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TWENTY-FIVE CENTS

Prof. Bell Named U. of Oregon Law Dean

By Laura Taylor

In Jan., 1981, Prof. Derrick Bell will leave HLS to assume the post of Dean of the University of Oregon Law School in Eugene, Oregon.

Bell, who is a visiting professor at the University of Washington this year, said that he is "really quite excited" about the deanship, and that he hopes "to make a contribution to this aspect of legal education."

HLS A Good Experience

Bell, who holds degrees from Duquesne University and the University of Pittsburgh, joined the HLS faculty in 1969, and was appointed to a professorship in 1971. HLS, says Bell, "was very generous and warm in its efforts to try to get me to stay." He feels that his ten years at HLS were "a good experience," and that he "gained a lot," but that he now wants to "do other things."

Prof. Bell will return to HLS at the beginning of July to lead a summer seminar for law teachers and will teach his civil rights course at HLS this fall.

According to Bell, he "had no intention of going into 'deaning' before I was contacted by the University of Oregon." He took the post, (Continued on Page 14)

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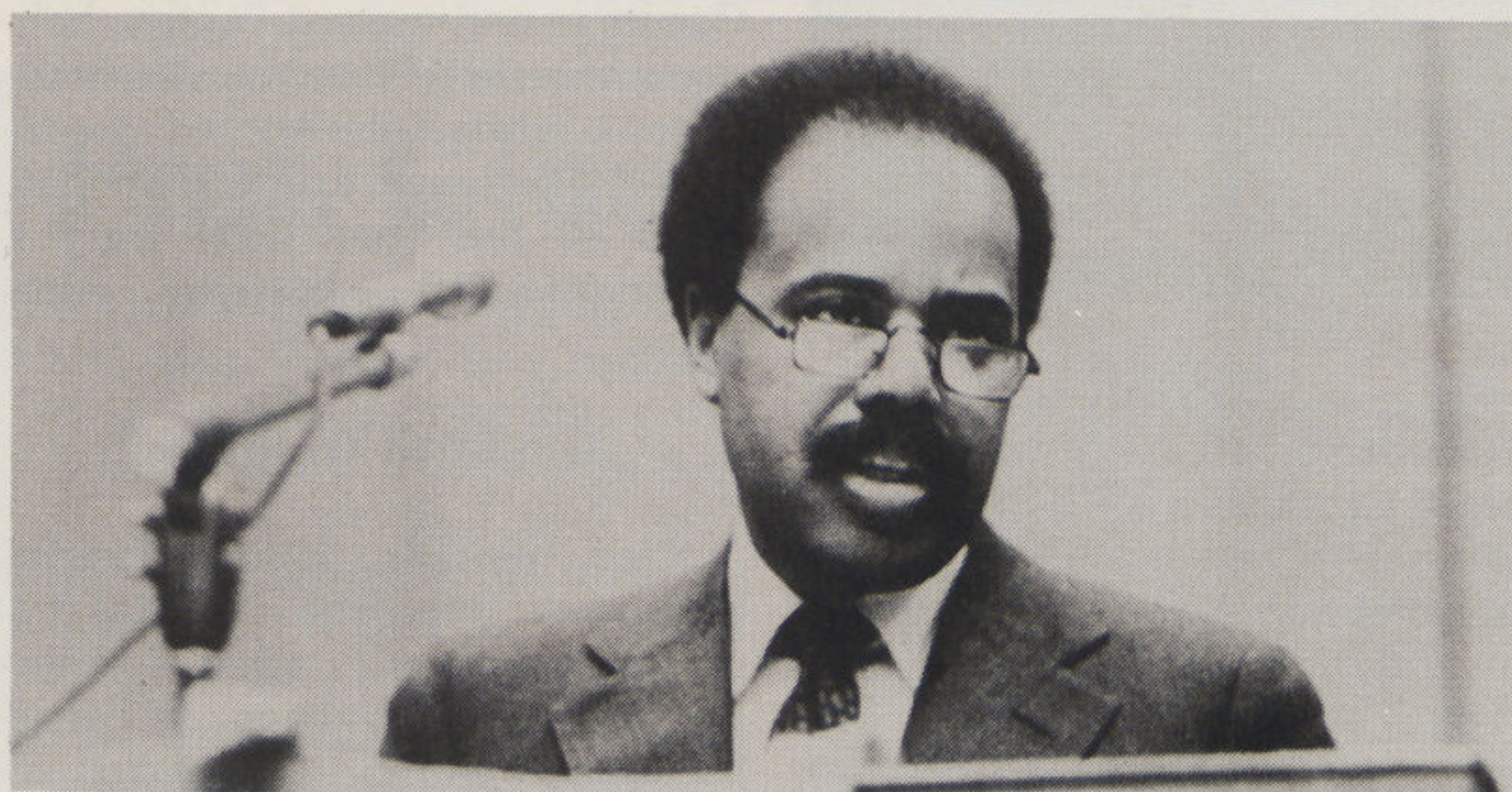


Photo by Newton White

McHenry Discusses Africa, U.S. Vote on Settlements

By Steve Friedland

Donald F. McHenry, U.S. Ambassador to the United Nations since August, spoke about the end of colonialism and the rise of equality in Africa before a capacity crowd in the Ames Courtroom March 6 as part of the HLS Forum speaker series. McHenry's prepared text focused on America's role in the recent progression of events in Zimbabwe — formerly known as Rhodesia — and South Africa. These events, he said, signify the approach of "legal independence and majority rule come true." In the question and answer period that followed, the ambassador was peppered with critical questions concerning the March 1

U.S. vote in the U.N. Security Council condemning Israeli settlements, and the subsequent announcement by President Carter that the vote had been cast in error due to a lack of communication.

McHenry asserted that it is and always has been U.S. policy that territories taken by Israel as of 1967 are occupied Arab land. He further stated that the resolution was basically consistent with U.S. policy, strongly implying that the Jews of East Jerusalem are also viewed as illegally entrenched: "I don't look upon the resolution as a change in policy. The question which arises is: Is it wise to restate this position at this time?"

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Forum Hosts Goodman on Women

