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Surveyed Employers Blast HLS Placement

By Erich Merrill

Employers did not like this year's placement process any better than students did, a survey taken by the Law School Council's Placement Committee shows. Michael Michaelson, 2L, a member of the committee and council, characterized the responses of employers as "overwhelmingly negative."

The results of the survey, released this week by Kent Marcus, 2L, chair of the committee, reveal the major objections employers have to the new system. Foremost among them is that this year's late interviewing season forced firms seeking Harvard students to make special arrangements to keep slots open for them. Other complaints were that the recommended Christmas fly-outs

were much too late, that the compressed season hurt smaller firms, and that late interviewing hours kept attorneys from returning home on the same day that they interviewed students.

Changes Questioned

Questions in the survey focused on the effects of changes made in the placement system this year. Those changes were to start the season on Oct. 19 rather than Oct. 1, to compress the interview period from seven to four weeks, to ask that students take fly-outs only during Christmas break, to hold interviews from 1 P.M. to 9 P.M. instead of from 9 A.M. to 5 P.M., and to require firms to keep all job offers open until Jan. 10, nearly a month

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TWC Alternative Course Opens to Student Plaudits

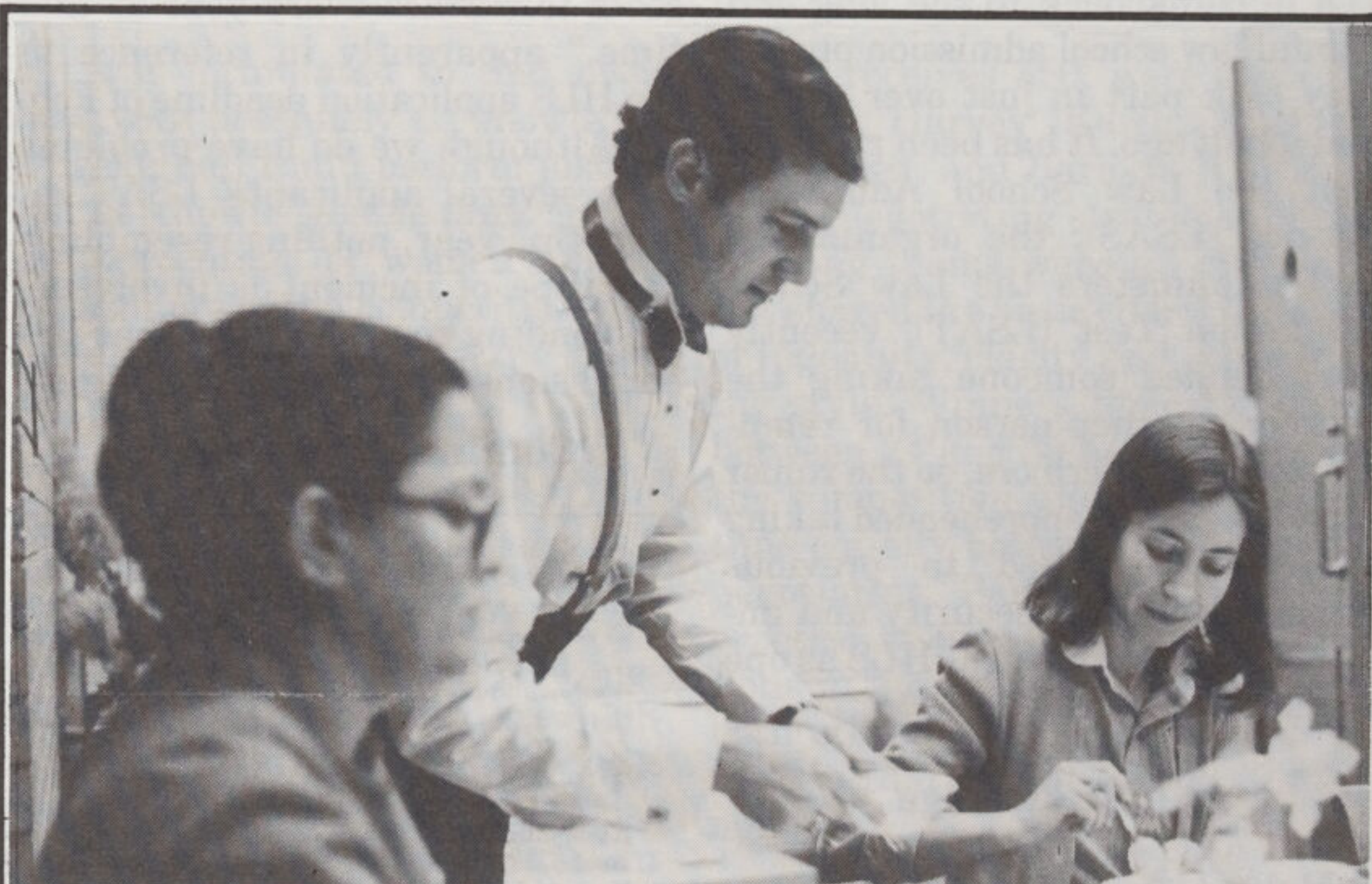
By Steve Cowan
and Andrea Hartman

Based upon student reaction, the first session of the Third World Coalition's course, "Racism and American Law," on Feb. 2, was extremely successful. The session's lecturer, W. Hayward Burns, received a vigorous standing ovation from the approximately 100 students present. Following the lecture, one student said, "If this course keeps up like it started, it will be the best I've taken in two-and-a-half years here."

Glen Morris, 3L, a representative of the Third World Coalition, opened the session by observing that the class itself represented a part of a broader movement for recognition of Third World scholars and issues, a movement which was particularly accentuated at HLS by the winter term boycott of the Race Discrimination course taught by

Julius Chambers and Jack Greenberg. Said Morris, "This class is a part of that larger movement. . . .

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Bob Peterson

Service with a bow tie: A distinguished panel revealed their choices for the best ice cream of Harvard Square. See page 8.

Johnson to Replace Ruiz in Financial Aid

The Law School has named Renda G. Johnson, currently director of financial aid at Boston's Newbury Junior College, to succeed Marion Ruiz as director of financial aid.



HLS Bulletin

Renda Johnson

Johnson, who will stay at Newbury until the end of this month, will join the Law School financial aid office in April and will work with Ruiz until her retirement in June.

After studying politics and economics at Northeastern University and Ithaca College, Johnson worked as an administrative assistant to the director of Ithaca's Educational Opportunity Program. In 1977 she moved on to what is now the Massachusetts Board of Regents (then the Board of Higher Education), working as a scholarship officer and an appeals officer for the Massachusetts State Scholarship Program. In that post, she administered a statewide scholarship program for disadvantaged high school students. She also served as an appeals officer for other scholarship programs, hearing cases in which state aid had initially been denied on the

ground that the student did not meet financial need requirements. Johnson moved to her present post at Newbury in 1979.

Advance Announcement

Johnson is now a member of the Board of Directors of the Urban League of Eastern Massachusetts, and chairperson of its Scholarship Committee. She also serves on the Massachusetts Association of Student Financial Aid Administrators' Minority and Disadvantaged Student Committee.

Johnson's appointment was announced well in advance in order to help students adjust to the transition, according to Russell Simpson, assistant dean for financial and general administration. Simpson hopes to avoid problems like those in "horror stories" he has heard from students whose colleges made more abrupt changes in financial aid personnel.

B.H./L.C.

LSAT Scandal Rumors Not Substantiated

By Jack Robinson

A rumor has been circulating around HLS that has forced many 1Ls to think back to the long and painful law school admission process they took part in just over a year and a half ago. It has been rumored that the Law School Admission Service (LSAS), the organization that administers the Law School Admission Test (LSAT), recently apprehended someone taking the test for another person for remuneration. Furthermore, so the rumor goes, the person apprehended taking the test confessed to previous breaches of LSAT security and implicated a current 1L at HLS as one of his former "clients."

No Knowledge

Molly Geraghty, assistant dean and director of admissions at HLS, when asked to comment on the ve-

racity of the allegation, responded emphatically that she has "no knowledge of such an incident." She continued, "Rumors like that always seem to surface every year at this time," apparently in reference to the HLS application deadline of Feb. 1. "Although we do have problems with several applicants' LSAT results this year, nothing resembling this type of incident is involved." Responding to allegations that the admissions office was not divulging

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Timely Williston Topic Attracts 1Ls

