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TWENTY-FIVE CENTS

Police Brutality Still in Cities, Panelists State

By Fritz Byers

In 1967, Lovell Dyett, the host of Channel 7's Black News show, debated the police chief of Los Angeles on the question of police brutality. Dyett asked the chief to define "police brutality." The chief replied that police brutality was "something you black people don't understand. There's no such thing as police brutality."

Thirteen years later, police brutality continues to riddle urban black communities, those communities continue to attempt to put the question on the agenda for public discussion, and those attempts continue to be met with conde-

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Student Coalition Mobilizes for Role in Dean Selection

By Laura Taylor

"Bator, Chayes, Cohen, Ferguson, Horwitz, Miller, Michelman, Nesson, Stewart, Vorenberg . . . ?" were the names on the blackboard when the newly formed Committee on Responsible Dean Selection (CORDS) held its first "open meeting" last Wednesday afternoon. The meeting, held in Pound 101, was attended by about 70 people, including Dean of Students Mary Upton.

The Coalition was formed following a meeting between student leaders and Harvard President Derek Bok concerning the Dean selection process. At the meeting (See *RECORD*, Oct. 3, 1980) Bok re-

jected a proposal that a small student committee be formed which would have had an "input throughout the process," and which would have interviewed all of the final candidates for the deanship, said Board of Student Advisors Chairman Ted Howard, 3L, who added that the students had not sought veto power.

Two Major Concerns

"CORDS was formed to protest two separate but related aspects of the Dean selection process," said Fritz Byers, 3L, a spokesman for the group. The two major concerns of the group, according to Byers,

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Michelman Group Dwells on Specifics

By Jack Lange

Ed. note: This is the first in a series of articles.

The Committee on Educational Planning and Development, better known as the Michelman Committee, released an interim report last week. In the report the Committee reviewed its progress over the past year and a half, identified its primary areas of concern, and outlined its plans for the current academic year. An analysis of the 54-page document and interviews with Michelman Committee members indicate that, while the Committee has generated proposals for some

significant new programs, it may prove unable to produce any comprehensive review and evaluation of legal education at Harvard.

The report discusses two specific proposals on which the Committee is close to agreement: a proposal for a Research Program offering third year students an opportunity to devote a full semester to a major research project in cooperation with other students and a faculty member; and a proposal for Major Sequential Programs which would allow second and third year students to participate in one of several sequential courses of study fo-

cused on some subject matter or perspective.

The report also lists as concerns the classroom experience, the grading system, teaching methods, and admissions criteria. The Committee intends to issue reports on these and other issues in the winter or spring.

Although the report leaves open the possibility that the Committee will eventually issue a comprehensive final report, there is a sense among Committee members that such a report is unlikely to appear in the foreseeable future. The Com-

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Gay Students Seek to Expand Legal Rights

By Joan Ohlbaum

The HLS gay and lesbian community now has an organized and active voice. The Committee on Gay and Lesbian Legal Issues, (COGLLI), formed by Jose Gomez, 3L, in 1978, is one of only a handful of gay and lesbian law student organizations in the United States. COGLLI has defended gay rights, both within HLS and in the national legal community.

"After a few initial battles," according to Gomez, HLS officials granted recognition to the original group of 25 students. HLS officials at first objected to the formation of a gay and lesbian group, said Gomez, because it would duplicate the antidiscrimination and civil rights efforts of other student groups.

COGLLI now has about 30 active members. About 25 gay HLS alumni, according to Steve Sayers, 3L, COGLLI vice president, have written to request the formation of a gay alumni network. This was a result, he said, of publicity in local and national publications, including a *Time* magazine article, which characterized COGLLI as exerting "considerable clout" at HLS (See *Time*, April 23, 1979, cover story "How Gay is Gay?").

"We may organize a reunion with activities at the end of the year," said Ruth Colker, 3L, president. "We'll put a notice in the [Harvard Law School] *Alumni Bulletin* and try a mailing, saying we want to organize a way for alumni to meet each other. What we do depends on what we get," she continued.

Admissions Questioned

COGLLI is working to guarantee that gay Law School applicants will not be rejected solely on the basis of their sexual orientation. Gomez asserts that at least 30 gays applied for admission to this year's IL class, none of whom was accepted. He refused to reveal the

(Continued on Page 13)

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Fireworks Mark Cambridge's 350th

By Thomas Isenberg

Cambridge celebrated its 350th birthday in glorious fashion on the weekend of Oct. 4. The festivities closely paralleled those of Boston's 350th bash a few weeks before. Parades, special guests, entertainment programs, and magnificent fireworks highlighted the weekend.

The fun began at 1 p.m. on Saturday with a "Small Ships Parade" of pleasure craft up the Charles River from the Riverside Boat Club to the area between the Weeks and Larz Anderson bridges. These ships, manned by their proud skippers, resembled neither the "Tall Ships" that visited Boston last spring, nor the bountiful, beautiful schooners and vessels that first encountered the Hub 350 years ago. Yet, in their miniature design and stately procession up that once great river, they charmed nearly all of the grateful bystanders lining the shores.

Re-Enactment

As the procession came to an end, a small dinghy carrying actors resembling Gov. John Winthrop and Lt. Gov. Thomas Dudley, two of the original founders of the city of Cambridge, approached the shore. Out stepped the actors-cum-statesmen in what was staged as a "re-enactment of the founding of Cambridge." After the thespians had performed their routine, two modern-day politicians, carried ashore by a high-powered launch, touched *terra firma*. The crowd's reaction

was mixed — a combination of boos, hisses and loud applause — as Massachusetts Gov. Edward J. King (boos and hisses) and Lt. Gov. Thomas P. O'Neill III (loud applause) mounted the Charles's banks and greeted the crowd.

Varied entertainment followed the "founding." The highlight for many was a musical performance by the Gainsborough Brass Ensemble. Other troupes performed, including the Pine Woods Morris Men and other local entertainers. The throng of about 1000 seemed to enjoy themselves, although the crowd seemed paltry compared to the total number of Cambridge residents who ignored the festivities by declining to attend this gala birthday; perhaps they were waiting for number 400 (they should be so lucky!)

A Short Parade

At about 3:30 Sat. afternoon, after things on the shores quieted down a bit, a short parade along Memorial Drive up to Boylston Street took up the slack. The parade came to rest at Winthrop Square, where Gov. King dedicated a "historical station" commemorating the founding of Cambridge. Winthrop Square, on the corner of Boylston and Mt. Auburn Streets, is supposedly where Cambridge was "founded." Cambridge Mayor Francis H. Duehay addressed the crowd and spoke highly of Cambridge's past and optimistically of its future. City historian Charles Eliot also spoke at length on the story of the city's founding and the

history of Harvard through present times. The day, at first a little threatened by overcast skies and a torrential downpour on the day before, remained beautiful, breezy, and cool.

The Main Event

The main event of the weekend, though, occurred Saturday evening, at about 8:30 p.m., again on the banks of the famous Charles. Thanks to the fireworks of the Felix Grucci family, the sky was lit for a solid half-hour with a tantalizing display of fireworks. It was a show — a closely choreographed presentation of fireworks, music, and narration (the latter two broadcast live over WBZ-AM Radio station).

