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Sandra Yamate

Monday was Valentine's Day, and Tony Sutin, 2L, Cupid's (and the Dorm Council's) designated deputy, made his appointed rounds. Despite the substitution of carnations for arrows, Valentine recipients were set all aquiver.

Surveyed Students Object to Current Placement Policy

By Louis J. Hoffman

Initial student responses to the Placement Office questionnaire about this year's placement changes indicate that a majority of 2Ls oppose most of the changes. Most felt that the changes were detrimental to students in general, and a majority reported that they were personally hindered in the job search by at least some aspect of the new process. Only about one fifth (32 of 153) of the students reported that none of the changes harmed them.

The survey reveals that students were less likely to get a job with the employer, or in the city, of their choice this year. The most frequent

complaint was about the late starting date. Students appeared to try to avoid the perceived harm from this change by interviewing earlier, notably during reading and exam periods. According to the responses, employers appeared to encourage early interviews.

The Placement Office tabulated preliminary results in order to report to the Placement Committee before a decision is made about next year's interview schedule. The Placement Office released the results of about 150 surveys from 2L respondents only.

The Committee made five changes in last fall's interview pro-

(Continued on Page 6)

Legal Ed Committee Criticized

By Jack Robinson

Most people at the Law School, when stopped and questioned about the faculty Committee on Legal Education, merely shrug their shoulders and continue on their way. Most people have never heard of it, and many of those who have do not know what it does, what it purports to do, or even why it exists.

Prof. William Andrews, chairman of the committee, says that since he has been a member the committee "has spent most of its time on changing graduation and academic standing requirements as well as overseeing winter term scheduling." According to Andrews, the rationale for forming the committee was that "issues of curriculum adjustment should be addressed regularly by a standing committee of the faculty and not once every fifteen years by a hastily convened group."

The committee is scheduled to meet every two or three weeks, though it usually meets, according to Andrews, "about once a month." The members of the committee, in addition to Andrews, are: Assistant Dean Stephen Bernardi, Dean of Students Mary Upton, Prof. Lance Liebman, Prof. Martha Minow, Prof. Todd Rakoff, Prof. Lewis Sargentich, Prof. Hal Scott, Angela Carmella, 3L, Helen Irvin, 2L, and Leroy Collins, 1L. The student members of

(Continued on Page 14)

Student Challenges Ad Board Access

By Michael Medina

An HLS student is considering filing a grievance against the Law School Administrative Board because of her dissatisfaction with the board's decision-making procedures. Laura Besvinick, 3L, placed an item in the January 27th HLS *Adviser* seeking other students with complaints against the Ad Board to join in the proposed action.

This fall, Besvinick took a Spanish course at Harvard College which overlapped with a course at the Law School. She did not anticipate any problem with the conflict in meeting times, but in late October she received a notice from the board that this violated an HLS policy and that she would have to petition the board in order to receive credit for both courses.

In late December, according to Besvinick, she was notified by the board that she would not receive credit for the Spanish course. She said that she talked to Prof. Richard Parker, chairperson of the board, and was told that there were no exceptions made to the rule.

Besvinick's complaint, however, goes beyond her individual problem. "My concern is not my particular case," she said, "but with the way the Ad Board operates." Among the problems with the Ad Board she noted were the lack of any procedural rules to guide students, no provisions for students to appear before the board, and the fact that "you can never tell which rules will actually be enforced."

According to Besvinick, in response to her solicitation, several students have contacted her with a variety of different problems. "These types of problems seem to be happening to people a lot," she said.

The Administrative Board is an eight-member body which has responsibility for granting exceptions to HLS rules and for holding disciplinary proceedings. The board consists of two administrators, three faculty members and three students. The current members of the board are: Profs. Richard Parker, Frank Sander and David Herwitz;

Dean of Students Mary Upton; Registrar Sue Robinson; Ruth Fitch, 3L; Carol Petsonk, 2L; and Arturo Gonzalez, 1L.

Although the board is responsible for student disciplinary matters, such actions are relatively rare, according to Upton. She added, however, that because of the seriousness of disciplinary proceedings much more time is spent on such matters than on the "run of the mill" requests for rule exceptions. In disciplinary proceedings there are established rules and procedures,



Ruben Perlmutter

Laura Besvinick, 3L

available on request from the Dean of Students office. Additionally, students are allowed to appear personally before the board. In other types of cases, however, students may appeal to the board by written petition only, and there are no formal procedures for review.

Board members agree that the procedures of the board are very informal. "It's very hard to define the process," commented Fitch, "but I wouldn't agree that there's any kind of a procedural 'swamp' out there."

Carol Petsonk said that "each case is looked at individually in light of the appropriate rule . . . but certain rules are not bendable."

"I think the problems that people have with the Ad Board are informational, not procedural," remarked Upton. Parker commented, though, that "specific proposals for workable change would be very helpful."

The student members of the board all stressed that the student point of view is taken very seriously when the board makes its decisions. "One good thing about the Ad Board is that the students, faculty and administrators are all willing to talk through the situations in great detail and weigh not only the interests of the specific student involved but of students in general, when making its decision," commented Fitch. "I think the board really does take students' concerns and students' positions into account and deals fairly with students." Dean Upton noted that "we spend lots of time on each person in our deliberations, and the students on the board make sure to give the student perspective."