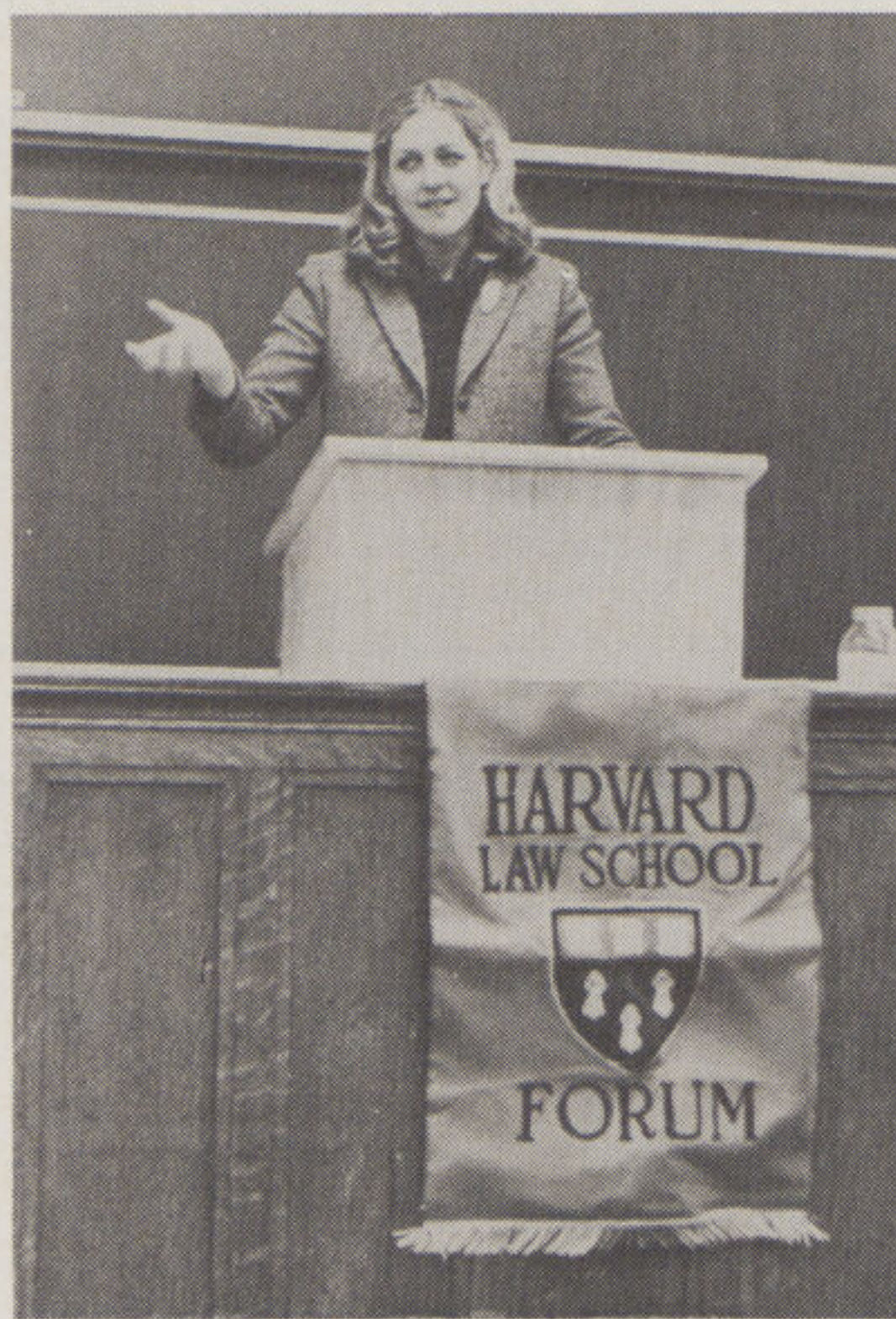
By Bennett Murphy

"Do we have to choose between accomplishing great things and being good to each other?" "No" was the emphatic answer journalist Ellen Goodman presented at the Harvard Law Forum Tuesday, March 11, in remarks on the current status of the women's movement in America. She rejected descriptions of Americans as "apathetic" or "reactionary" with regards to the women's movement and offered her highly receptive audience a substitute scenario in which women are searching for a strategy of conservative change and men are perplexed as to the position they will have in the resulting altered society.

The success of this process of reorientation of sex roles, according to the nationally syndicated columnist and author, will depend upon the degree to which men and women share their experiences of personal change and "drop their conspiracy of silence."

Movement Defined

In considering the impact of changes in the status of women on individuals' personal lives, Goodman adopted a literal definition of the women's movement as "the movement of women from one life pattern to many — particularly to the workplace." But instead of developing a *new* role in society, "women have become liberated in the Russian model — piling one role on top of another." The mythical "supermom" role model, according to Goodman, has been replaced by the model of the "superwoman." Women now compare their lifestyles to an ideal in which motherhood, a perfect marriage, gourmet



Ellen Goodman D.N.J.

cooking, and fantastic sex are combined with a \$40,000 a year income from a job that is "creative but socially useful." "Women are told they can have it all," Goodman asserted, "but they can't."

The "superwoman" ideal developed, according to Goodman, as American woman rejected the lifestyle held forth by radical feminists a decade ago. "No one wants to sacrifice family relationships," she observed, "so women have come to want all the advantages of change as well as the safety of sameness." But the result of "piling one set of expectations on top of another" has been to increase feelings of guilt and anxiety among women who measure themselves against an impossible standard.

Men Must Help

Among younger women, Goodman related, a period of inner conflict and ambivalence over the value of the "superwoman's" life

has begun. Similarly, younger men have "stopped looking for satisfaction from work as much as their fathers did." Both sexes are questioning their values and are "conflicted over the allotment of time" in their lives.

But while women continue to employ the "tool" of communication among themselves over such issues, a similar openness among men has only recently appeared in the media and in personal relationships. "The women's movement cannot succeed without helpers," Goodman maintained, "and its helpers are men." "For the first time in some while," she argued, "young men and women are on the same track — but they [are] wary of communication between each other."

Qualified Optimism

With neither group desiring hegemony over the "caretaking" or "achievement" societal roles, an equitable division of these functions which is not based on sex is what Goodman foresees. But she stressed that continued improvement of the economic status of women is a prerequisite to this new social arrangement. "For the past ten years we have been conned into the idea that sex role problems are 100% psychological or personal," she complained, "but people need to push for public changes that do not limit, but help expand private lives." Despite optimism, Goodman concluded her remarks with a line of Jack Kerouac's to make the point that patience should be a part of the women's movement as well: "Walking on water," she quoted, "wasn't built in a day." ❧

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Next RECORD, April 1

Articles, Honors Keep Tribe Occupied

By Jorie Roberts

HLS Prof. Laurence Tribe's role as an eminent constitutional authority has been recognized by diverse groups, ranging from 2Ls to Micronesian chieftains. Recently, the Association of American Law Schools joined the "admiring bog" when it presented Tribe with the Triennial Order of the Coif award at their annual meeting, held in January in Phoenix, Arizona, for his treatise, *American Constitutional Law*.

"I was elated, honored, and excited," beamed Tribe when describing his reaction to the award. "I knew my book was among several hundred considered by the Committee, but only found out shortly before the meeting that mine had won."

The award is granted by the Association for the work of legal scholarship published during the preceding three years with "the most enduring impact on law." Tribe shared the award with Wisconsin legal historian Willard Hurst for his book *Law and Social*

Order in the United States. Previous winners include John Rawls, for *The Theory of Justice* in 1973, and HLS Prof. Emeritus Jack Dawson, for *Oracles of the Law*, in 1970.

Currently, Tribe is busily working on a second book and several articles. His "book in the works," *Inhuman Beings*, is about "what we can learn from clones, corporations, and other artificial persons," reports Tribe. While the book is still "on the backburner," Tribe's article on "Constitutional Law Without Foundation" will appear in the *Yale Law Journal* this spring. In addition, Tribe is writing an essay on the Supreme Court's role in American History for inclusion in a collection of essays comparing United States and Canadian law in various areas, an article entitled "It Is a Constitution We're Amending" for the *University of Washington Law Review*, and a discussion of the *Progressive* case for the *Bulletin of Atomic Sciences*.

In the courtroom, Tribe is representing such diverse clients as Grendel's Den and the Church of God. For Grendel's Den, he is challenging, in the Federal District Court, a Massachusetts law which gives any church veto power over grants for liquor licenses to restaurants within a certain radius. His challenge is based on due process grounds, the Sherman Act, and the Establishment Clause. As counsel for the Church of God in an appeal for *certiorari* to the Supreme Court, Tribe is challenging a California statute which "violates everything" by permitting the state to inspect the church's records because it is a charity.

Out in the North Pacific, the Marshall Islands Cabinet is considering two judges recommended by Tribe's Judicial Service Council in mid-1979. Tribe is "hoping that next month the recommendations will be acted on." He is also working "informally" on several problems with the compact.

Finally, closer to home, Tribe is currently chairing the Law School's Appointments Committee, as well as advising "some third year papers."

Prof. Glueck Dead at 84

Roscoe Pound Prof. of Law Emeritus Sheldon Glueck passed away on March 11 at the venerable age of 84. Glueck's illustrious career included over forty years of collaboration with his wife, Dr. Eleanor Touroff Glueck, on the study of crime. The association with Eleanor, who was Research Associate, Special Studies in Delinquency, at HLS until her death in 1972, produced a prolific number of notable books and studies, particularly in the area of juvenile delinquency. Glueck joined the HLS faculty in 1929 at the personal invitation of Roscoe Pound after teaching criminology and penology in the Department of Social Ethics at Harvard for four years.

The Gluecks' professional relationship originated and prospered at Harvard, where the two met as graduate students in 1922. Their former HLS colleague Justice Felix Frankfurter said: "They have blazed significant trails. It means much to have speculation supplanted by facts, to prove quantitatively that which was previously surmised."

In addition to the joint research and studies with his wife, Prof. Glueck did considerable work in the area of criminal law.



HLVB

Sheldon Glueck

He participated in several national and international studies on criminology and criminal law, and wrote several pioneering works which included "War Criminals: Their Prosecution and Punishment," published in 1944.

Prof. Glueck's works are too numerous to mention individually. Suffice it to say that they explored frontiers, and pointed the way for others to follow.

Prof. Glueck made his home in Cambridge, Ma.