By Michael Malamut

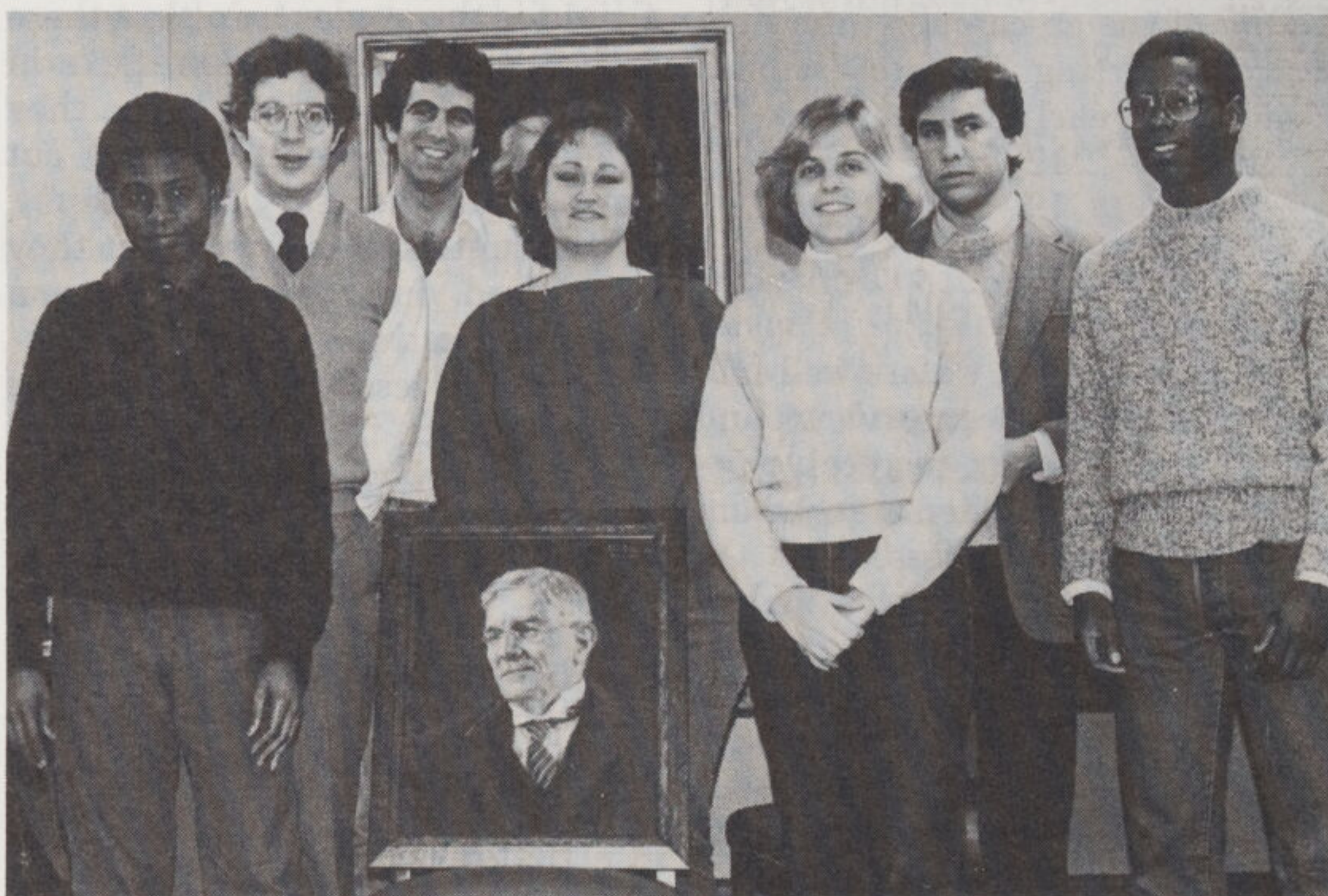
You may have noticed small groups of 1Ls scurrying furtively about last week, without realizing that the Williston Competition had started up again. The annual contest pits teams of 1L negotiators against each other in an effort to form the best contract. The contest started on the evening of Jan. 24 with a short talk on negotiation strategy by Prof. Roger Fisher. The BSA members who organized the event, Michael Solow, 2L, and Chip Vetter, 3L, made some introductory remarks, advising students not to negotiate on the first night but instead to review their positions, and suggesting that the teams spend about equal amounts of time haggling and drafting their agreements. On the first evening, each two-member team was paired with another team which would become its adversary at the bargaining table.

Football and Sexism

From the next day, Tuesday, until Friday, the negotiating groups met and discussed the issues. This year's competition was based on last fall's National Football League strike, and dealt with a contract between the National Basketball Association owners and the NBA Players' Association. The main issues dividing the two sides were travel benefits, rule changes, players' personal appearances, and a retirement fund. This year's competition had 116 entrants and 28 completed contracts, while last year's contest had only

32 participants with eight completed contracts. The organizers attributed the increased interest to the challenge posed by this year's problem (last year's was fairly dry in comparison) and to this year's improved scheduling — earlier in the semester, before the Ames Competition put everyone behind in his or her work. Although some complaints were raised that the subject matter was sexist, the consensus was that: 1) The conception that men would know more about sports than women is itself sexist; 2) The prob-

other industries. BSA representatives then announced the winners of the competition. The first runner-up for the best overall contract was a group consisting of Clay D. Creps, Janet McKinnon, David S. Rosenbloom and Stephen P. Warren. The winners for best players' agreement, each of whom receives \$25, were Kenneth K. McNeil and Pamela D. Moore. The winners for best owners' agreement, who also receive \$25 apiece, were Ralph L. Gonzalez and Michael R. Hambly. The winners for best overall contract, each of



Lon Povich

Pamela Moore, Michael Hambly, Harvey Kaish, Samuel Williston (seated), Barbara Ward, Sally Burger, Ralph Gonzalez, and Karl Thurmond.

lem was formulated so that even those with absolutely no knowledge of basketball could perform just as well as knowledgeable fans; and 3) The percentage of women among the winners of the competition was higher than that among the first-year class in general.

And the Winners Are ...

On Thursday, Feb. 3, Professor Paul Weiler gave a short talk on his experiences with the NFL negotiations this past fall, in which both he and Professor Fisher took part. Weiler reminded aspiring negotiators to leave themselves an "escape hatch," and to look into both the history of specific bargaining units and analogous situations in

whom receives \$50, were Sally R. Burger, Harvey Kaish, Karl S. Thurmond, and Barbara A. Ward.

The negotiating strategies of the winning teams were all different, but shared the basic characteristics of ingenuity, clarity and good writing style. Winners typically spent between 24 and 30 hours apiece on the competition and divided their time equally between drafting and negotiating. Participants said the practice of give-and-take negotiations in a real life atmosphere was both stimulating and worthwhile, and, to that extent, all were winners.

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LSC Placement Committee Reports

(Continued from Page 1)

later than last year's Dec. 15 deadline.

About 100 employers responded to the survey, according to Marcus. Below are the questions, objective responses and comments made by the firms. When an employer did not answer a question or only made a comment, the response was not counted in the objective categories.

Earlier is Better

1. As compared to last year, the timing of the on-campus interview season (starting in late October rather than early October) is:

Better	12
Same	19
Worse	60

Comments:

"By late October, we are well into our call-back office interviews and already have begun to receive acceptances from students to whom we have extended offers."

"Many students at Harvard have written to us in advance and we have seen quite a number — which works an unfairness on those who do not write and also gives us an unrepresentative pool on campus." (Employer is in Boston.)

"Every student I spoke to disliked the new process — for law firms the new process seems more burdensome with no apparent benefits."

"Seriously hurts students because firms may already have committed to others. Harvard is not the only law school, probably no longer the best, and should not expect employers to hold open 'Harvard slots.'"

"The students seem more settled in their routine and are better able to take time out for interviews."

"By Nov. 1 we have identified most of our 2nd and 3rd year positions."

"The hiring season begins elsewhere as early as late August (e.g., Columbia). Harvard was the last of the 17 schools at which we interviewed — many of our positions were filled before we even interviewed at Harvard."

2. As compared to last year, the length of the on campus interview season (four weeks this year rather than seven) is:

Better	34
Same	32
Worse	23

Comments:

"Compressing the interview season reduces the number of firms that persons can interview — tends to hurt small- and medium-size firms."

"No difference for us, however I believe that shorter time is beneficial for the students in that there is less overall disruption. Several students commented that they thought the four-week period cut down on unnecessary fly-backs."

"Students stated to me that they were tired, due to the compression of numerous interviews."

"There is less of a disadvantage to firms which interview during the last week or two."

Mixed Reactions

3. As compared to last year, times of interviews (1 P.M. to 9 P.M. this year rather than 9 A.M. to 5 P.M.) are:

Better	14
Same	24
Worse	54

Comments:

"Very difficult for attorneys to fly home to families; morning interviews allowed for flying in night before for dinner with past summer associates."

"Many are 'morning persons' and it is a shame to waste alert time with inactivity. Also, some have afternoon classes and free mornings, yet they can't see us. The last few interviews drag more than they did at 5:00 P.M. This should be scrapped."

"I believe and assume [it's] better for students and therefore recommend you continue."

"I was not aware of the change (until too late) until I picked up my 'Changed Schedule.' Could not stay past 6:00."

"Bearable but silly. If you keep

it, reduce length of 6-7 break and end earlier (i.e. 8:20). We can then go to dinner."

"Great!"

4. Without considering any difficulties moving the hiring decisions into January might cause, as compared to last year, the Placement Office's fly-out recommendation (that fly-outs occur between Dec. 23 and Jan. 4) is:

Better	4
Same	24
Worse	54

Comments:

"Will adversely affect Harvard students. We will not leave spaces open."

"Impracticable. There will be no one on hand to see the students. Like the faculty, we shall be on Holiday."

"Our program will be complete by December 15 and therefore flyouts must be no later than November 30. If the Harvard students can't make it by Nov. 25, they will be out in the cold."

Same, "because it is being ignored by students and thus by us."

"This is impossible for a small law firm when all other major law schools are on a different interviewing season."

"Totally impractical."

No More Fly-Outs

5. Does your organization intend to follow that recommendation?

Yes	9
No	61

Comments:

Yes, "unless students ask to come earlier (which they *all* did)."