The show consisted of "movements" of an international flavor. First, the show began with an Italian flair (the nationality of the pyrotechnics' creators). The bright Italian fireworks, noisy and colorful, were accompanied by the music of "The Barber of Seville." Next, Chinese bombs with their quiet, long burning stars in bright colors, filled the sky, choreographed to "The Dance Music."

Then, the familiar fanfare from PBS' "Masterpiece Theater" set the

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HLS Welcomes Peking-Chinese 1L

By Rob Woolmington

Zhao Jia, like many of her 1L classmates, says she is now "buried under law books." Unlike most of her fellow sufferers, she knows precisely where she will be working after receiving her Harvard diploma in 1983.

For the past eight years Ms. Zhao has been a specialist in U.S. affairs for the Foreign Ministry of the People's Republic of China. After three years of immersion in the arcana of American law she will return to her desk in Peking as her country's expert on the U.S. legal system.

Ms. Zhao is the first law student from China to attend school in this country since the revolution. Her college training at the Peking Foreign Language Institute was in English, and she has only a layman's acquaintance with her own nation's judicial machinery. Her work as a desk officer in the Ministry is classified, but she apparently did not dwell heavily on American law. With the thaw in relations between the U.S. and China — followed by the warmth of commercial and diplomatic ties — the ministry decided to send an officer for specialized training in American law. Zhao Jia volunteered, and after an interview with an HLS professor traveling in China, she was accepted by the school.

No Special Treatment

Ms. Zhao arrived here in June, and studied in Harvard's summer program with the expectation of starting law school in September as a special student. She adapted quickly, though, and is now on equal turf with her classmates in Section III. Ms. Zhao has not yet been compelled to recite in class, and has received offers of special assistance, if needed, from the faculty, but otherwise she is not singled out for special treatment.

Despite her eight years on the U.S. desk in Peking's Foreign Ministry, Ms. Zhao lacks the grounding in the fundamentals of Amer-



Zhao Jia, 1L

R.W.

ican culture which her classmates — weaned on television news, raised on LBJ's war speeches, rock 'n roll and Watergate — take for granted. She says, for instance, that it strikes her as very strange that Americans can be arrested for public drunkenness. That is not a crime in China, she said, "and I find it a bit confusing."

Though she has found the workload to be very demanding, Ms. Zhao has tried to see more of the Boston area than the reading room at Langdell. She has attended a number of 1L social events, including the harbor cruise, which managed to provoke more than a few sociological critiques from native-born 1Ls. Ms. Zhao said of the harbor cruise: "It helped expose me to the American way of life. I have to know and respect the people's culture. Things may be different, but they are their way, and I respect that."

Exploring the U.S.

Ms. Zhao has seen more of the United States than many of her classmates. She traveled from coast to coast last year as part of an agricultural delegation. Her reaction: "I like this country very much indeed. There is an urge in me to do

what I can to make relations (with China) better."

That feeling has been reciprocated fully by students at HLS, she said. The students, administrators, and faculty have been unflaggingly courteous, helpful and warm, according to Ms. Zhao. She extends her appreciation to the HLS community: "I'm moved at the consideration shown me."

Ms. Zhao expected to find the studies "tough and challenging" and has not been disappointed in her expectations. She added: "I was mentally prepared to find that the classes were very, very tough, but I also found them to be very stimulating."

Many 1Ls suffer the slings and arrows of the super-ego as they plod their course of studies, or attune their work habits to the grand scope of their ambition. Ms. Zhao feels a different weight, a different stimulus. She explained: "I have a wonderful opportunity; I cherish it very much. I also feel the pressure, I must confess. My country has placed some hope in me."

International Relations

Since arriving at Harvard Ms. Zhao has met several students from Taiwan, and said that relations between students from the mainland and the island have been cordial. "We both agree there is only one China," she explained. Ms. Zhao prefers to refer to "Peking, China" and to "Taiwan, China" rather than to the People's Republic and the Republic of China.

While Ms. Zhao differs from most of her classmates in having a clear sight on her employment after graduation, she is also preparing for the job hunt next summer. She will not return to China until her schooling ends, and so plans to seek summer work in this country. Where has Ms. Zhao applied? She responded: "I'm a good student and am waiting for Thanksgiving Day (before sending out applications, as the Placement Office counsels). I'll obey the rule and show my respect." Then Ms. Zhao laughed. ☞

Police Brutality Still in Cities, Panelists Say

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scending arrogance by police officials and benign neglect by the white community.

The Harvard Black Law Students Association sponsored a panel discussion on "The Question of Police Brutality in Boston" last Tuesday night in the Ames Courtroom. The panel included Winston Kendall, chairperson of the Massachusetts chapter of the National Con-

ference of Black Lawyers; Frank McGee, attorney for the Boston Police Patrolmen's Association; and the Reverend Melvin Brown, of the Union Baptist Church of Cambridge. Brown is also on the faculty of the Harvard Divinity School. Dyett moderated the discussion.

"Colonial Relationship"

The panel discussion was followed by an address by the Reverend Herbert Daughtry, chairperson of the National Black United Front. Daughtry's address used the issue of police brutality to highlight the broader social problem of the "colonial relationship between the urban ghetto and United States society."

The panel discussion was animated by sharp disagreement between the participants as to whether police brutality even exists in Boston. Kendall and Brown maintained that police violence, specifically violence by white police officers committed against black teenagers, is a persistent and pervasive problem in Boston.

McGee denied from the outset of the discussion that police brutality exists in Boston. McGee defended his assertion by saying that no Boston police officer has ever been convicted of any crime involving violence against a citizen.

Brown and Kendall contended that the lack of convictions, rather than demonstrating that police brutality does not exist, demonstrates that the problem is systemic. "The acquittal of officers accused of police brutality is part of a slick political game," Kendall said.

Levi Hart Case

Much of the discussion concerning the response of the black community to police brutality and available judicial remedies focused on the case of Levi Hart.

Hart, a black teenager, was killed in a scuffle with police following a car chase last August. An inquest into Hart's death concluded that

there was ample cause to believe that the police officer involved, Richard Bourgue, had committed "some crime" against Hart.

A highly unorthodox grand jury proceeding, however, resulted in no bill of indictment being delivered against Bourgue.

At the start of the inquest, held by Judge Richard Banks, a group of people concerned with the Hart case appeared at the Roxbury district courthouse. As Rev. Brown explained, the citizens went to the courthouse "as a visible presence, to show the white community that we're on the outside, watching. We want justice and we want to see justice done."

In the course of the panel discussion, McGee referred to the demonstrators as "a mob, with no respect for the rule of law."

Rule of Law

The theme of the rule of law, raised repeatedly by McGee in defense of the police department against charges of police brutality, provided a launch pad for Rev. Daughtry's attack on the entire social structure, and the typical white response to black grievances.

"The rule of law—what does it mean?" Daughtry asked. "If we revere the rule of law, we perpetuate our own slavery."

The incidents of police violence against black people are typical of the role of police in a colonized area, like urban ghettos, Daughtry said. "The violence is part of the exploitive relationship that exists between white society and the ghetto."