Steve Friedland



Hiring Attorneys Share Their Criteria

By Dave Quinto

An overview of the law firm hiring process from the employer's point of view was provided during a March 5 Root Room discussion sponsored by the Alumni-Student Committee.

Representing the employers were Mark Clark, '65, of Foley, Hoag & Elliot; Stephen Honig, '66, of Goldstein & Manello; John Fabiano, '69, of Hale and Dorr; and Ronald Garney, '63, of Hutchins & Wheeler.

Employers generally have a presumption in favor of the interviewee at the beginning of an interview, they said. Their ideal candidate takes an active role in the interview, providing input and asking questions designed to find out how he or she would fit into the firm.

They look for candidates who display ambition, intelligence and an ability to work with people — secretaries and paralegals as well as partners and clients. They are not impressed by a candidate who

thinks he knows exactly what type of law he wants to practice, asks rote questions, and has not done his homework in finding out the basic information about a firm, they stated.

Candidates from HLS, unlike students from other schools, are not excluded from interviews on the basis of their resumes. Although some firms allow hiring committee members who have not talked with a candidate to vote on the hiring decision based on the candidate's resume, employers generally pay no attention to resume form or (un)professional appearance.

Even though employers like to see grades, some feel that grades should be included only if they help the candidate. Most HLS students should not be embarrassed by their grades because most HLS students have some kind of "B" average, they said. More important than grades, for some employers, are courses. They would rather know that a candidate got "C's" in Securities Regulation and Corporate Finance than "A's" in courses with little relevance to a corporate practice because assigning partners do not like to waste time telling new associates how to begin work on a problem.

Employers do like references and writing samples, they continued. References should be listed on the resume, and should not be "available upon request," they stated. A writing sample should be one's own, not something which has been polished by others. Therefore, reprints of a candidate's journal articles, notes, or comments are not helpful, they added.

There was general agreement that it does not harm a candidate to ask about a firm's *pro bono publico* work provided the candidate seems interested in the firm's work as a vocation and in *pro bono* as an avocation only; that a person with no present interest in a firm should not take up an interview slot merely to learn more about the firm; and that it is not a detriment for a candidate not to have worked at a law job after his or her 1L year.

Dorm Room Selection Revised; Prices Up, Allocation Adjusted

By Mike Egan

Many changes, some significantly affecting next year's 2Ls and 3Ls, have been instituted in the lottery for 1980-81 dorm rooms that gets underway next week. Most of these changes were recommended by the Dorm Council and will be welcomed by students for the increased efficiency they lend to the process; other changes will not be so graciously received.

Foremost in the latter category is an increase in the quota of rooms set aside for entering 1Ls from 60 to 67 percent. Assistant Dean Stephen Young cites increased sensitivity to the plight of entering students as the primary reason behind the shift.

"With the increasing cost of housing and the shrinking of the apartment market, it is getting more and more difficult for newcomers to find housing," said Young. "It is much more convenient for second and third year students to line up housing in the spring, than for an entering student, especially one from the South or West, to have to travel here and look for housing during the summer." Young pointed out, however, that popular Hastings Hall will be divided 50-50 between entering and current students.

The other bad news is, of course, the annual rent hike. An across-

the-board increase of 15% will raise the most expensive quarters, two-room suites in Hastings Hall occupied by one person, to \$2450 and the cheapest rooms, those in the Graduate Center complete with daily garbage truck serenades, to \$1010.

Enough of the gloom. Students will be delighted to know that this year's lottery will be held at night to eliminate the pressure many students have felt in the past to skip classes.

Other adopted improvements recommended by the Dorm Council include weekly publication of the *Adviser* of those accepted off the waiting list, a termination of the waiting list in mid-September after which rooms will be given on a first-come, first-serve basis, clarified procedures for room assignment to handicapped persons, and a decrease in penalty fees for those who vacate their dorm rooms in the middle of the year.

Young also mentioned the long-term plans of the Administration to increase student housing at the school. He emphasized the fear of HLS becoming a "commuter school" as more and more students are forced to live miles from the campus due to the skyrocketing rents in the area of Cambridge around Harvard Square.



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Fisher Surveys International Crises;

By Dave Quinto

Due to the current problems in Iran and Afghanistan, Prof. Roger Fisher, HLS's resident expert on negotiation and international conflict, has been besieged with requests for his views on how the U.S. ought to act. Fisher's suggestions have been published in the *New York Times*, *Newsweek*, and the *Boston Globe* and have been sought informally by various government officials.

With respect to Iran, Fisher believes that the U.S. should be "less panicked about time." If we treat the hostage situation as a "crisis," we encourage the Iranians to continue to hold our embassy personnel in the hope that the U.S. will offer ever better terms for their release, he explained. On the other hand, by waiting the Iranians out, we establish the "precedent that a handful of radicals cannot manipulate the U.S. into irrational action," we demonstrate our commitment to international law, and we send the message that seizing embassies does not pay, he added.

Fisher views Ayatollah Khomeini as "rational by his own lights" and as possessed of "very principled notions of value." Khomeini is not so free to negotiate as we would like, Fisher said, because as "the tongue of the people" he cannot afford to "zigzag." Furthermore, he faces a problem with the concept of "compromise" because, when translated into Farsi, compromise conveys the idea of one's integrity being "compromised." However, Fisher said he believes the U.S. government now recognizes that "it must solve both sides of the problem."

In international conflict, the U.S. should offer the other side "yes-able" propositions, propositions which can be answered affirmatively and which are operational, Fisher stated. For example, the U.S. might have proposed the formation of an international commission with a life of 60 days to investigate privately the Shah's regime and the U.S.'s support of it,

with public hearings allowed only after the hostages were released.

The U.S. can still take "unilateral steps for nothing" which would ease the situation, Fisher said. The U.S. should stress that it will not intervene in Iran or attempt to overthrow the government after the hostages are released, should clarify that our courts are open for returning funds misappropriated

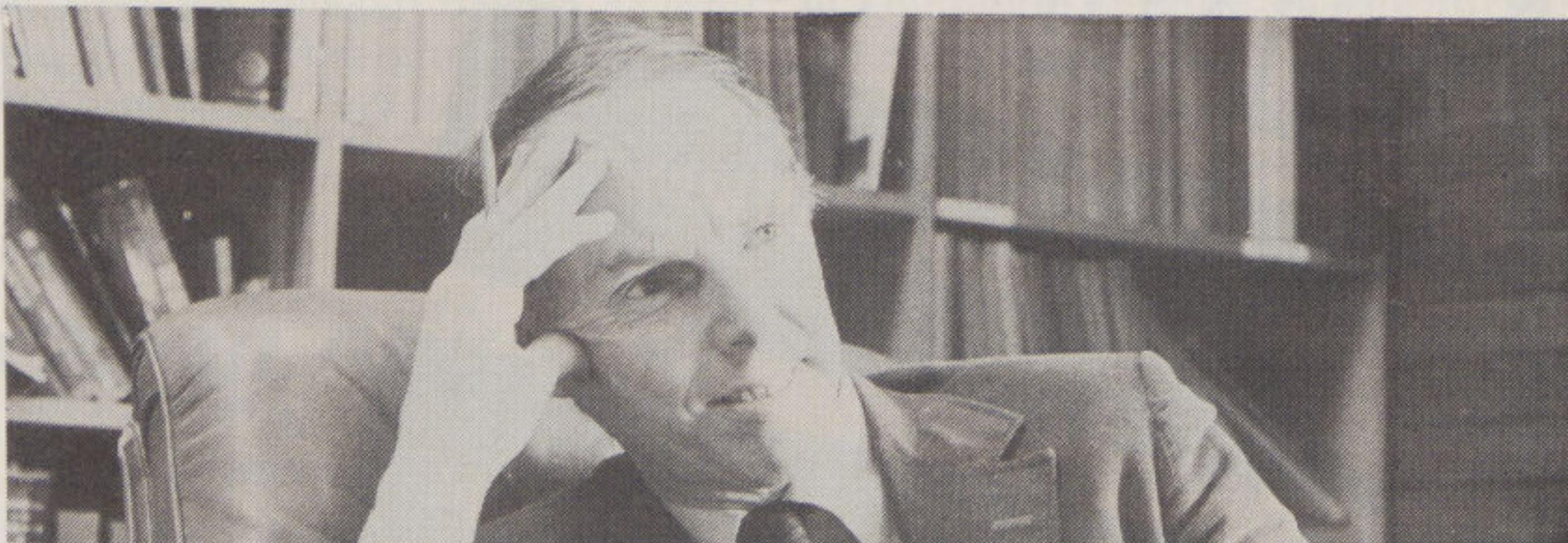


Photo by Marisa Manley

Prof. Roger Fisher considers Iran and Afghanistan situations.

by the Shah and for the unfreezing of funds, and should be "prepared to admit that it made mistakes in Iran in the past. I believe it has made mistakes, the President believes it, and no harm can come from admitting it," he says.