"We aren't flying any students in. Our summer program is full now."

"We can't!"

"The student may fly when he/she chooses; direct your recommendation on this matter to them."

6. Due to the changes in the placement process, informal contacts with students in Cambridge have:

(Continued on Next Page)

Negative Employer Reaction

(Continued from Previous Page)

Increased	16
Stayed the same	58
Decreased	10

7. In terms of personal convenience for you and/or your organization, the placement process this year is:

More convenient	8
No difference	26
Less convenient	53

Comments:

"You're out of touch with ALL of the other major law schools and the schedules of most firms hiring decisions."

"We have wrapped up our interviewing season by the time our on-campus date at Harvard rolls around."

"Forces us to interview late at other schools — I suspect we may skip Harvard and go to other schools at earlier dates next year if the late season is maintained."

8. As compared to last year, the requirement that offers get kept open until Jan. 10 rather than Dec. 15 is:

Better	4
Same	15
Worse	72

Comments:

"If we were large enough to be bound by this requirement, we would not have come to Harvard."

"We hire late — would prefer spring date."

"If this requirement is maintained it will cause us to dramatically reduce offers to Harvard students."

Questions, Questions

Questions 9, 10, and 11 were "poorly worded," according to Marcus. Employers apparently misunderstood them, and so the results were not tallied.

12. As compared to last year, the number of Harvard students interviewed before the beginning of the on-campus interviews on October 25 has:

Increased	17
Stayed the same	56
Decreased	5

13. As compared to students from other schools, the changes in the placement process have:

Helped HLS students	1
Made no difference	23
Hurt HLS students	62

Comments:

"In the instance of at least 2 students, no offers were made due to lack of room remaining in our program. Had those students interviewed earlier, they would have been certain to receive offers."

"Made no difference only because both students and the law firm have accommodated — we would not let students be hurt by the stupidity of the system."

"There will be no impact on the very best HLS students. But . . . we are less likely to 'reach' for a more average candidate."

"Hurt HLS students very substantially."

1L Timing

14. Have the changes in the placement process changed the timing of any 1L interviewing at your organization?

Yes	7
No	72

Comments:

Most said they did not interview 1Ls, or did not do so until spring.

"We are forbidden to see them until March 1; by then all the jobs are gone."

15. The number of 1Ls interviewed in Cambridge by your organization this year has:

Increased	6
Stayed the same	36
Decreased	7

16. Have you interviewed at any schools whose placement process is so good that we should contact them for suggestions?

The most commonly mentioned schools were Columbia (6), NYU (5), Yale (4), University of Virginia (4), and University of Texas (4).

17. This question asked for general comments.

Comments:

"The entire interview process is extremely costly to most firms."

Urging flybacks between December 23 and January 4 will result in higher airfares (most special fares are not available during this period), reservations are tight, and the difficulty of having firms share expenses is increased."

"You really blew it for the students and the firms and thought only about yourselves."

Change the System

"Having experienced the Harvard system, I can say with certainty that, if the system does not change, we will only return to interview at Harvard next year if we have not already filled our available positions."

"Despite the congestion of early school year interviews, we are in favor of completing the process by November 1."

"Our firm, as well as many others, would be happy to make 2L offers based on the Cambridge interview."

"By delaying our ability to interview Harvard law students both on campus and in our offices until the late fall and early winter, the Harvard Law School Placement Office virtually eliminates the probability that we will have a position to offer to a Harvard law student."

"If we are to be able to give equal consideration to Harvard law students, we will be forced to conduct an interviewing program without the assistance of your office."

Only 100 of the approximately — employers who interviewed at Harvard returned the survey forms, Marcus said. He explained that forms were put in most employers' placement packets, and "there was lots of paper in the packets." Most employers who returned the forms mailed them after leaving Harvard, rather than filling them out while still in Cambridge. "I'm happy we got back 100," said Marcus.

The survey is the first project of the LSC's Placement Committee. "The council wanted to take an active role in the changes being made in the placement process. We made a mistake last year," Marcus said.

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Committee Split Over Placement Changes

By Erich Merrill

The faculty Placement Committee met in a closed meeting on Wednesday to discuss next year's placement calendar. Though the committee reached no decision, Placement Director June Thompson said after the meeting, "The serious discussion from here on will be about moving the season up and about how far to move it."

Thompson presented to the committee several possible schedules for next year's interviews. "When we left the meeting, there was no consensus of how people felt about the alternatives. The committee was split between the different proposals."

There was not even complete agreement among the committee's members that any change needed to be made. Thompson said that

some present at the meeting felt that employers would get used to the late interview season, and that though the system seemed horrendous this year, employers and students needed time to learn to live with it.

Prof. Dan Meltzer, a member of the committee, explained why some on the committee might be willing to try the same system again. "It's always hard to evaluate changes like this in their first year. The students, employers and placement office all need time to adjust, and you can't expect everything to go smoothly, or according to some preconceived plan."

"If I had to pick the one change which seems to have drawn the most criticism, it would be moving the schedule back [from Oct. 1 last year to Oct. 25 this year]. My sense is that holding interviews from 1:00

to 9:00 P.M. and telescoping the season into four weeks seem less problematic."

Both Thompson and Meltzer said it would be hard for the committee, or anyone, to tell whether this year's placement process hurt students in their attempts to find jobs. "It will be hard to go to the faculty and say the system is hurting students, because the statistics won't show it," Thompson pointed out.

"We're working with imperfect information," said Meltzer. "Even at the end of the year if you know that all students got jobs, you don't know how many got their first choice, or how many didn't even interview with firms they would really like to work for because they didn't think they would be considered."

Meltzer added that it was hard to know what to make of anecdotes about particular students being hurt by the changes. "The idea [that the placement changes are bad] feeds on itself. There is a sense in the student body that the changes are bad, that they've hurt people. That sense may reflect a real problem, or it may just be the collective wisdom of the school."

Meltzer said there were no clear lines drawn between members of the committee. "I don't see the situation as one in which there are different camps. It's just a hard problem the committee is trying to solve. On the one hand it is the

(Continued on Page 14)

Placement System "Silly"

(Continued from Page 5)

"We opposed the changes the faculty placement committee was considering, but we didn't present a plan of our own." The faculty adopted the changes it was considering.

Council members went to talk to Dean James Vorenberg about the planned placement changes. Marcus said Vorenberg was willing to discuss the placement system, but only after this year's process was over and there was feedback from employers.

The LSC set up the placement committee this fall, because, according to Michaelson, "we wanted to assess in the most systematic way we could law firms' responses to the changes." Marcus and Michaelson are the two council members on the committee. All other members are student volunteers.

Marcus said the committee was "tremendously informal" and has not met since it decided to take the survey of employers. He said the committee was to meet this week "to vote on the idea of a report."

Marcus thinks the committee will make proposals for next year's

placement system in that report. Proposals likely to be included are that the interviewing period begin in the first week of October and continue for four weeks, that interviews take place from 11 A.M. to 7 P.M., and that no time be set aside as a designated fly-out period. Michaelson said the committee is also likely to consider proposing that one day each week be used for fly-outs instead of classes, that classes be cancelled for one week so students can take flyouts then, and that classes be taped so that students on fly-outs can hear them later.

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New Courses, New Professors Due in 1983-84

By John Morris

Consumer Protection. Families, Work and Welfare. Immigration, Emigration, Dissent and Equal Protection. Mergers and Acquisitions.

Those are a few of the new courses which will be offered next year at HLS. They are included in the preliminary teaching schedule for the 1983-84 year which was approved by the faculty a week ago Wednesday.

The schedule includes significantly broader offerings in several areas, particularly the legal profession, jurisprudence and constitutional theory. In addition, it includes courses taught by four visiting women professors and one minority professor.

year. Prof. Richard Fallon will teach a constitutional theory course along with Prof. Michael Sandel from Harvard's Government Department and Prof. Richard Parker will offer a constitutional theory seminar. Three advanced constitutional law courses are also scheduled.

For 2Ls and 3Ls, there will be four jurisprudence courses to choose from: two with Prof. Roberto Unger, one with Prof. Charles Fried and one taught jointly by Profs. Lewis Sargentich and Henry Steiner. And two jurisprudence courses will be offered as 1L electives, as well as Prof. Albert Sacks's Legal Process course.

The schedule reflects the school's attempts to put more emphasis on courses relating to the legal profession. Two new courses will also be

putting more intellectual resources in that field," explained Liebman.

New Faces

Next year's visitors include Lopez, currently a professor at the University of California at Los Angeles Law School and Law, a professor at New York University Law School. Also visiting next year will be Prof. Zipporah Wiseman from Northeastern University Law School, who will teach one section of Commercial Transactions, and Prof. Alison Anderson, also of UCLA, who will teach torts in the fall. Prof. Wendy Williams, from Georgetown, will teach Women and the Law in the winter term.

Several veteran HLS professors will teach subjects new to them.

Second-Year Recommended Courses, 1983-84

	Fall	Spring
Accounting	Herwitz; Trautman	
Constitutional Law	Kaufman; Tribe; Michelman	Parker
Corporations	[Tarullo, term not yet determined]	Brudney; Loss
Taxation	Kaplow; Warren	Andrews; Wolfman

The schedule, which is the work of Assistant Deans Lance Liebman and Frank Michelman and Dean James Vorenberg, may still be rounded out with some additional courses. Patent law, which has not been offered at HLS for several years, is not included at present, but Liebman said the school is looking for someone to teach it next year. Liebman also said that courses in Indian law and natural resources law might be offered in the coming year. He cited student requests as the "primary generator" for those courses and for the immigration law course to be offered by Prof. Alan Dershowitz.