"Don't be deceived about how much will be done by the political process," Daughtry said. "Other key institutions participate in colonialization—schools, the church and the media. We will not change racist society until we gain control of these institutions. We will only gain that control through a revolutionary change in society. It should be remembered that revolution is a part of our national tradition. ☸"

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HBLSA is planning its **Fourth Annual Alumni Conference** and we would very much appreciate your current thoughts on, in hopes of securing your presence at the Conference.

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Please address your responses and questions at your earliest convenience to:

J. Potter

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Thank you for your cooperation.

Students Plan Role in Dean Selection

(Continued from Page 1)

are "the absence of meaningful student involvement in a decision that seriously affects students' lives," and "the Law School's shameful record in fulfilling its commitment to affirmative action in the hiring of minority and women faculty and administrators."

CORDS is composed of representatives of several student groups and individual students who are concerned about student representation in the selection of a successor to Dean Albert Sacks, whose resignation is effective with the end of the current academic year. The member groups of the Coalition include the Harvard Black Law Students' Association (BLSA), the Law School Council, the Women's Law Association, the Third World Coalition, and the Board of Student Advisors (BSA).

Penny Marshall, 3L, president of BLSA, described the issue of Dean selection as "particularly egregious," adding that "there won't be a black Dean from this thing. I find a real problem in trusting Derek Bok to take minority issues into consideration," she continued.

Marshall said that the issues of Dean selection and minority faculty hiring are "inseparable," noting that, as of January 1981, HLS will have only one black faculty member and only two women on

the faculty. "It is important that not only black students, but that white students help us . . . to push for more meaningful minority input and more meaningful student input," she concluded.

WLA and TWC Proposals

Cheryl Hoffman, 2L, speaking for the WLA, noted that the Law School's "old boy" system of selecting Deans from within the ranks of its own faculty "may not be blatantly discriminatory or sexist, but it certainly turns out that way." To remedy this situation, the WLA has proposed that five women faculty members be hired "simultaneously" next year.

"Bok's idea of diversity is to hire somebody from Yale," one student stated.

The Third World Coalition, an umbrella group which coordinates the efforts of black, Chicano, American Indian, and other HLS minority groups, also made an affirmative action proposal.

Group spokesman Nicky Sheats, 3L, noting that "Bok's idea of diversity is to hire somebody from Yale," voiced the suggestion. The group wants the Law School to hire at least two Third World professors each year, until the percentage of minority group members on the HLS faculty is "at least equal to the number of Third World people" in this country.

The new faculty members would be selected, added Sheats, by a committee composed of three Third World students, three Third World faculty members (Sheats conceded that this would be impossible next year, given the present composition of the faculty, but indicated that the group would accept Prof. Ferguson as the sole minority faculty representative, until two more are hired,) and two administrators, one of whom must be a minority group member.

Four Committees

CORDS has organized itself into four major committees. The Coali-

tion plans a "formal and complete boycott of the small procedure [writing letters about individual candidates] President Bok suggested. Instead, according to Fritz Byers, "the Coalition plans a highly visible . . . process of student intervention."

The first of the four CORDS committees will form a student committee to interview potential candidates for the deanship. Headed by Michael Borrus, 2L, it hopes to organize a three-to-seven member committee, which will "work independently of Bok."

Larry Coben, 2L, is organizing a committee to handle "external publicity." "Any institution like this should be open," noted Byers,

adding that the University states in its catalogue that ". . . in making decisions which concern the community as a whole or any part of the community, officers are expected to consult those affected by the decision." The "external publicity" group plans to "open" the Dean selection process to the Boston and Cambridge communities.

An "information clearinghouse," organized by Margie Corman, 3L, will organize a "body of student information" regarding the various candidates, as a substitute for the individual letters which had been suggested by President Bok.

Finally, Fritz Byers, 3L, will organize a committee to deal with "strategy and tactics." "No specific tactics have been agreed upon," said Byers. He noted, however, that suggestions have included a student boycott of classes, student demonstrations at alumni functions, and a student and alumni boycott of University fundraising efforts.

Students interested in working with any of the CORDS committees, or who wish to join the Coalition as individuals, are encouraged to contact one of the committee leaders, said Byers.



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"BETTER BUYS AT BRINE'S"

Jessup Competition Continues to Grow

By Ben Littauer

While most 1Ls cruise along quietly through their first semester at HLS only to have Ames descend rudely upon them in the springtime, 48 foresighted students this fall are completing their moot court

sider that an indirect interference with Ames. In the late 60s both Jessup and Ames had trouble attracting participants because "student interests seem[ed] to have become focused on poverty law, Vietnam problems, and the upcoming political campaigns," the or-

respectively. Last year's problem was an extremely complicated fact situation involving two countries in a joint "space lab" venture.

Mannick and Woods, who are organizing this year's competition, are pleased with the large number of participants. This year's problem involves a much simpler fact situation, but contains many intricate issues concerning the law of the continental shelf. It involves a boundary dispute between two fictional countries, New Ghana and New Togo. Each team of two students is assigned to argue one side of the dispute. To aid their research, the students were given a lecture on the law of the sea last Monday by Harvard's Prof. Louis Sohn, one of the world's foremost authorities in that field.

Long Memorials

The schedule for this year's 24 teams calls for them to turn in a (maximum) 25 page memorial in final form by Thanksgiving. Due to the administration's fears of a conflict with Legal Methods and first-year exams, the oral arguments will not be heard until the beginning of next semester. There will be three rounds of oral arguments, the final one being held on Feb. 4. The five top scorers will make up the Harvard team and will have one week following the final round in which to write new memorials for each side for the regionals. The winning team at the regionals goes on to the National and International competition held in Washington, D.C. later in the spring.