Regarding Afghanistan, Fisher implored the U.S. to "act on its own beliefs." As stated publicly by the Department of State, those beliefs are essentially that the Soviet Union wishes to quiet an unstable political situation along its border and wishes to prevent its large Moslem population from being stirred up by events in other countries.

"The conflict is not primarily military; it is not a super-power confrontation," Fisher said. "If we view it as a naked military conflict, then the Russians have every advantage. Afghanistan is eight inches from the Soviet Union and 8,000 miles from us. National Security Advisor Zbigniew Brzezinski at the Khyber Pass with a rifle isn't a match for 75,000 Russian troops," he continued.

"The President has taken an unduly prominent role," Fisher stated. "Fortunately, it is also seen as a confrontation between the atheistic Soviet Union and reli-

gious, non-aligned countries. We should let Saudi Arabia buy arms and ship them to Afghanistan. We need to make it seen as not just a U.S. problem," he added.

Fisher believed that the U.S. should try to hold the Soviet Union to the statement made on Jan. 30 by a deputy to Soviet Ambassador Anatoly Dobrynin. That statement "confirmed" that the Soviet Union

views Afghanistan as a "non-aligned, neutral country." Fisher said that the U.S. should publicize the facts of the Russian aggression in "every language of the world." The Russians will be hurt when other countries "avoid signing treaties of friendship for fear of being invaded" and when Communist parties in other countries denounce the Russian actions, he added.

President Carter's Olympics boycott ultimatum may have made it easier for the Russians to get out after the 20th of February because Carter will have to change his position if they do, Fisher said. "What we need now is for somebody to develop a proposal to invite them out. I believe there will be some significant political moves and some military moves before the Olympics," he stated.

Fisher is critical of President Carter's State of the Union address in which he suggested that the only concern of the U.S. is oil. He felt that Carter conveyed the impression that we have "no concern about the people" of the Moslem world, our reaction being that "if a country is overrun by the Soviet

(Continued on Next Page)

Suggests Solutions for Iran Stalemate

(Continued from Previous Page)

Union, we might have gas rationing.

"That's like saying 'I love you. I can't do without you because I can't afford a prostitute.' It's not the best way to court someone," Fisher said.

As for his negotiating techniques, Fisher stated, "I am giving advice. No matter how crazy you think your opponent is, you should behave rationally. When Brzezinski says 'I don't care what the Russians' motives are' — that is crazy. Except for the rare cases when we can physically impose a result, we have to affect their thinking."

Negotiation need not always be gentlemanly, in Fisher's view. "I favored dropping the bomb on Hiroshima; it killed fewer people than dropping Napalm on Yokohama. We introduced a weapon that gave the Japanese a face-saving device for surrender," he explained. By the same token, he found the bombing of Nagasaki "outrageous."

Fisher will be teaching officials and military officers from NATO countries at the NATO Defense Col-

lege on May 19-21. "I do it almost every year," Fisher said, "but this is only the second time for a three-day period." Fisher will work through three exercises: one based on the Vietnam War as of December '65 ("What decision should we have tried to get North Vietnam to make?"), one based on a

hypothetical war in Europe ("Focus on our purpose versus what caused it. Our purpose is not to conquer the Soviet Union acre by acre.") and one based on the Mayaguez incident. The exercises are intended to teach the role of force in negotiating.



Costs of legal education soar

The cost of making a lawyer goes up every year. The most visible costs, tuition and textbooks, have gone up between 15-25% over the last three years and in the next three years the rate of inflation could easily add another 30%. At the same time, the "incidental" but necessary expenses for transportation, study aids and bar review courses are rising at the same pace.

While it is encouraging to know that salaries for starting lawyers are also going up (some major firms are reportedly paying top graduates in excess of \$30,000 per year), this fact does not make getting through the rest of law school any easier. The Josephson Center for Creative Educational Services (CES) and Bar Review Center of America (BRC) have developed a program to deal with these rising costs. With a group they call NAFI (National Alliance to Fight Inflation), the combined buying power of first and second year students and the value of a predictable enrollment base have enabled the companies to offer a package of benefits which permits law students to get a substantial dis-

count on necessary study aids and, at the same time, roll back the tuition costs of bar review.

Students who enroll in a 1981 or later BRC review course before March 21, 1980 (the student may transfer in the senior year at no cost to any BRC course in the country) and pay a \$50 non-refundable deposit will receive over \$100 in outlines, tapes and discounts, a continuous 10% discount on publications of CES and roll back the course price to 1979 prices.

The written materials include four new unmarked BRC Law Summaries in Contracts, Criminal Law, Criminal Procedure and Torts in the first year and a new set of four outlines in the second year. The CES discounts include two 50% coupons on tape sets (worth up to \$30) and a 10% Preferred Student Discount Card entitling the early enrollee to cash discounts on CES purchases throughout law school.

Students who only wish to freeze the bar review course price may do so by a \$25 non-refundable deposit.

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(Solution on Page 16)

A Great Country; A Rampaging Bureau

Nick Bala and Joshua Dratel

George Woodcock, *The Canadians*. Illustrated, 301 pp., Harvard University Press, \$20.00.

An author who attempts to survey virtually every aspect of Canada's past and present cannot be accused of having too modest a goal. While this book does not wholly succeed in achieving this goal, it should provide the general reader with sufficient background to appreciate most media accounts of Canadian developments.

The book begins with a brief history of Canada, with much emphasis on the very earliest years of discovery and settlement. Woodcock next examines each of Canada's regions. The history, geography, and culture of each is considered, with a smattering of political and sociological insight added. Though there is only limited discussion of Canada's current problems, many historical injustices are at least mentioned, if not thoroughly analysed.

In the book's final portion, "The Canadian Identity," Woodcock sets forth his central theme. Canada is not bi-cultural, but multi-cultural; Canada is not a melting pot, but a mosaic, made up of many cultural groups and strong regions with distinct identities. It is by no means a novel view, and indeed it has often been advanced as a justification for opposing various French Canadian demands. With the spectacular increase in energy-based wealth in both the East and West, it is, however, an ever more popular view.

The book is more a tribute to Canada than an analysis, though few who would consider themselves Canadians would object to that. Woodcock's purpose is to explore and clarify Canada's identity as a nation; while he doesn't entirely succeed, this is a worthy undertaking.

Stylistically, the book leaves much to be desired. It is flowery and overwritten, and occasionally

dull. Though there are a few errors, on the whole the book is factually accurate. Naturally, a work of this scope is filled with generalizations which can be easily challenged.

There are over two hundred and fifty illustrations, and they would be of interest even if the text were valueless, though there are a few too many portraits of famous Canadians. This book adds little to the informed reader's knowledge of Canada, but for the general reader who knows nothing about the country, it is a useful introduction.

Nick Bala

Nick Bala is an LL.M. candidate who will join the Faculty of Law of Queen's University, Kingston, Ontario, in September.



William C. Sullivan, *The Bureau: Inside Hoover's FBI*. Illustrated, 286 pp., Norton, \$12.95.

The late William Sullivan was once the third-ranking official in the FBI. With help from Bill Brown, an ex-television newsman, he wrote what he called an exposé that shatters the mythology surrounding the regime of J. Edgar Hoover. But *The Bureau*, perhaps unfortunately, reveals much more.

The criticisms of Hoover concern his actions as a bureaucratic overlord, not as a pursuer of the "criminal element." While Sullivan raps Hoover for overplaying the Communist threat in the late 1960s and for the disgraceful Martin Luther King, Jr. "investigation," most of his displeasure is directed at internal FBI policy and the bureau's relations with other government organizations.