Several new fields will be covered in next year's offerings. Visiting Prof. Gerald Lopez will teach Civil Rights Litigation and Prof. Todd Rakoff will offer a consumer law course. Visiting Prof. Sylvia Law will teach a course named Families, Work and Welfare.

An unusually broad range of theoretical courses will be offered next

given in the field: Delivery of Legal Services, with Prof. Philip Heymann, and a seminar on legal services for those with moderate incomes given by Prof. Garry Bellow. Heymann will also offer a new 1L elective, Legal Needs, and a Legal Profession section will be an option for 1Ls next spring.

Referring to the Heymann and Bellow courses, Liebman said, "They are both steps towards figuring out how the legal system can serve people instead of business and what the law school's role in that can be."

In response to a recommendation of the Committee on Educational Planning and Development (the Michelman Committee), Liebman and Michelman have arranged for more Legal Profession sections to be taught by full-time faculty rather than by part-time practitioner instructors. Section instructors next year will include Vorenberg and Prof. Richard Stewart. "This is a way of educating faculty and of

Prof. Victor Brudney will teach an advanced constitutional law course and Prof. Charles Fried will give Labor Law.



HELR Elections

In its mid-year elections, the *Harvard Environmental Law Review* picked several new editors. Doug Derwin, 3L, and Dennis Stockwell, Stephanie Pollack and Clark Taber, all 1Ls, were elected editors. At the same time, Liz Birnbaum, 2L, and Mike Patten, 2L, were promoted to positions of executive editor.



Next RECORDS: Feb. 18, Mar. 4

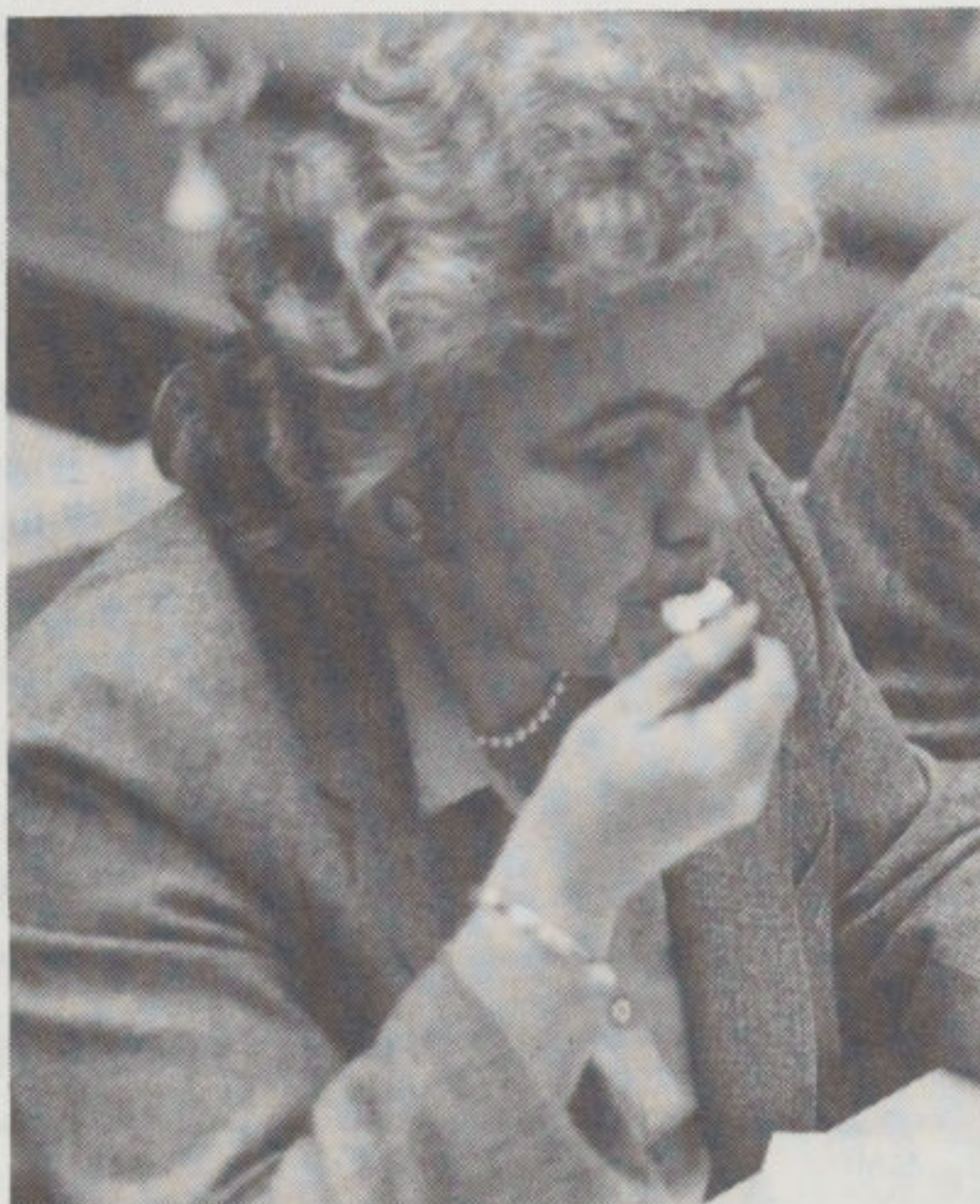
They All Screamed for Ice Cream

By Charles Thensted

James Vorenberg, Roscoe Pound Professor of Law and Dean of the Harvard Law School, relaxed, voluble, accustomed to the privileges of command, sat facing a taciturn Mary Upton, dean of students. To her left sat Abram Chayes, Felix Frankfurter Professor of Law, poised to attack today's problem with the characteristic sense of duty, intelligence and alacrity with which he served as counsel to the State Department in the heady, hair-trigger years of the Kennedy presidency. Opposite Chayes was Alan Dershowitz, street-fighter, intense, passionate: he was in this thing, unequivocally, to the end — let the chips fall where they may. To his right, Phillip Elias Areeda, Langdell Professor of Law, a leading, some say *the* leading, authority in the United States on antitrust law, barely concealed his concern that there were free-market forces at

work here even he could scarcely comprehend.

Areeda's uneasiness was most readily conveyed to his table companion, bright eyed, diminutive Assistant Professor Martha Minow, participating now in her first major policymaking role, an equal-voting



Photos by Robert Peterson

Upton gets a taste of Square fare.

partner with the acknowledged heavyweights in the room. "We all want to be right," she intoned solemnly at the outset of deliberations, and while all agreed, "being right" took on extra meaning for the young, ambitious Prof. Minow. The final member of the group, Molly Geraghty, no stranger to hard decisions, seemed to relish this game of choice, something she had developed to a high art as HLS director of admissions.

Awesome Responsibility

This group was too high-powered, its responsibility too awesome to admit of reticence borne of a misguided sense of modesty or deference owing to the varying degrees of experience and seniority of its members. No one shied from the challenge or reserved comment, a sampling of which illustrates their incisiveness and candor:

(Continued on Next Page)

The Great Ice Cream Taste-Off

By Michael Malamut

The results of the great ice cream taste-off are in. Your dedicated RECORD staffer has hounded down professors for days in order to find out who had the most delicate palates. The ice cream stores submitted their best "specialty" flavor along with a vanilla.

Our standards were high. We asked the judges to rank the ice creams on overall quality and on four component characteristics: color, consistency (including creaminess, meltability, amount of air and texture), aroma and flavoring, and sweetness. We asked the judges to rate the characteristics on a scale of one to ten, with ten being optimum. True to life, the professors were tough graders. They did not give out a single nine or ten, and there were only 19 marks of eight out of a total of 560 grades. On the other end of the scale, there were a few zeros given.

Leading the pack was Cahaly's with the first-place vanilla and the second-place specialty, Mocha Chip, labeled "a surprise" by one professor. The front runner among the specialties was the Haagen Dazs Swiss Chocolate Almond, with a cheer from our chocolate-starved judges. Second place in the vanillas went to Brigham's, which was the only ice cream to score in the top three for each of the four rating

characteristics. The other top contender among the vanillas was that of Emack and Bolio's, which garnered two of the very rare "eight" rankings, the highest grade given.

Depending on what you like in an ice cream, your tastes may conflict with those of the judges. For instance, Baskin-Robbins was considered to have the best coloring of all the parlors, especially for its vanilla. Herrell's consistently scored top marks for consistency. Steve's Butter Almond was found to rate well on aroma and flavoring and sweetness. Emack's had a fine base, while Bailey's had the greatest similarity in ratings between the flavors tested, a consistency in grading that shows promise.

Also on hand were seltzer, water, and pound cake to clear the palates of the tasters and a special team to assist in the serving. But to get to the most important point: who was the easiest grader? Well, as we all should know, the administrators were more forgiving than the professors. Dean Vorenberg, who sort of spans both categories, wound up smack dab between them. Ranking from the most difficult to the easiest graders, we have: Professors Areeda, Chayes, Minow and Dershowitz, then Deans Vorenberg, Upton and Geraghty. Are we all not fortunate that our dean of students and director of admissions are among the most compassionate? ☞

Ice Cream

(Continued from Previous Page)

"It's poorly conceived."