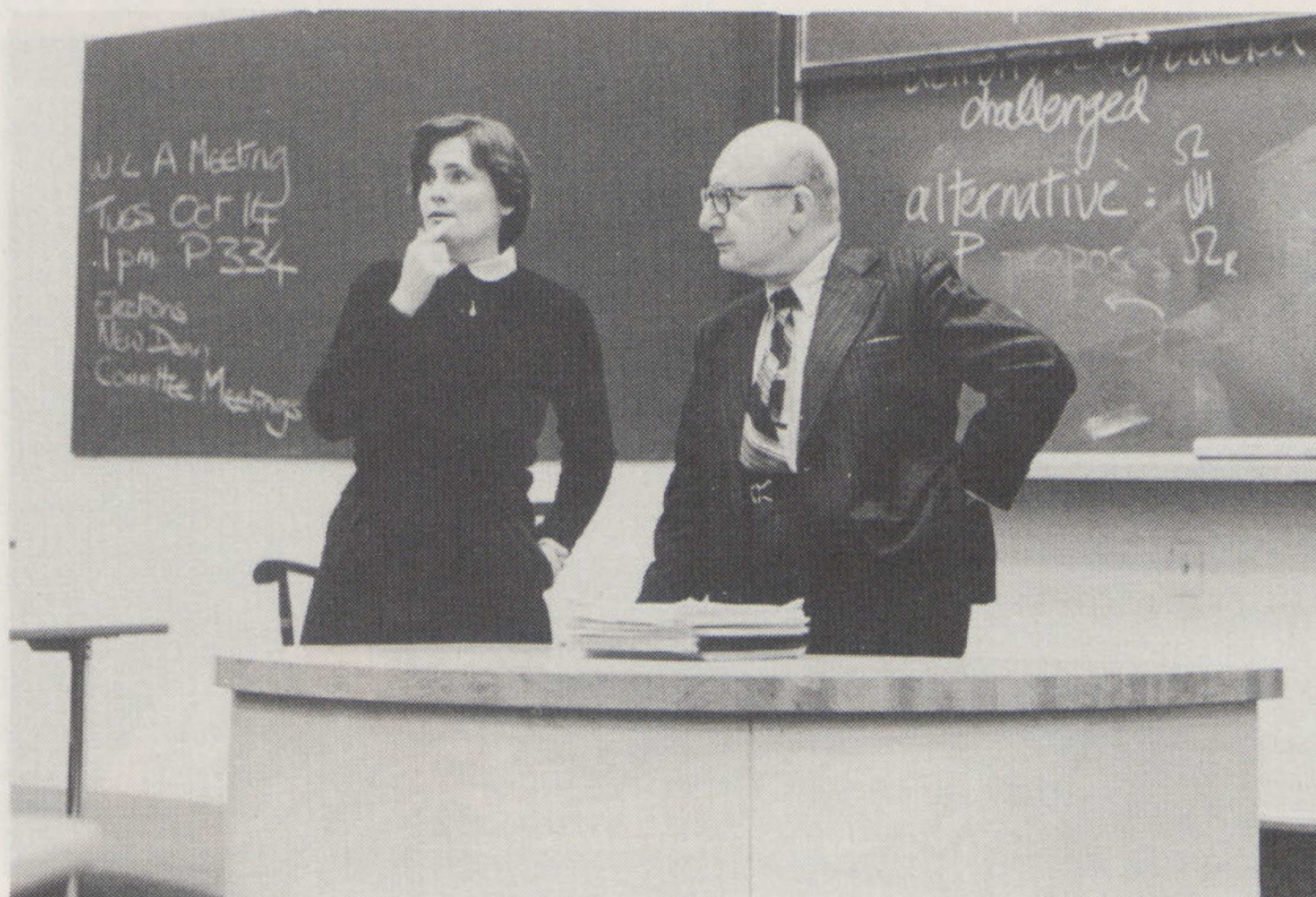


Photo by Ben Littauer

LaVerne Woods, 2L, and Prof. Louis Sohn discuss Jessup Competition.

requirements by competing in the Philip C. Jessup International Law Moot Court Competition. The competition is named after the noted international legal scholar and former member of the International Court of Justice.

organizers noted at the time. In 1968 in fact, Harvard did not send a team to the regionals. The 1972 team also failed to attend the regionals, which were held here at HLS, but for another reason; they apparently withdrew because of

The competition is sponsored by the Association of Student International Law Societies and the American Society of International Law. Although Jessup is now an international competition, with teams from 32 countries competing last year, the competition has much humbler roots. Jessup grew out of an international law competition held in 1960 at Columbia University between the universities of Columbia, Harvard, Toronto, and Virginia.

The early competition encountered some difficulties from the administration; Dean Griswold was worried that the international moot court would interfere with upper round Ames and hence suggested that if the new competition should become too popular, he would con-

s Sohn discuss Jessup Competition. organizers noted at the time. In 1968, in fact, Harvard did not send a team to the regionals. The 1972 team also failed to attend the regionals, which were held here at HLS, but for another reason; they apparently withdrew because of the pressure of third-year papers and other commitments.

Six Years Old

It was not until 1974 that Jessup became an Ames alternative for first-year students and took on its present format here at Harvard. Though most other schools are still sending upper-class teams to the regionals, Harvard now holds this preliminary competition in order to select a team of 1Ls to send to the regionals.

Last year only 24 students participated in Jessup, but the team which went to the regionals did quite well nonetheless, placing third overall with LaVerne Woods, 2L, and Cathy Mannick, 2L, being chosen second- and third-best oralists.



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Cagers Pass Up Pros for HLS Fame

By Tom Heywood

The media carry stories almost daily of the hefty sums professional sports franchises offer talented athletes coming out of college, yet few at HLS could ever expect to be involved in such contract negotiations except, perhaps, as counsel to either the franchise or the athlete. However, Mike Campbell and Dale Dover, both 1Ls at HLS this fall, were college basketball standouts quite familiar with professional sports contracts before ever setting foot inside HLS.

"This past year I was drafted in the fifth round of the NBA draft by the [Chicago] Bulls," explains Mike Campbell, who, at 6'10", played forward for Northwestern University the past four years. "Rod Thorn, the Bulls' general manager, encouraged me to try out for the team since I was a good outside shooter. The Bulls were looking for someone to complement [center Artis] Gilmore, who, while good and big — 7' 2" and 260 pounds — is pretty immobile," notes Campbell.

"If I had been certain that I wanted to make a career out of basketball, I'd have gone ahead and tried out for the team," continues Campbell, "but since I knew that I only wanted to play for one or two years before beginning law school, the risk of being cut and having to sit out a year outweighed the opportunity to play for the Bulls, especially since I already had the option of going to law school."

Campbell elaborates: "I'm glad I played in college, and I feel I enjoyed all the advantages of playing big-time ball. We did a lot of traveling, and I was happy with the Big-10 and with Northwestern." Indeed, Campbell has impressive credentials. He started all four years at Northwestern, averaging 12 points a game and leading the Big-10 in shooting percentage much of his senior year. He was nominated Third Team and Honorable Mention All-American by the UPI and AP polls.

"But I had to be realistic about my chances in the pros," concedes Campbell. "Most fifth round draftees have little chance of making the squad; if you look around the NBA, you see that it's all first and second round draft choices who are playing. Despite the fact that the

high school basketball in the Bronx, and played on the Harvard varsity basketball team from 1967 to 1971. As captain of the Harvard squad in 1971 he led Harvard to a second place finish in the Ivy League behind Penn. Dover is currently Harvard's third leading all-time scorer,



Photo by John Morriss

Dale Dover, 1L, a would-be Globetrotter, now at HLS.

Bulls needed shooting forwards this year, I would have had to work hard to make and stay with the team," Campbell allows.

The Bulls made Campbell the minimum NBA offer, a \$37,500, one-year contract provided he made the team. The try-out schedule included rookie camp in July and "working camp" in September and October. The final cut before the salary becomes guaranteed comes in November, at which time there are many trades and cuts in the NBA, according to Campbell.

"Overall, there were as many disadvantages as advantages," concludes Campbell, "so I decided to come to law school. My choice looks even better in retrospect, since the Bulls have signed [forward] Larry Keenan of San Antonio to a \$400,000 a year contract. I'm satisfied with the basketball experience I've already had," adds Campbell.

Dale Dover is likewise no stranger to the basketball court. Dover grew up in Harlem, played

and holds the Harvard record for most points in a single game with 38.

Coming out of college, Dover was offered try-outs by both the Boston Celtics and the Harlem Globetrotters. "I worked out with Red Auerbach and the Celtics for about a month," explains Dover, "but it didn't work out. Twelve players had no-cut contracts that year, and there were only 12 spots on the team. That made it pretty tough to make the team."