Hoover is taken to task for his racism (as reflected in FBI hiring practices), his abuse of public funds (for home improvements and other personal purposes), his failure to cooperate with other U.S. intelligence agencies, and his use of gos-

sip to entertain and blackmail Presidents and lesser politicians. Sullivan also pierces the bureau's public image, which he shows to be a front created through propaganda and subtle bribery of members of the media.

But Sullivan does not disparage Hoover's zeal in tracking "enemies of the state." A key man in the espionage department, Sullivan applauds the use of illegal wiretaps, coercion, kidnapping, brutality and forced suicides to track down these dangerous subversives. He was a major figure in the late 1960s' COINTELPRO operation, designed to destroy, by any and all means, the protest movement in the U.S. He also supported the Nixon Administration's Huston Plan aimed at centralizing intelligence activities (with the White House as the control center).

Sullivan details all these triumphs of his career without regard for civil rights or liberties, due process, the courts as arbiters, or any sense of justice. Even the irony of employing police-state tactics in order to protect and preserve American democracy and freedom escapes his shallow analysis of the FBI's illegal and unconstitutional heritage.

Despite his dislike of Hoover, Sullivan remained silent during his tenure in the bureau (he left in 1972, before Hoover's death). He was merely a technician, following orders in the normal bureaucratic chain of command. That argument didn't go over too well at Nuremberg, and it doesn't redeem Sullivan either.

Joshua Dratel



The RECORD is looking for a few good people.

23 Everett Street

Cross-Registration Opens New Horizons

By David N. Johnson

If you would like to sample Harvard University's non-legal curriculum, but are not prepared for the demands of a joint-degree program, you should consider "cross-registering" at the College or in one of Harvard's graduate departments. More than eighty 2Ls and 3Ls did just that during the fall semester, and all of those contacted expressed enthusiasm for the program.

The requirements for cross-registration are simple: If you are a 2L and you have "special law study objectives" which would be served by a course or courses in another University department, you may earn up to four credits in such course or courses, with the prior approval of the Registrar. Three Ls may earn up to six credits elsewhere in the University, with no requirement of law-relatedness.

The cross-registration credits are figured on the number of hours spent each week in lectures or discussion groups, and they count in full toward the Law School requirement of 52 credits in the second and third years.

Two caveats must be mentioned at this point: first, no cross-registration course should "significantly overlap course work you have previously undertaken." Second, some states such as New York require so many credit-hours of law-related work for entry to the bar that full use of the cross-registration option is precluded.

Two Kinds of Students

Cross-registrants contacted fell into two groups. One group enrolled in serious courses in order to follow up undergraduate work or to learn something about a particular subject, perhaps with an eye toward further work in the area. Call them "Type A persons."

The other group view their non-legal courses primarily as a painless way to garner credit hours via one of Harvard's notorious "gut"

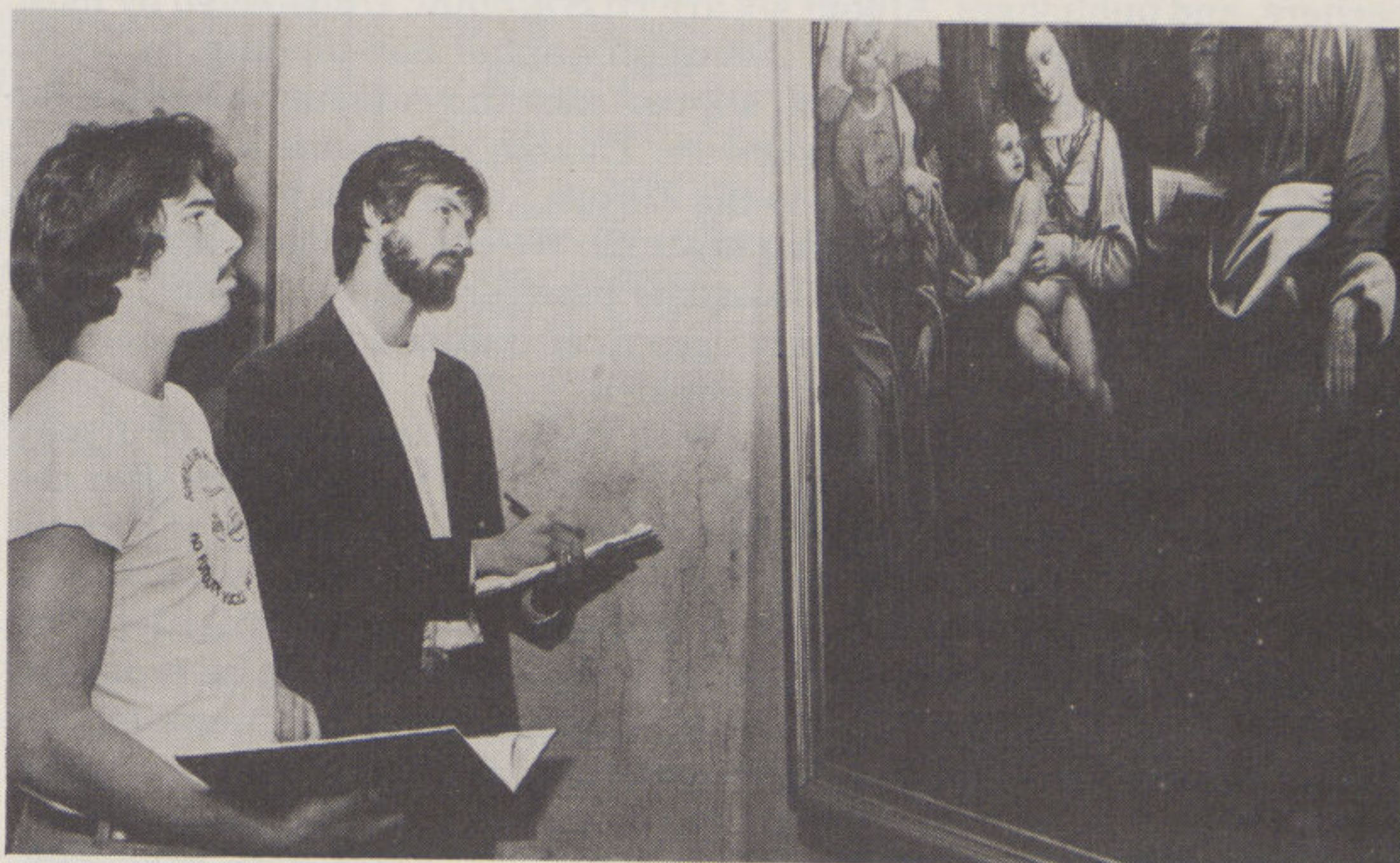


Photo by David N. Johnson

3Ls Ken Gormley and Rex Van Middlesworth study painting at the Fogg Museum.

courses. They are "Type B persons."

A Type A person is Jay (James) Ahstrom, 3L, who enrolled in "International Trade and Investment" (Economics 1450) at the College. "I have always had an interest in economics, and I thought this might be one of my last chances for non-legal study," said Ahstrom.

This "last chance" rationale is echoed by David Swanson, 3L, who took "American Novels of the Twenties and Thirties" (English 175), and by Eliot Shavin, 3L, a student in "The History of Political Theory" (Government 106b). Shavin states that his interest in the liberal arts is as keen as when he was an undergraduate at Haverford College. "I would take four more years of liberal arts if I could," he said.

Less positive was one cross-registrant to the Business School. "I wanted to see what Business School classes were like — and I found out that I didn't like them," she reported.

A "Gut" Feeling

Perhaps representative of "Type B persons" are Rex Van Middlesworth, 3L, and Ken Gormley, 3L, both of whom enrolled in "Introduction to the History of Art" (Fine Arts 13) and "Three Directors"

(Visual and Environmental Studies 152a).

"'Introduction to the History of Art' is also known as 'Darkness at Noon,'" reports Gormley. "They turn off the lights and show slides of paintings." "Three Directors" also uses darkened rooms to examine films by Alfred Hitchcock, Jean Renoir, and Carl Dreyer.

"The famous 'guts' fill up quickly, so that law students can't get into them, but other 'guts' are still available," says Gormley. Adds Van Middlesworth, "I want to enjoy my last semester of student-dom." Gormley has also derived a more tangible benefit from the History of Art class: "You can really impress your friends by saying 'This [painting] is from the High Renaissance Period,' or something."