"It's awful."

"It's *too* white."

No, this was not the inaugural meeting of the select committee to evaluate the composition of the HLS faculty. This group of seven, sporting what some observers have called "really impressive taste buds," were assembled, at no small expense, at a secret location on the HLS campus, to judge, once and for all, the best and the worst of Harvard Square's burgeoning ice cream industry. For eight anxious purveyors of frozen treats, this was it, the World Series, the World Cup, the Olympics and the Super Bowl all rolled into one mega-event.

The competition was conducted in two phases. First the judges sampled a dish of vanilla from the kitchens of each of the eight participants. Next, they assayed one specialty flavor from each shop. Prof. Chayes initiated the vanilla tasting with typical, but no less admirable, impartiality. "I hate vanilla," he declared.

"Send It Back"

The dean was equally receptive to the vanilla selection. "If you got this in a cafeteria, you'd send it back."

Martha Minow found Steve's vanilla rated no more than a "2" and, like the dean, was transported by its taste back to what she cryptically described as "cafeteria life." Her



"Mocha Almond! My favorite!"

FEBRUARY 11, 1983

highest rating she saved for Haagen Dazs' which she'd "order again," presumably not only if it were free (as was all the ice cream this apparently near-starving group put away).

One other judge's performance in the vanilla slugfest warrants mention if only as a warning to the grade-conscious contemplating taking a course from him. Prof. Areeda reached no higher than a "4+" in his ratings and at one point asked: "What's a 4? That's like a C+, right?"

To which Martha Minow replied: "I thought we didn't give C+'s." The rest of the group stared glassy-eyed into space, mumbling something about that question being beyond the mandate of this particular committee.

That touchy subject successfully sidestepped, the dean, warming to command, ordered the vanilla remnants cleared forthwith, posthaste and without further delay. "And take Chayes with 'em," he joshed to restrained chuckles.

Alan Dershowitz, relatively quiet until late in the game, obviously had been waiting for the right moment, the precisely correct instant to go for the jugular. It seemed his

Rankings

Vanillas

Overall

1. Cahaly's
2. Brigham's
3. Emack & Bolio's

Color

1. Baskin-Robbins
2. Haagen Dazs
3. Brigham's

Consistency

1. Herrell's
2. Cahaly's
3. Brigham's
Haagen Dazs

Aroma & Flavoring

1. Cahaly's
2. Emack's
3. Brigham's

Sweetness

1. Bailey's
2. Brigham's
Cahaly's
Haagen Dazs

Specialties

Overall

1. Haagen Dazs
2. Cahaly's
3. Herrell's

Color

1. Herrell's
2. Haagen Dazs
3. Cahaly's

Consistency

1. Haagen Dazs
2. Cahaly's
Herrell's

Aroma & Flavoring

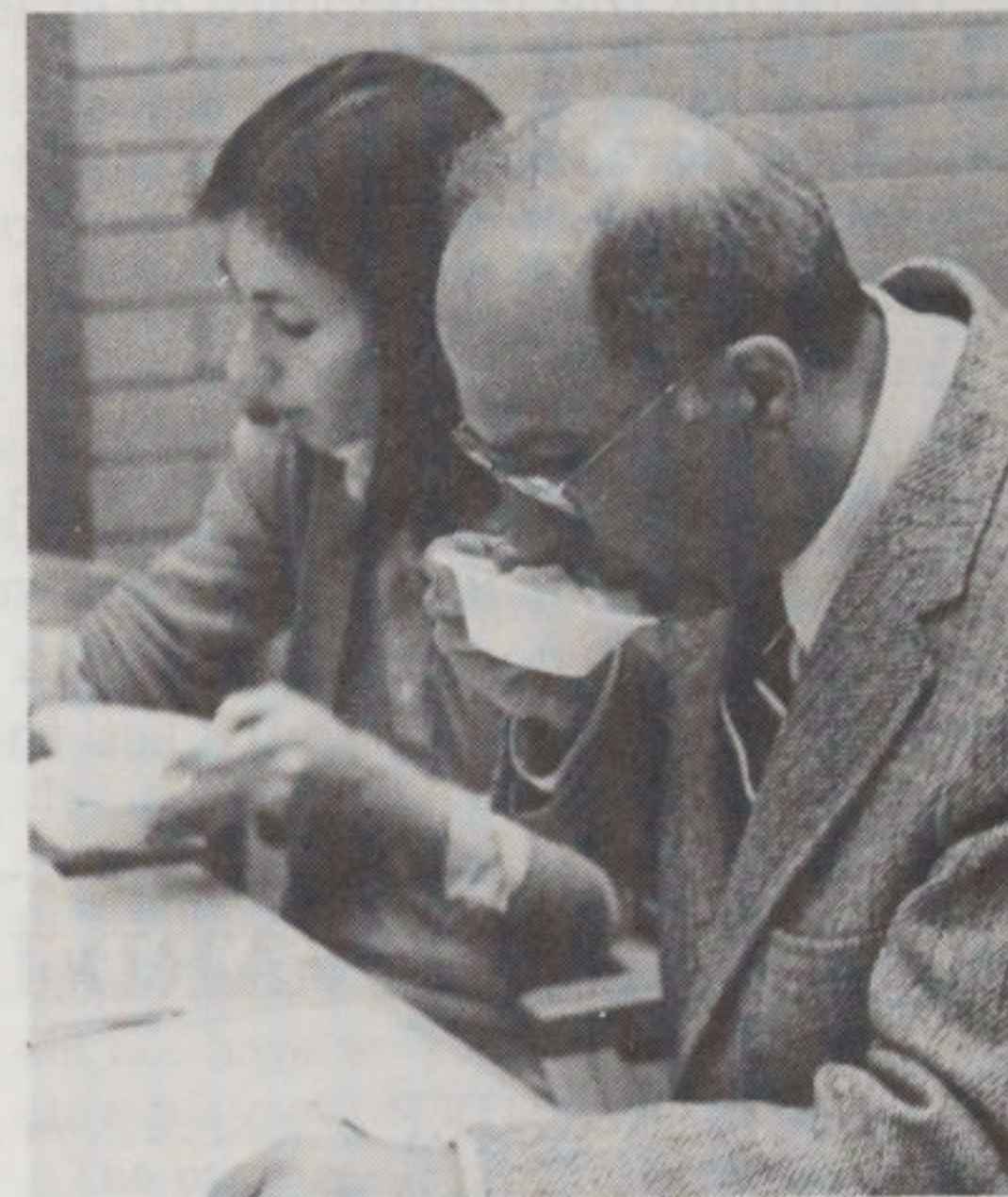
1. Haagen Dazs
2. Herrell's
Steve's

Sweetness

1. Haagen Dazs
2. Brigham's
Steve's

Flavors Tested

- | | |
|-----------------|------------------------|
| Bailey's | Mocha Lace |
| Baskin-Robbins | Pralines & Cream |
| Brigham's | Mocha Almond |
| Cahaly's | Mocha Chip |
| Emack & Bolio's | Almond Joy |
| Haagen Dazs | Swiss Chocolate Almond |
| Herrell's | Chocolate Pudding |
| Steve's | Butter Almond |



"Hmm. Amusing, but not pretentious." Prof. Phillip Areeda samples a bouquet.

whole ice-cream-tasting life had led up to this. "This purports to be vanilla? And I was told Harvard Square was the ice cream capital of the world. This is really bad." All this with a humorless grin that said less about the quality of the ice cream than it did about his role in exposing its dreadful shortcomings to an unknowing, unsuspecting populace. "It's Baskin-Robbins, I know it," he continued. "Baskin-

(Continued on Page 12)

Making the Grade

Grades will be distributed next week. No one who participates in the ritual of law school examinations contends that these tests can actually assess the personal worth of students. And exams, especially in their present form, are doubtful measures of students' capabilities as lawyers or even their command of the relevant subject matter.

But we respond to these printed marks as if they were important and necessary. First-year professors have described what often happens after grades come out. Students who had actively participated in the past no longer speak out, while others, formerly silent, suddenly find their voices. And students are not alone in treating these grades as if they were important: judges, law firms and law school hiring committees all rely on grades, directly or indirectly, when evaluating individuals.

If grades are important and necessary, it is only because we insist on treating them as though they are important and necessary. We can do otherwise. Those who close their eyes to this fact only set themselves up for disappointment and frustration.

Making the Grade

Grades will be distributed next week. No one who participates in the ritual of law school examinations contends that these tests can actually assess the personal worth of students. And exams, especially in their present form, are doubtful measures of students' capabilities as lawyers or even their command of the relevant subject matter.

Declaring the irrelevance of grades may promote a sense of solidarity and equality among law students. But let's face it. We cannot afford to blindly ignore the fact that grades do matter. Judges, law firms and law school hiring committees all rely on grades, directly or indirectly, when evaluating individuals.

You can refuse to put them on your resume. You can refuse to give them to employers. You can refuse to look at them yourself. But you cannot avoid the fact that the grades you receive will make a difference. In some other idealistic, utopian world, perhaps grades would be neither important nor necessary. But we live in this world. Those who close their eyes to this fact only set themselves up for disappointment and frustration.