Shortly thereafter, Dover, who majored in Far Eastern languages while an undergraduate at Harvard, found a way to pursue his interests in basketball and international relations simultaneously.

"The State Department contacted me and asked if I'd like to play basketball in Portugal," relates Dover. He took the State Department up on its offer; the ensuing experience proved interesting.

"I had assumed that I would be playing with Americans in Portugal."
(Continued on Page 11)

Mahalic Now Tackles Cases, Not Backs

By Steve Friedland

It's the first play of your first professional football game. The Houston Oilers quarterback, Lynn Dickey, fades back to pass. From your linebacker position on defense, you anticipate the throw and beat the offensive player to the ball. Interception!

This scenario sounds like a nice dream. But for Drew Mahalic, 1L, it really did happen. During the past five years, Drew was employed as a professional football player, first with the San Diego Chargers, and then with the Philadelphia Eagles.

The articulate graduate of Notre Dame played linebacker during his college days and as a pro. His athletic achievements are numerous: he was on the 1974 national champion Fighting Irish; was the captain of a coaches' all-American team which opposed the Pittsburgh Steelers in 1975; and was a starter

for two seasons with the Eagles.

Mahalic's decision to leave pro football was precipitated by a leg injury which, he said, was partially caused by medicine used to treat an earlier injury. Although he can run and move normally, he lost the ability to sustain the punishment his leg would assuredly take in a pro football game. "I know in my mind that if I started to play again, the leg would go," Mahalic said.

No Pain at HLS

Mahalic provided some insight as to how a former pro football player views HLS: "Law school may be difficult, but I never have to worry about being beaten up when I go to class. There isn't the pain aspect that comes with football. In that sense, HLS is easier." Mahalic also gave little heed to aspects of HLS which may worry other students: "From my thinking, it doesn't bother me to be em-

barrassed in front of 140 students when I took the chance on the playing field of being embarrassed before millions of fans."

Mahalic spoke of the purposefulness of HLS as being the underlying difference between pro football and attending law school. "The difference between pro football and HLS is that HLS is truly purposeful. It can do some good for myself and for society. Football is pure entertainment. It has a purpose, but not to the same extent." Mahalic elaborated on the nature of pro football, calling it strictly a business. "Players are really in it for the money," he said. "Any player who tells you he's not is kidding himself. No one would be playing if there weren't big paychecks."

Benefits of NFL

Mahalic, however, also pointed out the benefits that he received from his football experiences. He noted that football provided him with an opportunity to travel that he otherwise would not have had. Moreover, it gave him discipline. Said Mahalic: "You have to have discipline to make a pro football team. It's the same type of discipline needed to succeed in law school." Mahalic also emphasized that playing football taught him humility: "Humility is one of the biggest things football can teach you."

On the whole, Mahalic characterized his football experience as "doing something a little more difficult than the average person has to do. It built a sort of character. I can't think of anything as difficult as football was."

Now Mahalic concentrates on understanding the theoretical underpinnings of torts and contracts instead of stopping the opposing team's running backs. When he takes a break from his studies and turns on a pro football game, he knows that at one time it was he who was on the screen. But he doesn't long for the "good old days." "I miss it the way a person misses playing little league baseball," he said. "It was fun, but now it's time to move on."

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Disappointing Interviews

We all joke about students' taking interviews for the sole purpose of getting fly-outs to warm, sunny locales. Students, however, do take the interview process seriously. Interview season is a time when we all make a lot of hard decisions — about where to work and what kind of legal career to pursue.

Given the importance of the process, it's discouraging to hear the "horror stories" about the experiences of some interviewees. These include tales of the interviewer who was "just too tired" to talk to students scheduled for interviews; of students whose intelligence was doubted by interviewers because the students had received B's and C's at the Law School; of interviewers who answered students' questions with a cavalier "I don't know"; and of interviewers who were totally unenthusiastic about their jobs and conveyed that feeling to students.

Of course, such experiences are the exception rather than the norm. The exceptions show, however, that perhaps some firms aren't being as careful as they should be in choosing interviewers.

The interviewer is the firm's first and often most important contact with the pool of potential associates at HLS. An interviewer who is not personable, enthusiastic, and extremely knowledgeable about a firm's work will not favorably impress anyone. And, since the interviewer represents the firm, a firm's interviewing efforts will succeed or fail on the basis of that interviewer's behavior.

The firms whose interviewers precipitate "horror story" situations will face serious problems in recruiting HLS students. These interviewers alienate more people than just the students whom they place in difficult positions. After all, even HLS students talk among themselves. If one interviewee has had a particularly bad experience, the word gets around. Students who might have had a good experience with the firm might then begin to have second thoughts about going back.

Firms with interviewer problems, however, won't be able to rectify the situation without feedback. Official channels, such as Placement Office officials and monitors, exist for the collection of student reactions to interviewers. Perhaps even more effective, however, are unofficial actions. A perturbed student could write a personal letter to a firm, or a student who is aware of interviewing incidents involving his classmates and a particular firm could relate those incidents to firm members while on an office visit.

Most important of all, students should continue talking among themselves about interview experiences. Often the bad experiences will reveal more about a firm than will the good.

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Fenno

Fenno tried to shake himself awake once more. After only six weeks of HLS-1980 style, he was again doing what he did best: sleeping in class.

After all, this had been a busy semester for Fenno. No slouch was he, nosirreebob! Already busy with flydowns (Fenno never did pay attention to that strange calendar that made Monday Thursday and weekends a figment of one's imagination), Fenno spent so little time in Cambridge that he forgot where Charlie's was. His internal organs gladly forgave him.

Fenno thought about all the interviewers he had dazzled with his quick wit. "Mr. Fenno," interviewers would begin, "how do you find HLS?"

"I go up Mass. Ave. and there it is on the right," Fenno snapped at six different interviews. He'd been offered five jobs. And Fenno knew why he had missed on number six: his timing was off.

Yes, Fenno thought, he had been busy, but life as a law student was truly exciting. After all, HLS needed a new Dean and President Bok needed some advice. "And he called me, Fenno."

"Fenno," Fenno recalled President Bok's call.

"Yes," Fenno suavely responded, "how can I help you?"

"I need a Dean, Fenno."

"I'm not available, Derek," Fenno said matter-of-factly.

"Whom should I choose?" Bok sounded desperate.

"You need a man who is around the Law School all the time."

"Yes!" Bok chirped intently.

"You need a man who knows the students, faculty, and staff intimately," Fenno added.

"Yes! Who is that man?"

"Ed Cummings is your man."

"Yes! I'll call him immediately," Bok cried.

"Look for him in the Hark," Fenno said. "He'll be reading the newspaper, and wearing a black raincoat and galoshes."

"Fenno, you are a genius," Bok said.

Fenno thought he heard a high-pitched scream. Whatever it was, he looked around and realized he had been asleep. Bok's solicitation of advice was just a dream. Fenno listened once more to the lecture going on, considered its content, and decided to do something worthwhile.

Fenno went back to sleep.



The RECORD's policy on letters is simple. We read all of them. We print most of them, subject only to editorial discretion. We encourage letters on any subject, and especially on subjects which have appeared in the RECORD. Write today and speak your mind to the students, alumni and faculty of the Law School.