Another enjoyable College course, offered in '78-'79 is "Studies in the History of Film" (Visual and Environmental Studies 151r). "There were about six law students in there," reports Steve Knisely, 3L, "and lots of Harvard football players." Though he admits that the course was "relatively easy," Knisely also claims to have taken the course in furtherance of his long-standing involvement in film, including work as a production assistant and assis-

(Continued on Page 11)

Something to Take Home

The Law School Visiting Committee is a group of 39 lawyers, judges, teachers, and publishers. All but six are HLS alumni. Undetected by most students, the committee, which issues an annual non-binding report to the Overseers of the Law School, slipped onto the campus yesterday for their yearly inspection of the premises. Though the theme of this year's session, "The Law School Looks to the Future," does seem overly broad at first, the concept of such a meeting is sound. We can only have high hopes for this series of open-ended discussions between faculty, students, and administrators and this impressive group of individuals, each of whom closely identifies with the legal profession.

The session is short, commencing with classroom pop-ins on Thursday and ending in time for the 2 p.m. Saturday shuttle to New York. But the schedule is a full one. The Michelman Committee will occupy the group most of Friday. The RECORD can only express its fervent wish that a similar briefing and discussion for students will be arranged before semester's end. It is understandable that ideas-in-information be protected from damaging scrutiny, but if the Michelman group has news for our visitors, we are sure that they have something to share with the student body.

At midday Friday the Visiting Committee will lunch with randomly-selected members of the three classes and with a number of graduate students. Representatives of student organizations will participate as well. Faculty and administration alike will be barred from the two-hour session, which is billed as an unstructured opportunity for the visitors to get a sense of student opinion at HLS.

Two thoughts come to mind: First, that the Visiting Committee is not the only, and certainly not the most important group which can benefit from the sort of meeting at which an unbiased sample of students can interact with decision-makers. If the administration and the faculty assume that enough channels of communication exist on campus so that special arrangements are needed only when groups arrive from off-campus, they are mistaken.

The second thought is a hopeful one. The random group should understand its obligation to do much more than collect a free meal. This opportunity to raise significant points about education at HLS, about the need for a redoubled effort to recruit black faculty, for example, must be exploited to the fullest. Dean Sacks has doubled the number of students admitted to this annual event. Let's hope their message is four times as loud.

HARVARD LAW RECORD

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Fenno

For Fenno, it was biennial "blood from a stone time." Once again he was about to tangle with the Financial Aid Office.

"Come in, come in," said Ms. Ruse, the matron of money. "And what can we do for you this time, Fenno?"

"I need help," he responded, "or I won't be able to register next semester. I'll take anything: grants, loans, work-study, trading stamps—."

"Calm down," the Cerberus of Harvard coffers interrupted. "As you know, there are certain procedures we follow here. So tell me, have you tried getting assistance from your family?"

Fenno feigned indignance: "Ma'am, look at me. Am I not a bit old to be begging my family for money?"

She smiled back. "Son, at HLS we adhere strictly to the view that you're never too old to be made to grovel. So I repeat, have you asked your family?"

"Okay, okay, I'll speak to my parents. What else?"

She smiled again. "*Speak to? Parents?* Now Fenno, we're far more sophisticated than that. I'm afraid you'll have to show us your parents' tax returns for the last decade, financial statements from all siblings, and proof that your requests for aid were rejected by at least three other persons whom you could inherit from under the intestacy statutes. We're tightening things up around here."

Fenno frowned. "I'll get them."

"After you've exhausted your family," the grandmotherly Shylock continued, "you're still not ready to try us 'til you've exhausted other sources."

"I've done it," Fenno replied triumphantly. "No luck."

"You tried all our approved sources?"

"Yes," he answered. "All the banks, the 12 finance companies, and the loan shark."

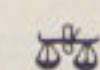
"And Guido had no loan money?" she asked in surprise.

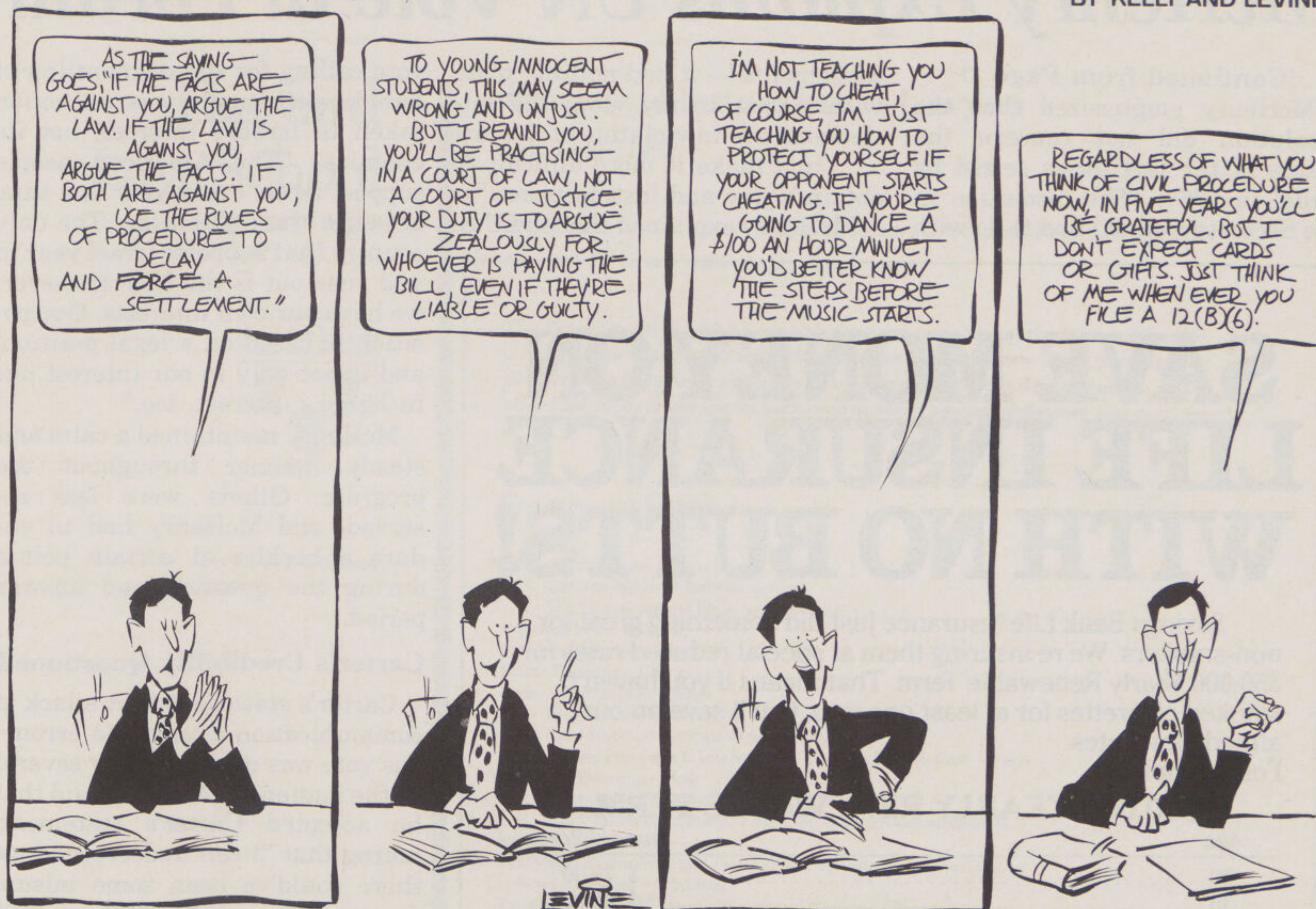
"He won't loan to Harvard students anymore, because last time some 3L got legalistic and refused to pay. Guido says he tied a Secured Interests casebook to the deadbeat's ankles and dropped him in the Charles."

"Tsk, tsk," she tsked. "But never mind. Let me describe to you our new small loan package. If you qualify for help from us, this would make up to \$3000 available to you."

When Fenno left 10 minutes later his head was spinning, partly in confusion, partly anger. The final offer of assistance made \$3000 available — but in \$50 amounts! Sixty loans, all coming due immediately upon graduation. Clever of them . . . unless he never graduated. . . .

He'd have to think about it.