HARVARD LAW RECORD

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Fenno

Fenno wanted to look his best — it was Saturday night, and he was going out — so he decided to wear one of his better T-shirts.

He went to his chest of drawers and poked through his wardrobe. He glowered when he came across his T-shirt reading, "Make Love, Not Law Review." He had never made either. He tossed it on the floor in disgust, and kicked it under the bed, one more thing he had never made.

Fenno put on his T-shirt that read on the front, "If the Law's A Jealous Mistress —" and on the back, "— I'm A Voyeur, Not A Lawyer."

At Georgie's, Fenno sat at the bar drinking a beer and eyeing the crowd. He slid off his bar stool and wandered over to the video machines. A woman was playing Fennoids, the hottest new game.

"Hi there," Fenno said. "I go to Harvard Law School."

"So what?" she said. "I go to bars. How about if I don't bother you at law school if you don't bother me at bars?"

"Well, have a happy Valentine's Day," Fenno said, and walked back to his seat. "Strike one," he said to himself.

Perched at the bar, he sipped his beer, and looked around again. He spotted a woman at the juke box, making selections. He walked over.

"Hi," he said. "I go to Harvard Law School."

"Is that so?" she said, looking up. "Well, I teach there. And I tear apart arrogant twerps like you every day in class."

"Not like me," Fenno said. "I don't go to class." He walked back to the bar. "Strike two," he said.

In his absence from the bar, a woman had sat down by herself on the corner stool. Fenno picked up his beer and went to sit next to her.

"Hello," he said. "I go to Harvard Law School."

"Really? What's Harvard Law School?"

"I'm out of here," Fenno said to himself.

He paid for his beer, and made his way to the door. He stopped and watched a couple leave ahead of him. He recognized the woman as the one who had been playing video games, and the man as a 2L. They had their arms around each other. The 2L whispered in the woman's ear, and she laughed. Fenno read the button on the 2L's lapel: "My Pocket Part is Legal Size."

Fenno went home, undressed, dropped his clothes on the floor, and kicked them under the bed, which was, as always, invitingly unmade. He climbed under the covers and went to sleep.

Letters to the Editor of the Record

Winning—Kind Of

To the Editor:

On Dec. 3, 1982, I had a letter printed in the RECORD. I wrote the letter about a volleyball game. At the time, it only seemed important to me that I had played in that game. Since that time, however, I have decided that who won that game may also be important. Because of that decision, I have felt the urge to muddle through a second letter.

As Mr. Levin suggests in his letter to the RECORD, which appeared in the Jan. 21, 1983 edition, my philosophy does not require an indifference to consequences. My problem is that I am not sure which consequences one looks to in deciding who wins.

My dearest law school lesson has been that in moments of confusion, one should alter the fact situation with which he is dealing. Following that lesson, I must digress to an earlier story, but I promise that I will return to Mr. Levin's question — did my team win? — before I end this letter.

I wrestled for four years in high school. I never wrestled a varsity match. My career record was 17-18-3. I lost my last match 7-3. The match was not as close as the score might indicate. Even my own parents conceded that I was beaten badly.

Looking at these consequences, one could label me a loser as a wrestler. In four years, I never wore a varsity robe, the mark of a successful wrestler. Even wrestling junior varsity, I lost more matches than I won. In fact, during one stretch, I won only twice in sixteen tries.

Yet, there are other consequences that make me uncomfortable calling myself a loser. During those years as a wrestler, I learned a great deal. I learned what it's like to be part of a team and try harder because my teammates needed me to try harder. I learned how to fail and how to pick myself up and try again, only to fail again and yet keep trying. And I learned that my best was always a little better than I thought that it could be. In many ways, I feel that I won more as a wrestler than many of the individuals who were crowned state champions each year in Champaign, Ill.

Recently, I began helping to coach wrestling at the Perkins School for the Blind. I had hoped to teach the team there some of what I had learned from wrestling. Instead my new team has taught me. From them, I have learned how much there is in this world for me to see, and how little of it I could ever see with my eyes. I continue to win as a wrestler.

I'd like to return now to the volleyball game. The other team scored more points than my team did in the deciding game. Had my tall friend remained in that game, I believe that our team would have been the

one that scored the most points. Yet, in that moment when my friend chose to come out, and in those moments after the game when I talked with my teammates, I learned what a special group of friends I really have. Mr. Levin is right: we cannot be indifferent to the consequences of our games. Yet, each of us must decide what consequences we shall look to in deciding whether we win or lose those games.

The other night, I played in a volleyball game. I believe that means I won.

Randy Lee, 3L

Poor Sports

To the Editor:

On Friday afternoon, Jan. 28, three friends and I went to Hemenway Gym to play basketball during time which we had previously verified to be scheduled as "open play." We were prevented from playing by a group of far more talented players who insisted on monopolizing the entire gym by playing full-court on the main baskets, making it impossible to use four of the gym's six baskets.

A fellow student similarly standing on the sidelines explained to me that the only way of getting involved was to form a team and rotate in in turn. This would have meant that, after substantial waiting, our team of people, whose enthusiasm for the game is not matched by height or talent, could play a game that would be no challenge for the other team and no fun for ours. Our very participation in the system that seems to be the established custom of the gym, maintained by a sort of survival of the fittest, would have resulted in simply wasting others' and our own time. At all times the bystanders would have outnumbered the players. After complaining to no avail, we left.

The greed of the talented ten became arrogance when, as I tried to shoot a few at the side basket, one yelled at me to "hold the ball!" His timing was significant; no one in his game was anywhere near the basket. They were all, I believe, lining up for a foul shot. Silence during foul shots is something all ballplayers want, but not even NBA stars can demand it.

I realize that most of the others standing around waiting for the full-court game to end agreed to this system, but does even an overwhelming majority have the right, in the interest of ensuring themselves the ideal type of full-court game, to prevent others from using the gym at all — others who have paid equally for the privilege of using University athletic facilities and have chosen that particular place for the same reasons of convenience? A modest compromise would be to play full-court on two opposite side baskets, so the baskets on the other end of the gym could be used by somebody. There

are, after all, times reserved for full-court organized intramural games, and other open times when the gym isn't crowded.

There is enough encouragement in our school of adversary, assertive, and elitist approaches to dealing with other people. Just as in the future many of us will have unusual power, some of us are already in intensive training for its exercise! The less-talented and outnumbered can't enforce sensible rules against the powerful; asking authorities to make and enforce rules of fairness would be bureaucratically absurd. A little voluntary compromise, for the sake of recognizing others' rights, might make a lot of good sense, on the court and beyond.

Charlie Mitchell, 1L

Better Relations?

To the Editor:

The positive response of so many faculty members to the Third World Coalition's presentation last Wednesday may be a harbinger of better relations between the students and faculty of this law school. Perhaps the TWC has finally hit upon the right vehicle for impressing its positions upon the faculty.

Some disappointment must, however, be expressed at the reported attempt by HLS Dean James Vorenberg to proceed to the next item on the agenda immediately after the presentation. The dean, more than anyone else, should have been aware of the terrible impression which would have been created had the faculty not indicated a sense of how it received the opinions of the coalition. The dean's handling of Chris Edley's resolution which sought to commit the faculty to a simple discussion of the presentation should also be characterized as tactless. He did not have to "suggest" that Edley withdraw his motion.

The purpose of the TWC's address to the faculty was to engage the faculty in open discussions of the very broad issues raised pertaining to curriculum development, hiring, admissions and placement. The faculty liaison committee that has been set up to work with the TWC to organize a public forum does represent a significant step in the right direction. It would be difficult to exaggerate the historic opportunity that has now been presented by the willingness of the faculty to engage in open, candid discussions of the pressing problems which have long plagued this bastion of legal education.

It is imperative that this joint student-faculty committee move post-haste to conduct this meeting. For very soon the names of next year's new and visiting professors, together with a description of the courses that

(Continued on Next Page)

Letters to the Editor of the Record

(Continued from Previous Page)

are to be offered will be announced. The public meeting need not be influenced by actions which may follow this eagerly awaited announcement.

Ibrahim Gassama, 2L

Time for Action

To the Editor:

Recent events at Harvard Law School have shed light on the School's inadequate efforts to increase the number of tenured Black faculty members. What has not been revealed to the public is the fact that the Law School has hired a greater percentage of Black faculty than has the University as a whole. The Law School does not deserve commendation for the proportion of its Black faculty — a meager 2.89% — but Harvard University as a whole certainly deserves condemnation since its faculty is only 1.02% Black. Out of over 2,900 Harvard faculty

members, only 30 are Black. Worse yet, these official Harvard University figures show that the number of Black faculty has decreased in recent years — a movement away from, rather than toward, Blacks' proportion in the American population.

Moreover, the University's affirmative action record in hiring Black deans is almost as disreputable. In fact, there are presently no Black assistant deans, associate deans or full deans at the Design School, the Divinity School, the Education School, the Kennedy School, the Law School, or the Business School. Even though there are hundreds of qualified Black professionals, the University only employs five of them among its 101 deans.

The number of other Black professionals also constitutes a disgraceful underrepresentation of the number of Blacks in this nation. Of the 2,678 "professionals" throughout Harvard University, only 117 of those professionals are Black (4.0%). Almost half of the University's ten schools are utterly devoid of Black professionals, since most of these Blacks are in central administration.