Letters to the Editor of the RECORD

Caveat Student!

To the Editor:

This year's interviewing season seems to be a low-water mark in terms of courtesy and professionalism on the part of many law firms visiting the Law School. I have been subjected to rude conduct, and virtually everyone I've talked to has been faced with the same rudeness. Interviewers are blunt in their disregard for many students and impudent and insulting in their analysis of our records. While some of this garbage might be explained away as "the interview game" and "tactics," the abusive conduct students have to put up with is as inexplicable as it is indefensible.

The firms most offensive in the interviewing so far include Hewett, Johnson (now Johnson, Swanson) in Dallas, Latham & Watkins in L.A., and Patton, Boggs, & Blow in D.C. All students who have interviewed with these firms, or plan to continue interviewing with them should scrutinize their practices with extra care. There is no reason why we have to sit back and take insulting behavior or improper questions. Any student who has been subjected to such treatment should immediately go the Placement Office and file a complaint, or at least

pass the word. Too many people think that reaction is futile — this is not true. These firms, good or bad, value the opportunity of interviewing at Harvard Law School. Because they value the opportunity, they have all agreed to abide by the rules of the Placement Office. These rules include guidelines on questions concerning grades, and on hiring practices in general. But the enforcement of these rules and the informal expectation of courtesy and respect depends on students. When you feel you've been treated unfairly, complain loudly and clearly. Tell others who might be interested in the same firm or area. Above all, don't take it — even Harvard Law students deserve some respect.

Kenneth Menges, 2L
Cambridge, MA

Read It Again

To the Editor:

Your letter to the Class of 1983 (RECORD, Sept. 19, 1980) is one of the more cogent and instructive editorials written by the RECORD in this reader's memory.

From my perspective, students of the Law School rarely pause to reflect on the reasons for seeking a legal education at Harvard.

If education has a purpose, that purpose is to prepare for life — and life is more than *Law Review* and Wall Street.

The RECORD has said something unusually important and too often unexamined by this and other classes of the Law School. I encourage students to reread the RECORD's letter within two weeks of the examination period.

Thomas D. Lips, '69
South Glastonbury, CT

FRUSTRATED JOURNALISTS

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Former Basketball Stars

(Continued from Page 8)

gal," confesses Dover. "The day I arrived in Portugal, I discovered that everyone on the team was about 5'9" tall, Portuguese, and spoke no English. That night I bought some Portuguese grammar books and started learning the language," he chuckles.

That year, Dover led his team to victory in a four-way tournament among the basketball teams of Portugal, Angola, Mozambique and Guinea. He remained in Portugal two more years as player-coach of the Portuguese team.

"In 1974, the U.S. State Department transferred me to Copenhagen, where I coached the Danish national team for two years," says Dover. "I also played for a club — SISU — which took the Danish national title two years running."

From Denmark, Dover went on to Israel to play ball. "When I first arrived in Israel, I played on a kibbutz team," explains Dover. "Later, I played for an Israeli team in the European Cup tournament, and

last year I played for a Tel Aviv team in the national tournament. I was the first non-Jew ever to play in Israel's national tournament," adds Dover.

In addition to playing and coaching basketball, while in both Israel and Denmark, Dover put together 15-minute television segments designed to teach youngsters the fundamentals of basketball. "I'd like to put together similar programs in the future," Dover says.

With all his traveling and studies, Dover has learned to speak several languages, including Chinese, French, Swahili, Portuguese, Danish and Hebrew. "Legaese will be my last language," Dover adds with a laugh.

Has coming to Harvard Law School meant giving up basketball for these men? "I still play four times a week, unless Kennedy goes heavy on the reading," claims Dover.

Campbell also makes it a point to get to the gym regularly, though he now mixes his basketball with



Mike Campbell, 1L

intramural football and volleyball. "Basketball has always been fun," he observes, "but with the coach always harping on you, sometimes it got to be a chore. Now I play just for myself and for fun, and am able to take up other sports as well without worrying about being sidelined by an injury."



Fireworks Mark Cambridge's 350th

(Continued from Page 3)

stage while British whistles, screechers, and hummers whizzed through the air. Next, "Four Seasons in Kyoto" was heard by the lucky few who brought their portable transistors while everyone enjoyed the sight of the beautiful Japanese large chrysanthemum bombs.

The grand finale broke out in red, white, and blue, while the march music of "Stars and Stripes Forever" blasted out loudly enough for everyone to hear. Or perhaps the guy next to me turned his radio up for my benefit and the listening pleasure of innumerable others. The "Star Spangled Banner" ended it all with a display of fireworks from all five countries. Between each movement, famed author George Plimpton uttered various platitudes, pep cheers, and other bits of narration. This was one time that even the wild antics of Mr. Plimpton were upstaged.

\$17,000 Spent For Fireworks

The fireworks show was most enjoyable and many thanks are owed to the Grucci's, Jane Reed, the choreographer of the show, and the City of Cambridge itself, which spent a reported \$17,000 on the show for the benefit of its grateful citizens who applauded spontaneously as if to some hidden performers at the end of each movement and then wildly at the end of the show. A tip of the hat is also due to Mary Ellen Fitzgerald, the coordinator of the 350th celebration.

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On Sunday, a little anticlimactically, a gigantic three-hour parade graced the streets of Cambridge. It originated at the Lechmere Sales parking lot, emptied onto Cambridge Street, made its way to Prospect Street, onto Massachusetts Avenue, and ended somewhere on Mount Auburn Street near Memorial Drive. The floats were nice and large, and the crowd's favorite seemed to be a giant, mo-

torized Schlitz can; no beer, however, was dispensed, much to the chagrin of members of the press.

All told, a splendid time was had by all. Ms. Fitzgerald, the woman who made it all possible, summed it up quite well when she reportedly said, "It couldn't have gone any better." Happy Birthday, fair city, may you enjoy, endure, provide, and celebrate 350 more!



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COGLLI Influence Grows on Campus

(Continued from Page 2)

source of this information, but said that it constitutes a "*prima facie* case that people who were openly gay were not allowed in."

N. June Thompson, director of admissions, however, maintained that there is "absolutely no discrimination" by the admissions process on the basis of sexual preference. There is no way to confirm or deny, she continued, Gomez's claims regarding the denial of admission to homosexuals.

In response to a COGLLI recommendation, the Law School Admissions Office has included a statement in HLS application materials that the Law School does not discriminate on the basis of sexual orientation. Gomez said that this statement, along with the claim directly following it that the Admissions Office "seeks diversity," constitutes an invitation to gay applicants to reveal their sexuality. Thus, he says, fair play requires that homosexuality, once revealed, should not be a basis for rejection of an applicant.

To assure that gay applicants are not being rejected out of hand, Colker said, the group will continue to monitor the admissions rate of applicants known to COGLLI to be gay. A COGLLI request for the names of gay applicants was rejected by the Admissions Committee last year.

COGLLI would like access to the names, according to Colker, so that it may make recommendations to the committee concerning the disposition of applications from admittedly gay and lesbian students. As an alternative means of gathering this information, Colker added, COGLLI may place advertisements in local gay publications.