SPORTS QUIZ

NOTE: This week's Sports Quiz deals with former athletes who after concluding their athletic careers have entered another game — politics.

1. This former All-American center for the University of Michigan in the 1930s became a nationally prominent politician. Who is he?
2. A Rhodes scholar as well as star basketball player for Princeton and the New York Knicks, this former athlete is currently the junior senator from New Jersey. Who is he?
3. Currently teamed up with fellow Congressman Roth in trying to reduce the federal tax burden, this Representative used to team up with the Buffalo Bills as their all-pro quarterback. Who is he?
4. This former Olympic decathlon champion also served in the House of Representatives for two terms. Who is he?
5. Turning to political participation in Canada, this former all-star defenseman who also coached three different National Hockey League teams served two terms as a Liberal member of Parliament in the 1960s while still playing for the Toronto Maple Leafs. Who is he?

(Answers on Page 16)

3Ls Study Art, Economics Through Cross-Registration

(Continued from Page 9)

tant director on a number of film projects.

Not surprisingly, Type A students found the College workload to be heavier than that of third-year law classes, while Type B people saw their College classes as a respite from the rigors of the third year of Law School. But the two groups also shared many attitudes toward cross-registration.

Most of those interviewed welcomed the escape from the Socratic method and the other trappings of legal instruction. "The artsy classes are very subjective, unlike law where subjectivity is suppressed as much as possible," asserts Van Middlesworth. Perhaps for this reason, "there are a lot of law students in the fine arts classes," he says. Gormley points out that "in the real world you have to talk about things other than law, and

the film and fine arts classes give you an opportunity to do that." Many cross-registrants welcomed the opportunity to meet students and professors outside of the Law School.

A negative point mentioned by some was the timing of tests at the College or Business School, which can fall in the middle of the Winter Term or well after the last Law School final. Also, many classes have mid-term tests or required papers. Some classes, especially at the Business School, are difficult for cross-registrants to get into.

Shavin advises: "Think it over early. There are a lot of College courses worth taking, so shop around. But don't be indiscriminate — the teaching at the College isn't always good. After scheduling those third-year law classes that you really want, put in as many college courses as you can." ☞

McHenry Explains UN Vote at Forum

(Continued from Page 1)

McHenry emphasized that the resolution did not concern the status of the territories seized by Israel in 1967: "The resolution in the Security Council had to do with

settlements — it had nothing to do with status. In my view, the settlements are in violation of the law . . . and make it more difficult to obtain a just and lasting peace."

McHenry explained that the U.S.

vote calling for the dismantling of Israeli settlements was an action taken in Israel's interest, not its enemies'. "The American people support Israel every year to a tune of better than \$2 billion. The only country that supports Israel year in and year out is the U.S. However, we have our own interests. Our position is based on a legal position, and is not only in our interest but in Israel's interest, too."

McHenry maintained a calm and steady manner throughout the program. Others were less reserved, and McHenry had to endure a heckler at certain points during the question and answer period.

Carter's Credibility Questioned

Carter's statement that a lack of communication caused the erroneous vote was questioned by several in the audience. McHenry said that he accepted Carter's statement, noting that "I can understand how there could've been some misunderstanding along the way." Others, however, were not so accepting. Jane Warren, a 2L who was in the audience, said, "Carter's statement was incredibly stupid or incredibly underhanded, I'm not sure which one." Jeff Rosen, 1L, echoed these sentiments, adding, however, that he thought it was probably underhanded.

The ambassador felt that the reversal on the vote would not affect his ability to negotiate at the U.N., but that there might be some problems with various groups in the U.S. However, he optimistically proclaimed that "we'll work at it."

McHenry's opening remarks provided some humorous release for the audience. "I don't know why it is the last two days that everyone said they were surprised that I showed up." He added, "As if things weren't bad enough," the day after the announcement that the vote was erroneous, he had meetings scheduled with the Washington Press Corps, the National Jewish Congress, and a group of editors and publishers.

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 - II. Land Takings and Public Financing of Urban Developments
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- Professional Responsibility – Kaufman
- Soviet Law – Berman
- Statutes and Their Interpretation – Sacks
- Taxation III: Tax Planning for Divorce – Sander

- The Adversary Process (2 sessions, each 3 hours)
 - I. Civil Litigation – Miller
 - II. Criminal Litigation – Nesson
- Appellate Advocacy – Cox (2 sessions, each 1½ hours)
- Dispute Resolution: Alternatives to Courts – Sander (1 session, 1½ hours)
- The International Economic Order – Ferguson (1 session, 1½ hours)
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 - II. New Forms and Materials
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Prof. Bell Named U. of Oregon Law Dean

(Continued from Page 1)

he says, because he is "attracted to the place and the people," and because he believes that he "can make a difference."

Bell, who is best known for his work on minority issues and urban problems, notes that, though Oregon does not have a very large black population, he "won't be black in name only." He maintains that he will continue his efforts to increase the number of black law teachers, both at Oregon, and in the nation as a whole.

On the Lookout

Oregon now has only one black on its law faculty. Bell says, however, that it is "clear with the [Oregon] faculty that I will be on the lookout to increase the number of minority faculty members." He adds: "I can't be anything other than what I am; I am committed to racial issues and concerns."

Bell's departure will leave HLS with only one tenured black faculty member, Prof. C. Clyde Ferguson. Bell notes: "One of my regrets in leaving HLS is that after ten years I failed to do what I had hoped to do . . . not only to be the first black professor at HLS, but to lay a foundation so that other, younger blacks won't have to go through the whole pioneering effort." "A half-dozen black faculty members," states Bell, "would not be unreasonable" given the size of the HLS faculty.

Dean Albert Sacks, on the other hand, feels that such "foundations have been laid" at HLS. He adds that there has been "a continuing effort to add black faculty and faculty members from other minorities" to the HLS community. Sacks says, however, that the efforts "have not been successful enough to satisfy me," that "the total picture is not one that I am satisfied with."

One of the methods employed in the search for new minority faculty members at HLS has been the circulation of memoranda among the current faculty members, request-



HLVB

Prof. Derrick Bell

ing recommendation of recent graduates who might be suitable for teaching positions.

"By methods of that kind," says Sacks, referring to the memos, "names are brought to the attention of myself or some other member of the Appointments Committee." Sacks noted that such recommendations have produced candidates who are "very promising," some "about whom we need more information over the next year or two," and some on whom the Committee has taken no action.

When asked if there will be a civil rights course taught at HLS after Professor Bell leaves, Sacks said: "We'll certainly be making efforts to assure that that part of the curriculum will be covered, just as we try with other parts of the curriculum." Sacks stated, however, that it is "much too early" to have made any definite plans.

Sacks noted that Bell "has been a very valuable part of the faculty and will be missed," but that he "can understand [Bell's] desire to try a shift of career pattern." Sacks added, jokingly, that he will be giving Bell "pre-job training assistance" during the summer and fall of this year.

Prof. Henry J. Steiner, a member of the Appointments Committee, stated that "there is regret and concern that we will now have only

one black tenured faculty member." He says, however, that, as part of a "continuing effort" to recruit minority faculty, candidates are "currently being considered." Prof. Laurence Tribe, who heads the Committee, added that "it would be hard to look harder than we have been looking lately."

Gina G. Tillman, a third year student in the joint J.D./M. Div. program who worked as a research assistant for Prof. Bell during the summer of 1978, stated that "the loss will be felt by black students at HLS." She noted that "Derrick Bell made efforts to develop close relationships with students," and that he was "available to students."

Many first and second year HLS students, according to Tillman, will be disappointed at Bell's departure, having "looked forward to taking courses with [him]." "I would hope," she said, "that the Law School would make a real and concerted effort to get more black professors."

Both black and white students, asserts Tillman, "need contact with black professors to develop a healthy perspective on the law, and on the particular problems of minorities in this country." Many black and white students, she added, were "pleased with Chuck Lawrence." Charles Lawrence, a visiting professor from the University of San Francisco Law School, taught at HLS last fall.

All three members of the Committee who were interviewed stressed, however, that Bell's departure will not lead to any changes in the effort to recruit minority faculty. ❧

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What's News at HLS

AMES SEMIS

The second-year Ames moot court competition moves into its semi-final round next week with oral arguments on Tuesday and Thursday, March 18 and 20. The winners of each of those two encounters will advance to the finals, to be held in November.