These discouraging figures cause Blacks to continue to question the sincerity of the University's commitment to increase the number of Black students, executives, administrators, professionals, faculty, and deans. Given their respective histories, this nation and this university have a duty to make reparations to Blacks by making special and extended efforts to increase the number of Blacks at professional levels. Until Blacks in all walks of life are represented in proportions comparable to our proportions in the American population, we will not be fully compensated for past and present racism. Harvard University can procrastinate no more; now is the time for it to take action.

Donald Christopher Tyler, 2L
John Silvanus Wilson
Co-Chairmen,
The Black Student Coalition of
Harvard University



Sports Quiz

Note: This week's sports quiz asks you to identify athletes whose last names are associated with the holiday upcoming on February 14.

1. Considered a talented player but a personality problem, this outfielder began his career with the Montreal Expos, was traded to the New York Mets in 1981, and recently signed with the California Angels after being selected by only one team in the recent free-agent draft. Name this athlete.
2. A long-time performer with the Chicago Bulls, this former forward started alongside Chet Walker on the fine Chicago teams of the early 1970's. Name this former star.
3. Having just completed his third NFL season, this alumnus of the University of California was one of the tight ends used by the Miami Dolphins in their march to the Super Bowl this past season. Name this player.
4. After the Seattle Mariners' recent trade of Jim Essian to Cleveland, a switch-hitter who played a good deal with the Mariners last season figures to battle for the team's catching position. Name this baseball player.
5. A fine basketball player at Notre Dame, this 6' 9" player was drafted by the Cleveland Cavaliers in 1979 but chose to play in Italy after finishing college. He is now back in the United States and playing for the Cavaliers this season. Name this player.

(Answers on Page 15)

HARVARD LAW RECORD

Ice Cream Myths

(Continued from Page 9)

Robbins?" the others chorused incredulously. "Yes, yes," a spent but triumphant Dershowitz nodded, now easing into the ineffable rush of still another quick, but decisive, blow for right — and good ice cream.

Areeda was obviously shaken by what by now was evident to everyone as a devastating debunking of the Great Harvard Square Ice Cream Myth. "Until today I thought I loved ice cream." His thoughts shifted rapidly to world markets. "You can still do well on the Isle St. Louis in Paris. 'Bernard's' I think is the name of the place."

Chayes rejoined, "Best ice cream I ever had was out on the street in Italy."

Vorenberg could not bring himself to concede that the best and brightest ice cream could no longer be found withing spitting distance of Harvard's gates, let alone that one had to cross an ocean to get a decent cone. "The early days of Steve's had marvelous fruit ice creams," he said. More than one errant tear was brushed aside by his sympathetic compatriots, moved as they were

by his courageous, but hopeless, resort to the past to bolster fallen domestic ice cream prestige.

Just as things looked like they had gotten emotionally out of hand, the evening's last flavor was brought in. "We saved Prof. Dershowitz's favorite flavor to the end," the server said. "Guess what it is?"

"Beer nuts and saffron," Molly Geraghty announced, with a confident air borne of years as admissions director. Instead it was Chocolate Pudding, just what the shattered group needed.

Chayes: "Here we go."

Areeda: "Reminds me of the canned chocolate of my youth."

Minow: "I'd welcome seconds."

And Dershowitz gave it his highest rating.

Finally Dean Vorenberg announced that he would be leaving.

Areeda, a trifle undone, said, "Erwin would have stayed to the end." Replied Vorenberg, unruffled, "When Erwin left, that *would* be the end." Dershowitz, eyes heavenward, added, "Those were the days of giants."



Racism in American Law "Not Dead"

(Continued from Page 1)

We hope everyone in the class feels a part of that movement."

According to the coalition organizers, the course will be taught exclusively by Third World legal scholars, with a different lecturer every Wednesday from 2 to 4 P.M. This week's lecture, entitled "Law as Genocide: Federal Indian Law and the Erosion of Native American Sovereignty," was delivered by Robert T. Coulter. On Feb. 16, John Brittain will present "The Legal Roots of Racial Discrimination: A Critical Analysis."

Viable Alternative

The organizers feel that the course will help to demonstrate that women and minority scholars who satisfy the administration's criteria are available. Additionally, the organizers feel that this course should serve as an example of a viable alternative HLS course.

More specifically, they said that the coalition is attempting to shift attention from some civil rights courses' relatively narrow focus on litigation strategies. Instead, they want to examine the question of whether the legal system is capable of achieving the goals of minority communities. As a part of this examination, they seek to scrutinize the conclusions of many civil rights leaders that the judicial system is able to transcend and shape society.

The course itself is divided into three general areas: demonstrating

how racism has been legitimized and institutionalized through the law, showing how the law has been and may be used to fight racism, and evaluating the relationship between legal and political struggles.

The title of the first lecture was "Racism and American Law: A Historical and Theoretical Over-

can't testify in court, often their testimony is discounted in relation to other evidence. In the criminal area, there are laws declaring race-based sentencing illegal, yet a study of sentencing patterns shows that there is a great differential between sentences for blacks and whites.

Finally, Burns said that law itself



Erich Merrill

Burns grapples with a question.

view."

The theme of Burns's lecture was that American law has often operated as a vehicle of racism. "The dominant experience of people of color in this country with the legal system is one in which the legal system has been the mechanism for subordination," he said. Tracing racism through the U.S. courts' treatment of Native Americans, Asian-Americans and blacks, Burns pointed out many of the common elements in judicial and societal treatment of minority groups. Moving from broken treaties to internment and slavery, he said American law has codified and ossified the racism in this country.

Burns noted that most laws have been at least superficially changed so that they are no longer overtly racist. "Racism in American law," however, "is not dead." Burns commented, "I think what we need is a more sophisticated understanding of the continuation of racism into modern lives." As examples, Burns noted that, although there are no longer statutes saying that blacks

is an institution in American society. Institutions do not usually transcend the society that creates them; rather, they reflect that society. The real question, then, is how to organize society. Burns concluded that law is not a panacea for the problems of racism in society, but is "a useful tool in the larger struggle." Burns, educated at Harvard, Cambridge and Yale, clerked with Judge Constance B. Motley and spent several years at the New York firm of Paul, Weiss, Rifkind, Wharton and Garrison. He has also been an adjunct associate professor of law at New York University and he is the author of *Voices of Negro Protest in America*. He is currently director of the Center for Legal Education and Urban Policy, dean of urban problems and legal problems at the City College of New York and co-chairperson of the National Conference of Black Lawyers.



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Placement Committee Considers Changes

(Continued from Page 6)

sense of the faculty that it is desirable to have several weeks of students' uninterrupted attention to courses before this enormous diversion of energy takes place. On the other, making the season late has drawbacks. Students are engaged in fly-outs in December, when coursework often increases. That's also when students are studying for exams and pulling together what they've learned in their courses."

Though faced with these problems, the committee is likely to reach a decision when it meets next week, said Thompson. One reason no decision was made this week was that the committee had not received information from the Law School Council about employer and student response to the placement schedule. That report will be submitted by next week, she expects.

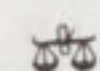
When it does reach a decision, the committee is likely to change this year's system in at least one respect, Thompson said. She said that many members of the committee feel there is a need to move the season to an earlier part of the year. "I think the Jan. 10 date [through which employers were required to hold offers open] was the one thing that threw off the firms' planning for the year."

She hopes the committee will not move interviews up so early in the school year that students are required to pick up their placement packets on the same day that they register. "I would not like to see us go back to registering on the Law

School registration day. It's a bad message. Students shouldn't be registering and looking for a job at the same time. That says something about the school's priorities."

Though she is uncertain what

date the committee will choose, she stated, "my own preference would be to move it up by two weeks, so that students would start interviewing on the 10th of October."



LSAT Rumors Denied

(Continued from Page 2)

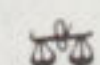
all it knows, Geraghty added, "To the contrary; we would prefer to give such an incident as much publicity as possible for reasons of general deterrence. In fact, we had similar allegations levied against a student here several years ago and, upon confirmation, we were very cooperative with the RECORD."

Russell Simpson, assistant dean for financial and general administration and former president of the LSAS, echoed Geraghty's response when told of the allegation. Simpson stated that he has "not heard of such an incident." According to Simpson, even if the LSAS did charge someone with test-taking misconduct, there is no established mechanism through which the LSAS is forced to notify interested law schools. Thus, even if the LSAS had commenced an investigation into such misconduct, says Simpson, it is highly unlikely that HLS would be notified before an internal disposition at the LSAS had occurred.