Gomez added that, as president of the Chicano Law Students' Association and a member of the Third World Coalition, he is recommending a similar access policy for black and other third world students.

Health Service Problems

Another area of concern for COGLLI is the treatment of gay

patients by the University Health Services. According to Colker, complaints received by COGLLI have ranged from bias against gays to a lack of medical knowledge about the particular health problems of gays and lesbians. Colker says that she is not sure whether more than one doctor has been involved in these incidents.

The group also works with a Boston-based non-profit gay legal defense organization, Gay and Lesbian Advocates and Defenders (GLAD), which was founded with Gomez's help in 1978. COGLLI members provided research assistance on an amicus brief filed by GLAD in a recent Massachusetts Supreme Judicial Court case which held that a lesbian household did not *per se* create an unfit environment for child custody.

GLAD and COGLLI also cooperated in representing Aaron Fricke, the high school student who asserted in a recent Rhode Island District Court case that bringing a male date to his high school prom constituted political speech, and was therefore entitled to first amendment protections.

COGLLI members prepared briefs in support of GLAD's application to the Internal Revenue Service for tax exempt status under §501(c)(3) of the Internal Revenue Code. Gomez noted that the successful 15-month fight for tax exempt status was precedent-setting because it resulted in the first IRS recognition that the defense of gay rights comes within the "defense of human or civil rights" language of the Code.

The group also receives requests from local attorneys for assistance on legal problems of concern to gays. Coker noted that COGLLI is requesting Law School funds to cover costs incidental to these projects.

Gay legal issues are also the focus of the COGLLI-sponsored Ames Alternative. Three teams of four members each participated in the group's Alternative last spring.

Another ongoing COGLLI project is the monitoring of possible

employer discrimination against gays. At COGLLI's request, the Placement Office has initiated a policy of denying the use of its facilities to those employers who discriminate against gays. No complaints have been lodged against law firms thus far. In fact, Sayers said, some gay alumni at law firms have called COGLLI to say that their particular firms have been non-discriminatory in their attitudes toward gay lawyers.

COGLLI members assert that their group convinced the Placement Office to forbid the CIA from interviewing at HLS last year because the Agency discriminated against gays in employment.

Placement Regulations

Group members also claim that COGLLI was instrumental in the U.S. Navy's decision not to interview at the Law School this year. Last fall, 1500 students signed COGLLI petitions protesting the Navy's use of Placement Office facilities. Sayers contends that Navy regulations amount to discrimination against gays because civilian employees can be denied security clearances on the basis of "immoral conduct."

The Placement Office replied that the regulations did not constitute discrimination against gays, and that the Navy discriminated against gays specifically only in the uniformed branch. The Placement Office would not be furthering discrimination, it contended, because only the civilian branch would be interviewing at HLS.

N. June Thompson, director of admissions, however, disputes the claimed effectiveness of the anti-Navy campaign. Certain government agencies which had interviewed last year, according to Thompson, were not contacted to set up interview dates this year, on the assumption that they would contact the school if they wanted to interview again. She added that, if the Navy had requested interview time, it would probably have

(Continued on Page 15)

Michelman Committee Cites Specifics;

(Continued from Page 1)

mittee has effectively committed itself to considering a series of limited, discrete reform proposals and has set fundamental issues of educational philosophy on the back burner. The majority of Committee members apparently believes that this is the only way to get anything concrete accomplished given the lack of consensus for basic change either within the Committee or among the faculty. Several members, however, are concerned that the fundamental issues will be neglected indefinitely and that the incremental approach will allow the Committee — and the faculty — to avoid confronting serious problems facing the Law School.

Mandate from Sacks

The Michelman Committee was created by Dean Albert Sacks in February, 1979. In a memorandum to faculty, staff, and students, the Dean gave the Committee a mandate "to undertake a comprehensive review of the existing educational programs of the School, with major emphasis on curricular programs," and to propose "whatever revisions the Committee thinks necessary or desirable to meet the School's educational needs of the next 5–10 years." It charged the Committee to work toward a two year target ("i.e., for a Report in late 1980 or early 1981") while feeling free to pace its recommendations, with some coming before and some after the target date. The Committee's membership consists of Prof. Frank Michelman, chairman; Profs. Victor Brudney, Robert Clark, Douglas Ginsburg, Duncan Kennedy, Charles Nesson, David Shapiro and James Vorenberg; Jeffrey Kindler '80; Karen Falkenstein and Nancy Wieggers, 3Ls; and Molly Burke, 2L.

According to Prof. Michelman, the Committee was formed in the course of the ordinary "law school life cycle." "On something like a 10 to 20 year succession of periods, there have been committees formed to undertake a comprehensive re-

view of the curriculum and to report their recommendations to the faculty," said Michelman. Since the last such enterprise was conducted by the Committee on Legal Education under Prof. Casner in 1958–1960, the time was ripe for another periodic review.

Michelman noted, however, that the level and intensity of questioning about legal education has been greater in the last several years than he remembers it being in the late 1950s. "Legal educators have exhibited a great deal of self-consciousness in recent years, and others have been more prone to raise doubts," he explained. Those others range from Chief Justice Warren Burger, who has questioned the competence of American lawyers, to the general public, whose interest in and criticism of lawyers and the legal system is at an all-time high.

Setting Agenda

With these considerations in the background, the Michelman Committee spent much of its first year discussing a broad range of issues and attempting to establish an agenda. The Committee's major achievement last year was the initiation of the current experiment with small Contracts sections as a method of reducing the problems associated with large class size. This year, with its two year target approaching, the Committee has begun to focus on specific proposals and to divide responsibility among sub-committees to prepare reports and recommendations in various areas of interest.

The interim report issued last week has several aims. It is designed first to notify the Law School community of the topics to be covered by reports that the Committee plans to prepare for consideration and action by the faculty this year and to set out the tentative schedule for those submissions. It also serves to identify the considerations dictating this particular composition of agenda items; to place before the School for discussion

and reflection some broad issues of educational policy that cut across a number of the more specific topics; and to elicit advice concerning both the proposed topics and the agenda itself.

The report orders the various agenda items in terms of their relation to a "standard model" of legal education. That model, based on observation of practice at HLS and elsewhere, is said to embody eight basic principles: Law-as-profession, neutrality among basic values and social visions, law-as-method (i.e., as a set of "skills and standards, together constituting a coherent intellectual craft"), case study, large group instruction, common law primacy, judicial primacy, and generalism. The report places the issues before the Committee in three general categories: questions "arising within the standard model," questions "testing the meaning of the standard model," and alternatives to the standard model.

Problem Areas

The section of the report discussing questions arising within the standard model identifies a number of problems that the Committee perceives in current practice at HLS. The discussion covers a very broad range of issues, including educational orientation and guidance, instructional methods, performance evaluation and feedback, standards of class participation, faculty-student relations, institutional purpose, "design features" of the first year program, "modernization" of the curriculum, clinical programs, and curriculum organization and administration. The interim report indicates the type of proposals which the committee and its various subcommittees are considering. More definitive reports on many of these issues are scheduled for the winter and spring.