The first case to be argued, *In Re Agent Orange*, is a products liability class action brought by Vietnam War veterans exposed to the defoliant "Agent Orange" during their tours of duty in Southeast Asia. Involved in the case are issues of class certification, federal common law, and enterprise liability.

In Re Agent Orange will be argued Tuesday, March 18, at 8:00 p.m. in the Ames Courtroom. Presiding judges will be the Hon. Wilfred Feinberg of the U.S. Court of Appeals for the Second Circuit, sitting as Chief Justice; the Hon. Jean Dubofsky of the Colorado Supreme Court; and the Hon. Jose Cabranes of the U.S. District Court in Connecticut.

Representing the veterans (appellants) in the case are Kenneth Winer, Anne V. Simonett, James Dannis, William E. O'Brian, Jr., Henry J. Shea, and Diane Englander. Simonett and Shea are the team's oralists.

The chemical manufacturers (appellees) are represented by Mark C. Friedlander, Timothy B. Matthews, Joel J. Africk, Edward Himmelfarb, Patricia L. Bowman, and Mitchell L. Berg. The oralists for the manufacturers are Africk and Friedlander.

The second case to be argued is captioned *Universal Supermarkets, Inc. v. Farm Workers Alliance*. It arises out of a secondary boycott of a supermarket chain by a farmworkers organization protesting the use of allegedly dangerous chemical fertilizers by the supermarket's produce suppliers.

Argument in *Universal Supermarkets* will take place Thursday, March 20, at 8:00 p.m. in the Ames Courtroom. Presiding at that argument will be the Hon. Hugh H.

Bownes of the First Circuit Court of Appeals, sitting as Chief Justice; the Hon. Walter Jay Skinner of the U.S. District Court in Boston; and the Hon. Nancy Ann Holman of the Superior Court of the State of Washington.

Representing the supermarket corporation (appellant) are Steven A. Branson, Daniel Goodwin, Eric R. Havian, Robert R. Morse, Cheryl N. Noble, and Kathleen M. Sullivan. Oralists for this team are Havian and Sullivan.

The farmworkers association (appellee) is represented by Gail M. Ballou, David C. Baca, Bennett D. Cohen, Thomas A. Mullen, John W. Toothman, and Jack M. Balkin. Ballou and Toothman are the team's oralists.

The records and briefs for the two cases are available in the Board of Student Advisers office and on reserve in the library.

David N. Johnson

CHICANO NEWSLETTER

The Chicano Law Students Association has announced plans for a Chicano alumni fund and alumni newsletter to be jointly produced and managed by an independent organization composed of members of CLSA and members of the Alliance for Chicano Legal Issues.

The first issue of the *Raza Review* is scheduled to be published in two to three weeks and includes articles on recruiting, a 1L's perspective of HLS, the immigration seminar co-sponsored by CLSA held earlier in the year, and requests for employment information from its readers. According to CLSA Chairperson Debbie Ramirez, 2L, the quarterly newsletter will provide an important link to Chicano alumni, increase the quantity of employment information (particularly from the Southwest) that is received by Chicano HLS students, promote the exchange of recruiting information, and facilitate fund-raising.

Ramirez expects alumni fund donations to be small, saying that the 90 Chicano alumni do not have

large amounts to contribute. Yet she hopes that the fund will be ample enough to finance various projects and a speaker series.

Ramirez lauded the efforts of several people and organizations at HLS in helping to make the fund and newsletter possible. "Dean Young, Linda Beyer, and John Muller of the Law School Association have given us tremendous support," she said, noting that the Law School Association provided \$150 to cover the cost of the first newsletter, and that HLS assisted in making donations tax deductible. Moreover, HLS has agreed to use its computers to locate the most current addresses of Chicano alumni.

Steve Friedland

CELEBRITY BASKETBALL

This afternoon at 3 p.m. in Hemenway Gymnasium, HLS faculty members will square off against students in a basketball game to benefit the Save the Children Federation charity. Lorraine Pratte, 2L, one of the Law School Council organizers of the event, hopes the game will become an annual occurrence.

The faculty team features such notable players as the indubitable David Herwitz, John "Dr. Dunk" Ely, Linda "Steeler" Silberman, Steve "Magic" Young, Ken "The Doctah" Hegland, Charles "Sky-King" Haar, "The Amazin'" Alan Dershowitz, David "Mr. Intensity" Rosenberg, Charles "Roamin'" Donahue, Galloping Grey Bryan, prolific power forward Steve Shavell, and those who learned their basketball on the playground stacks of Langdell: Fred Chapman, Jack Tobin, and Wes Daniels. The students counter with Ms. Pratte, Howard "Call Me Shy" Gutman, Mark "SBR" Warner, Bonnie "The Don of Dane" Garcia, Patti "I Don't Take No" McClary, Corliss "Sure-Shot" Stone, and Melissa "Watch Out" Allain, among others.

Donations are 75 cents and can be made at the door.

S.F.

Besneakered Scholars Grab Trophy

— Jack Lange

A year and a half at HLS has convinced me that, while students here spend most of their time studying the goings-on in law courts, their hearts are really out there on the basketball court. But at least some of our local jocks are not quite so frustrated these days, as the HLS basketball team has proudly returned from a weekend in Springfield, Mass., with the runner-up trophy from the Western New England Law School Basketball Tournament.

The tournament was held March 9-11 under the sponsorship of the Western New England Student Bar Association and drew 22 teams, some from as far away as Pittsburgh and Philadelphia. The HLS squad marched through four impressive wins over the likes of New England College of Law, Fordham, Cornell, and Columbia before finally falling to NYU, 78-70, in the championship game.

Guided by rookie coach Ed Burr, 3L, the HLS team prepared for the tournament in an exciting regular season which included one-point losses to the Harvard JVs and the Harvard Classics club team, a 10-point drubbing of the Business School, and a one-point victory over the residents of the Mass. Correctional Institute at Concord. "By the time we got to the tournament, we were a seasoned unit," says Burr. "It really made a difference."

On Friday afternoon, Harvard opened the tournament by rolling over New England College of Law 99-31. The team then rolled to nearby Smith College for the evening, presumably to work on some

new moves. Saturday began with a 91-50 victory over a big but slow Cornell team. In the afternoon game, HLS overcame an early deficit and held Columbia's big gun "Sky" Lewis scoreless in the second half to win, 76-60. Saturday evening, some of the team members returned to Smith.

On Sunday morning, paced by Brian Tracy's 26 point performance, HLS registered a 91-80 win over an excellent Fordham team which Burr claims shot over 80 percent from the field. This set the stage for the championship match against the same NYU team that eliminated HLS in the opening round of its first tournament appearance last year.

The players on NYU's front line were, according to Burr, "shumungous" — an adjective which this reporter interpreted as synonymous with "exceptionally large." Of course, Burr's own forward line, anchored by 6'6" Rollin

Chippey, 2L, was not exactly puny. But Chippey, a former captain of Yale's varsity, got into early foul trouble and left the game for good with nearly 15 minutes to play. At that point HLS was down only three points; it never got closer, as Chippey was the first of three starters to foul out. NYU won the game at the foul line, hitting 23 of 28 foul shots to Harvard's 10 for 14.

Burr was obviously pleased with his team's performance. The squad sported a strong and balanced scoring attack, with four players (Tracy, Chippey, 2L Terry Fleming and 1L Kieran Burke) averaging in double figures for the tournament. And they will be back. ♀

Solution to "Cryptic Law"

[Y]et the tiny tintinnulations of the music thus canned resounded through the United States Courthouse to the exclusion of all else, including the real issues in the case. . . . And the judicial eardrum may be peculiarly insensitive after long years of listening to the "beat, beat, beat" . . . of sound upon it, though perhaps no more so than the ordinary citizen juror — even if tone deafness is made a disqualification for jury service, as advocated. *Wilkie v. Santly Bros.*, 91 F2d 978(2d Cir.) (Clark, J., dissenting)

Sports Answers

1. Former President Gerald Ford.
2. Bill Bradley, who was elected in 1978.
3. This politician is Rep. Jack Kemp, a Republican from New York.
4. Bob Mathias is this multi-talented person.
5. Leonard "Red" Kelly, who upon leaving politics became coach of the Los Angeles Kings in 1967.

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