andes, 2L, Kenneth V. Hallett, 2L, and F. Dennis Saylor, 1L. Alex Fried, 2L, Donald J. Kunz, 1L, and G. Andrew Lundberg, 1L, came in third.

By the way, the answers to the questions are Robert Smith; round trip transportation for the Yankees-Dodgers series; Ulysses S. Grant; and birch plywood.

Barry Bennett, 2L, organized the team after he saw a notice about the contest in the *Adviser*. "I thought it sounded like lots of fun. And of course I was pleased we won; we put months of work into our preparation."

Bennett, along with Michael "Fitz" Fitzhugh and Andy Braiterman, 2Ls, attended the tournament at Western New England College School of Law in Springfield, Massachusetts, on March 30 and 31.

Bennett and Fitzhugh were the team's oralists, and the judges rated Fitzhugh as the best oralist in the contest. Braiterman, who coached and managed the team, defined his role as, "Edgar Bergen to their Charlie McCarthy."

Fitzhugh, in evaluating the HLS victory, concluded, "The key was our degree of preparation — we

were able to argue without notes." Fitzhugh, who took time from his part time job with the Boston firm of Mintz, Levin, Cohn, Golvsky, and Popeo, to prepare, continued, "The most beneficial aspect of the exercise has been the immense amount of self-discipline needed in the preparation and presentation of the arguments."

In turn, Bennett found satisfaction in "taking a problem from the beginning to a thorough degree of preparation."

The team will journey to Dallas in August where, states Bennett, "we will be taking a shot against the 12 other regional winners at the Nationals." The team hopes to get funding from HLS for the final competition, since "the other contestants will be financed by their respective law schools."

## Ames Results Announced

By Emily Bresler

The two final teams have been selected for the 1979 Ames Moot Court Competition. The Marshall Club and Somerville Bar Review teams emerged victorious from the Ames semi-final rounds held before Spring Break.

### Marshall Club

The Marshall Club team defeated the Learned Hand Club on March 20. The Marshall Club team had the best brief and the best oralist was Jeffrey Pash of the Learned Hand Club. Members of the Marshall Club team who will compete in the fall are Marcia

Rimai and Richard Swanson (oralists) and Mark Carroll, John Eickmeyer, Robert Kantner and Sylvester Turner on the brief.

### Somerville Bar Review

The Somerville Bar Review team "swallowed up" their opponants, the Luther Martin Society, on March 22. The Luther Martin Society received best brief honors and James Sultan of the Somerville Bar Review team was best oralist. The other members of the Somerville Bar Review team are Eric Cromartie (oralist) and Elise Bloustein, Jorge DelCalvo, Peter Goodman and Leo Orenstein.

# Faculty Seeking Women

By Michael Smith

The Appointments Committee has a special subcommittee dealing with the hiring of women faculty members.

This subcommittee consists of a single member of the Appointments Committee, Prof. Bernard Wolfman. Previously, the position has been held by Prof. John H. Ely and Prof. Laurence H. Tribe.

Wolfman indicated this subcommittee is a continuing response to a felt need that the number of women on the faculty of Harvard Law School must be increased. The purpose is to expand the pool of potential members of the faculty.

The recruiting process and initial contact stages are broader than is normal. In addition to the ongoing contact with deans and professors at other schools in regard to recent graduates, people in government, law firms, judges and clerks, Wolfman maintains contact with the Women's Law Association.

The results are an extensive system of files based on initial investigatory work and personal contacts with potential faculty members. Currently there are files on 140 women faculty prospects. These prospects range from those not yet interested in teaching to those who have been contacted and are not interested in teaching at this time. In a few instances files have been started on promising women while they are still in law school.

## High Priority

The Appointments Committee itself gives the consideration of

women faculty members very high priority. For normal appointments new faculty members are sought to fill a subject matter need. But if the Appointments Committee hears of a woman who sounds promising they will pursue that prospect to the end of the process, even if there is no need for that subject matter area. The Appointments Committee does not just proceed on an annual basis in this area. If a woman is not available to teach in the next academic year, the Committee will attempt to get her to come in a future year. On this basis, Mary Louise Fellows, Associate Prof., University of Illinois College of Law, has accepted for the 1980-81 academic year.

Wolfman indicated the Committee's goal is constantly to expand the number of visiting professors and assistant professors who are women. But it is a slow process because the number of women who have gone to law school has increased significantly only in recent years. Wolfman feels that a breakthrough should be coming in the next few years, if it has not already arrived, because of the increased number of women at law schools now.

A positive influence, in Wolfman's opinion, is the appointment by President Carter of a larger number of women to the federal bench. Wolfman hopes that the Law School will benefit from some "spillover effect" as these judicial appointments will show women in more segments of the legal world which had been previously male-dominated.

## Dems and Professors Support Stands

(Continued from Page 9)

### Needed Facts

According to Eli Rosenbaum, 2L, who chairs the HJLSA's education committee, the memo was prepared partly to back the petition. "Law professors aren't going to sign anything without the facts," said Rosenbaum, noting that much of the information in the memorandum had not before appeared in English.

The petition was circulated to Harvard Law faculty and administrative members with a cover letter from Prof. Alan Dershowitz, faculty advisor to the HJLSA, Profs. Clyde Ferguson and Henry Steiner, Prof. Emeritus Paul Freund, and ILS library administrator Jan Stepan.

When response was encouraging, members of the HJLSA contacted friends at other law schools and asked them to circulate copies of the petition. That action brought forth over 150 more names.

Noting that they were "very pleased" with the response, Rosenbaum said that the group is considering asking the signatories for permission to publish the petition in a major West German news magazine, if the \$15,000 in necessary funds could be found.

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