The Law School Administrative Board has responsibility for matters involving student discipline. Dean

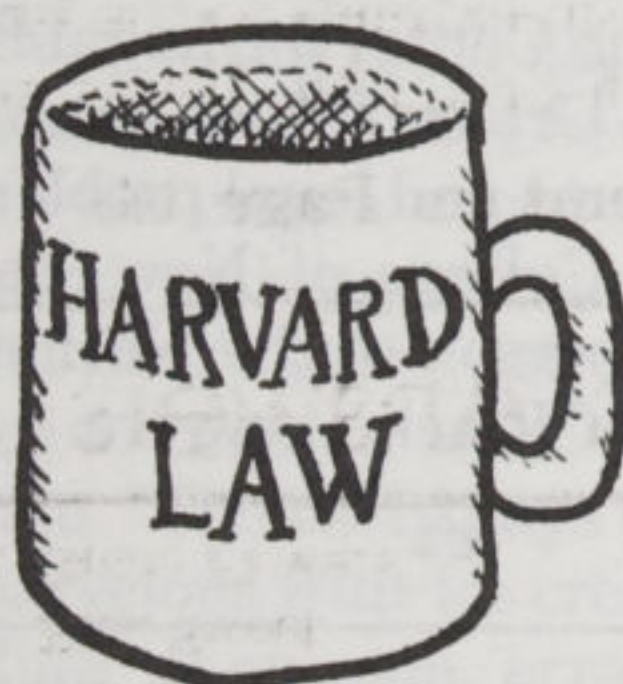
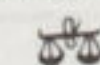
of Students Mary Upton, secretary of the Ad Board, refused to comment on whether the Board was involved in any investigation concerning possible test-taking misconduct by a present student. However, another member of the Board, when asked about specific allegations of test-taking misconduct replied, "The Board is investigating certain charges against several students though I am not at liberty to say what those charges are."

From the evidence available at the present time, the allegation that a 1L is involved in an "LSAT scandal" cannot be corroborated.



3Ls Name Officers

The election results for third-year class offices were announced this week. Natalie Marron will serve as class marshal and Leslie Griesbach will be secretary. Elected as Class Committee members were Pat Fischer, Bud Gilbert, Rick Sankovitz, Stephanie Uhlarik and Mark Villapando. Congratulations to the new officers of the class of 1983.



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A Visitor's Look at Russian Life

Stephen Golub

Logan Robinson, *An American in Leningrad*, W.W. Norton and Co., \$15.95.

The Great Communicator has inadvertently convinced many of us that we are edging closer to a nuclear precipice. Opposition is mobilizing, and debating whether an arsenal of 10,000 atomic warheads is a matter of sufficiency or insanity. Yet, despite all the talk about MX-basing systems, limited nuclear holocaust and post-Armageddon mail delivery, we know little about the folks who will be on the receiving end should the Gipper throw the Bomb. As the story of a young American lawyer's year in the Soviet Union, *An American in Leningrad* tells us quite a bit about those people and their society.

In August of 1976, fresh out of Harvard Law School, Logan Robinson arrived in Leningrad to study Soviet law. But he was to be a stu-

dent of Soviet life as well, and a privileged one at that. Robinson's privilege was one of access to the everyday flow of Russian experience. Unlike foreign journalists and diplomats, who are isolated in special residential complexes, he lived in a regular student dormitory. He did not reside in Moscow, which, as the nerve center and showpiece of a highly centralized state, is not representative of the nation. Thus, relatively unrestricted due to his scholar status and Leningrad base, Robinson encountered Russia.

So who are the Russians? (I use the term loosely — though they are both the politically dominant group and the people Robinson met, the "Russians" actually comprise only half of an ethnically diverse society.) Robinson found them to be a warm people, extraordinarily friendly, curious and even awed by meeting an American. The book glows with

the friendships he formed. Though proud, Russians are self-deprecating in their humor, and somewhat insecure about comparing their nation's development to the West.

Robinson paints a surprising picture of Soviet citizens, far different from their image as dedicated ideologues. The author's academic advisor was "the only Party-line Communist [he] knew" during his time in the Soviet Union. Among his acquaintances, including many dissidents, criticism of the government was fairly common. Some were less concerned with the march of history than with obtaining American jeans to wear along the way. This reflected a broader attachment to consumer goods, particularly foreign items. Robinson relates a tale of accidentally acquiring Bulgarian toothpaste, a coveted commodity. While it tasted just like the cheaper Russian brand — that is, like soap — it was prized as an exclusive, imported product.

The people charmed the author; the society as a whole dismayed him. To say the least, he was not overawed by the achievements of Soviet centralized planning. The typical Russian shopping trip seemed to consist of a wait in a long line in an overstaffed store, where no one was really working, in order to purchase poorly made goods. A "highest quality" ski snapped almost as soon as Robinson put it on, and obtaining a replacement or refund was delayed because the store was closed for two weeks of "inventory." His roommate had to wait until next year's "plan" could replace his broken pair of eyeglasses.

This criticism extends to the limited choice of products. Items we

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Great Moments in the Law

Martial Trial Art

MJ: Any suggestions of what prevented this from being a murder trial instead of an attempted murder trial?

TC: The victim lived.

* * * *

DC: Your Honor, the government would ask . . . I mean the defense rather, would ask for a brief five minute recess.

MJ: Is this a brief five minute recess or a long five minute recess.

DC: A brief five minute recess.

MJ: All right. We'll take five minutes.

(The court recessed at 1727 hours)

(The court was called to order at 1830 hours)

— Trial transcript excerpts from *The Advocate*, U.S. Army Defense Appellate Division, Sept.-Oct. 1982

The Economist's Mind at Work

[Newly appointed U.S. Arms Control and Disarmament Agency Director Kenneth L. Adelman] cited a UN estimate that the total talking and writing production of the or-

ganization for 1982 was 27,000 tons. The rate of \$200 a page for speeches reported in a half-dozen languages exceeds the per capita income of 14 of the member states, he noted in what was probably the toughest of his remarks regarding Third World members.

— *The Boston Globe*, Jan. 15, 1983, p. 4

§ 55. Explosive Golf Balls.

Whoever manufactures or sells or knowingly uses, or has in possession for the purpose of sale, any golf ball containing any acid, fluid, gas or other substance tending to cause the ball to explode and to inflict bodily injury shall for the first offence be punished by a fine of not more than five hundred dollars, and for any subsequent offence by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

— Mass. Gen. Laws, Ch. 148

Readers' contributions to "Great Moments" are welcomed.

Sports Answers

5. Bruce Flowers
4. Rick Sweet
3. Joe Rose
2. Bob Love
1. Ellis Valentine

An American in Leningrad

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take for granted are available only fleetingly, if at all. Robinson bought only a few bananas when they suddenly appeared at the local grocery, not realizing his friends would want some and that the bananas quickly would disappear for many months. Returning to visit the Soviet Union in 1980, he found that food is in even shorter supply than in 1976: longer lines were everywhere, a restaurant served chicken Kiev without the chicken, and his friend Slava hoarded 100 kilograms of pumpkin to help his family get through the winter.

Turn Up the Radio

Robinson attributes the Soviet food shortage to familiar enough causes, such as lack of incentives and centralized planning. His more valuable insights emerge in explaining the typical Russian's reaction to this and other situations which would outrage Americans. "Russians, however, inured to hardship and out of touch with the rest of the world, do not do much beyond complaining to their friends while drinking a bit more vodka." The Soviet economic system may not be a smoothly running machine, but, given the patience of the Russian populace, it does not appear ready to stall and die.

Nor will the government's repressive tactics bring it down, for

the Russians are as tolerant of governmental excesses as they are of economic shortcomings. The KGB is pervasive, yet people cope. When they fear bugging, they turn up the radio to drown out conversation. If concerned about informers, they steer clear of strangers and casual acquaintances. This attitude understandably affected the author, who remains unsure to this day whether his roommate secretly worked for the government. And even at its most repressive, the KGB is accepted by Russians. Without liking or justifying it, "they consider it not at all a 'human' but a 'natural' phenomenon, and therefore no more the subject for moral comment than would be a hurricane or an earthquake."

Obligatory Analysis

The only time Robinson's criticisms do not seem particularly perceptive is when he (briefly) attempts a foreign policy analysis. His comments on Soviet international conduct are divorced from his personal experience and expertise. They seem obligatory, as though an editor took a look at the initial manuscript and said, "Logan, why don't you spice this up a little, make it more topical?" Looking back in 1980, Robinson notes that, "In the years since I had left Russia proxy wars [on its behalf] had become commonplace. Like a hotel burglar, the Soviet

Union went down the hall of nations trying every door." This sounds like something out of an old Henry Jackson speech. The book would have been better off without the few pages that were devoted to this massive topic.

Just as Robinson extends himself a bit too far in discussing foreign affairs, he limits himself by focusing almost exclusively on the negative aspects of the Soviet system. He legitimately suggests that by guaranteeing jobs to even the laziest workers, the Soviet Union invites low productivity. But the eleven million Americans which Reaganomics (by its own projections) condemns to unemployment through 1984 might see a lot of sense in a "right to a job." In fairness, I must point out that Russians who apply to emigrate almost immediately lose their jobs. But as abhorrent as this practice is, it victimizes only a relatively small population. Similarly, one finds no reference to comparatively crime-free streets, universal literacy or free medical care. These features neither justify nor compensate for the brutalities of the Soviet system, but it is surprising that Robinson did not find them worth mentioning.

In the end, though, these drawbacks are fairly minor, for the aim of *An American in Leningrad* is not to arrive at an overall evaluation of the Soviet system. Robinson's goal is to convey his experiences and impressions of Russia, and this he does about the nation which — in more ways than one — is so prominent in our eyes. I cannot say that I fully agree with the perspective of his account, but it is full of humanity, and it illuminates a very foreign place. Robinson's work demystifies Russia and its people, and what we can understand we are less likely to fear. It presents as much insight as many a scholarly tome, but in an obviously lighter, more readable manner. Should the president take a break from *Readers' Digest*, he might give *An American in Leningrad* a try. It even has pictures.

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