The two proposals on which the Committee is closest to making final recommendations both address

(Continued on Next Page)

Lacks Philosophical Stance on School

(Continued from Previous Page) questions "testing the meaning of" the standard model, particularly of that model's assumption of generalism as opposed to specialization in legal study. Both envision some form of concentrated studies program.

The first proposal, which may be approved by the Committee by the time this issue of the RECORD hits the stands, is for an experimental Research Program to be instituted next fall. The proposed program, sponsored by Prof. Clark, would give each participating 3L 12 credits and a pass/fail grade with a written evaluation for a semester of research and writing. A student's work would be coordinated with the work of other students under the supervision of a faculty member. If the program is approved by the faculty and proves successful next year, it would become a regular part of the curriculum and provide the groundwork for the creation of a Research Institute at the Law School.

The other proposal on which the Committee expects to report this fall is one to establish Major Sequential Programs (MSP), which would be roughly analogous to, if somewhat more structured than, a college major. The MSP proposal, initiated by Prof. Michelman, would give students the option of spending a substantial amount of time during their second and third years in a coherently organized program of study focused on some subject matter such as urban government, or on some perspective on law such as economics.

Value Neutrality

Other questions that have arisen before the Committee test the meaning of the standard model's assumption of value neutrality. Proposals have been made suggesting that issues of moral and political value should be made more explicit in law study. This could be accomplished by integration into the curriculum of perspectives on the law and the legal profession

offered by history, moral and political philosophy, social science and theory, economics, and policy analysis, or by bringing to the surface the moral and political stances of the instructors themselves. The report states that "the Committee has not yet been able to work its way through these issues, but it seems likely that we shall eventually want to bring them before the faculty in some form for explicit discussion."

This also seems to be the Committee's approach toward proposals offering alternatives to the standard model. The report summarizes two such proposals that the Committee has received, one from Prof. Duncan Kennedy and one from Prof. Hal Scott.

Kennedy's outline for a "New Model Curriculum" (NMC) was presented to the Committee last spring in a 50-page memo entitled "Utopian Proposal, or Law School as Counterhegemonic Enclave." The proposal calls for an integrated first and second year program consisting of three "courses": a "doctrine course" providing training in substantive law, legal reasoning and legal argument; a "theory course" offering various explanatory and evaluative perspectives; and a "clinical course," including a mandatory summer stint at an HLS Legal Clinic, to give students practical experience.

The "Analytical/Institutional First Year" as proposed by Prof. Scott would include comparative and critical study of analytic methodologies, comparative study of different types of legal orders and behavioral and critical study of legal institutions and actors.

Although these proposals and their relationship to the standard model are given relatively lengthy explication in the interim report, the Committee has spent very little time discussing them directly. The NMC proposal, according to Committee members, has been discussed for little more than an hour. By describing the proposals in some detail in its interim report, the Committee seems to be presenting

them for general discussion by the Law School community while it concentrates on more limited, specific proposals. Prof. Michelman generally confirmed this, saying that "the idea is to give these ideas circulation and dissemination, and to stimulate general discussion about them." He observed that the Committee's ultimate disposition of these and any other proposals for comprehensive change will be determined in part by the community's response to them: "We need some substantial input from outside the Committee. Where we go will depend on that to a certain extent." However, Michelman emphasized that "there is a commitment to discussion that will lead to some kind of resolution of the overarching proposals."

Michelman also contended that the current orientation of the Committee toward discrete, limited proposals need not prejudice discussion of these comprehensive

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Gay Students Seek to Expand Legal Rights

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been permitted to use Placement Office facilities.

Despite the group's attempts to vindicate gay rights, many homosexuals in the HLS community feel that they cannot attend COGLLI meetings, according to Sayers. "The legal profession has one of the most closeted [gay] factions," because the gay lawyer who reveals his sexual preference "tremendously jeopardizes" his career. The trend toward unity and openness in the gay community as evidenced by COGLLI work, however, represents great progress in the acceptance of gay issues in the community as a whole, according to COGLLI members.



Michelman Group Dwells on Specifics

(Continued from Page 15)

proposals and of the basic issues of educational philosophy that they raise. He said that the Committee hopes to stimulate such discussion through the interim report and to keep it alive throughout deliberations on more limited proposals.

In discussing where the Committee will go from here, the report states that "we are not at this time committed either to recommending to the faculty a single, comprehensive design for a reformed educational program, or to postponing faculty consideration of the various matters before us until we are ready to compile all our assessments and proposals in a unified, final report." This does not mean, said Michelman, that the Committee has ruled out the possibility of producing a comprehensive report reviewing the curriculum and proposing reforms in a unified framework. But the already ambitious schedule for this academic year does not allow for it. Indeed, the Committee envisions a process which, according to the report, "may require a number of years to complete — one which ought to be pursued to completion however long it takes, under the general guidance of our Committee (with, we would all heartily agree, rotating membership) or some successor."

Members Not Convinced

Despite Prof. Michelman's obvious determination not to lose the broader perspective while pursuing specific reforms, some Committee members are not convinced that this can be done. According to 3L Nancy Wiegers, "The process articulated in the interim report

precludes the serious consideration of fundamental issues and proposals for comprehensive change." Wiegers observed that the Committee faces "a real dilemma." The majority thinks that the faculty is so "intractable and divided" that the only way to get any change is to introduce things slowly and try to develop a consensus about what should be tried. The problem with this approach is that "it focuses attention on short term goals and away from the process of thinking about what legal education means at this law school and where we want to go with it." The value of introducing a more comprehensive, radical proposal to the faculty, said Wiegers, is that "it would elicit debate on the standard model. In the end it might be voted down, but the debate that would result from such a proposal ultimately would be more valuable than a few incremental reforms."

Wiegers also doubts that continuing the life of the Committee will solve the problem. She fears that if the Committee's Charter is extended indefinitely, it will lose its élan and eventually sink into bureaucratic stagnation. This, she noted, was the fate of the Committee on Legal Education after the early 1960s. She believes that such an extension would make it even less likely that the Committee will ever face difficult, fundamental issues.

Molly Burke, 2L, agrees with these assessments. She said that "there is a feeling of trying to build consensus from a string of small proposals. I don't think you do it that way. Small proposals don't get you any closer to an idea of what's wrong and how to change it." She

contended that the process as set out in the interim report speaks to discrete problems isolated from the discussion as a whole. "There was a sense that we had to start getting things before the faculty because we'd been going a year and a half. I don't think that the subcommittees will produce what will miraculously turn out to be elements of a unified approach."

Prof. Kennedy also explains the Committee's approach in terms of the lack of consensus for basic change among either faculty or students. He noted that there is a great deal of discontent among both groups but no will to engage in any comprehensive reform. The Committee is therefore confined to elaborating only limited proposals for change. Because of the discontent, "it is possible to add some new programs that increase total freedom of choice" — such as the Research Program and the MSPs. These programs will provide some safety valve for discontented students and faculty members by allowing them to "do their own thing." But, said Kennedy, "as far as I can tell, the Committee majority doesn't have as a goal any fundamental change in legal education that would respond to the more general discontent."

These Committee members anticipate that the Committee will continue to string out limited proposals for reform and that its charter will be extended at the end of this academic year. However, they feel that there is a good chance of forcing the issue of comprehensive reform this spring if enough students and faculty take interest.

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