The students on the board all had high praise for the faculty and administrative members. "We're really dealt with as peers at the meetings," commented Fitch. "I was amazed at the faculty members," said Gonzalez. "They're really very open and take the students very seriously."

"It's amazing," said Petsonk. "When students talk, they actually listen. I've been to faculty meetings and I can tell you that this is a totally different atmosphere."

The student members of the board invited their fellow students to contact them, not only about problems with the board, but for help with any matters that are coming before, or could potentially come before, the board. "I'd like to feel that any student can call on me at any time," said Petsonk. "I don't see that as any kind of 'ex parte' contact. We're allowed to talk with students about their Ad Board problems outside of the board meetings. I'm supposed to be a student representative and I'd like to encourage students to talk to me."

"I'd be happy to work on some proposals for change," Petsonk added.



Brzezinski Assesses Foreign Affairs

By Charles Thensted

At the midpoint of the Carter administration, the United States was facing a crisis that was to have far-reaching consequences both here and abroad; the Shah had been ousted in Iran and a madman had assumed absolute power. Zbigniew Brzezinski, formerly Assistant to President Carter for National Security Affairs and now Herbert Lehman Professor of Government at Columbia, spoke to an overflow HLS Forum crowd in Langdell North Middle on Feb. 8, and used the state of the world four years ago as a point of comparison for a broad assessment of the Reagan foreign policy effort.

The Reagan administration is not today in the midst of an international crisis, Brzezinski noted. But neither does it give any sign of being on the threshold of a "breakthrough transforming an international reality" such as the Carter administration achievements at Camp David, with the Panama Canal treaty and in normalization of relations with the Peoples Republic of China. Rather he said, the United States faces great danger from deteriorating situations in Europe, Central America and the Middle East.

Brzezinski prefaced his remarks on these three troubled areas by noting with alarm the accession of Yuri Andropov, former KGB chief and Soviet henchman in Hungary during the 1956 uprising there. "For the first time ever," he said, "the only two truly efficient, but most nationalistic and ruthless, institutions of the Soviet state, the secret police and the army, have selected the leader of that country."

Andropov's hardline is already evident in Europe, Brzezinski said, where the Soviet Union is using the nuclear weapons issue to drive a wedge between the United States and its NATO allies.

"This is an area where we are politically on the defensive, and we should not be," he said, noting that the Soviet Union has long been following a program of massive de-

ployment of nuclear weapons targeted on Western Europe, while the United States is now only talking about countering that threat. The Reagan approach to this highly charged problem, however, has been "passive, very unimaginative and therefore appears to be very rigid," a state of affairs now being exploited by the Soviets with noticeable affect on our German allies. On this Brzezinski was emphatic: "It is essential that the growing neutrality of the Germans to NATO be corrected."

Turning to the potential for se-

needed catalyst, as the arbitrator, as the provider of the framework."

Brzezinski faulted the administration for the lack of personal involvement of its top leaders in the peace effort. "Only the President or Secretary of State can effectively bring pressure, warn of consequences and provide rewards." He praised Jimmy Carter for his indefatigable efforts at Camp David, which he credited with overcoming the nearly insurmountable barriers to agreement. He recalled a private conversation at Camp David with a belligerent Prime Minister Begin



Peter Lebold Cohen

Brzezinski addresses Forum crowd.

rious setbacks in Central America, Brzezinski suggested that "social and economic tension and political polarization may make Mexico the next Iran of this or the next decade." Americans reacted with unbridled alarm to events in Iran, he said. "Think of what this would mean for our physical and psychic security." The problems of Central America, he concluded, are ones "on which much more deliberate attention must be paid on an urgent basis."

On a somewhat more positive note, Brzezinski allowed that there is a chance for a breakthrough in the Middle East because "the parties there are beginning to be concerned about the absence of peace" and to realize that "they will have to become directly engaged and participate in the peace process." "The United States," Brzezinski was quick to add, "still has to act as the

who was "profoundly outraged" over a Brzezinski statement that the Arabs considered Israeli settlements "a form of colonialism."

"My right eye will fall out and my right hand will fall off before I sign a single scrap of paper agreeing to the dismantling of any settlements," Brzezinski remembered Begin saying at the time.

"Ten days later he signed an agreement providing for the dismantling of forty settlements and the eviction of 8000 settlers," Brzezinski said, "because it was in the interest of Israel. He would not have reached that decision on his own. It is in the power of the United States to create conditions in which peace can become a reality."

In the same vein, Brzezinski said that "the fact that Sadat got back what he wanted by being intelligent

(Continued on Page 13)

Arms & Peacemaking Focus of Conference

By Charlie Mitchell

Arguments for the fundamental illegality of nuclear weapons and war, and suggestions about practical actions lawyers can take to support arms control and peacemaking highlighted an interdisciplinary conference held at HLS last weekend.

The conference, entitled "Law and Lawyers in Arms Control and Peacemaking," attracted a panel of practicing attorneys, law professors from HLS and other schools, social scientists, psychiatrists, clergymen, artists, and humanists. Prof. Oleg Bogdanov, an international law specialist from the Soviet Union's leading legal research institution, made the trip from Moscow especially for the conference. Despite the Friday night snowstorm, both the Friday and Saturday sessions attracted over 50 participants, including lawyers and students from all over New England.

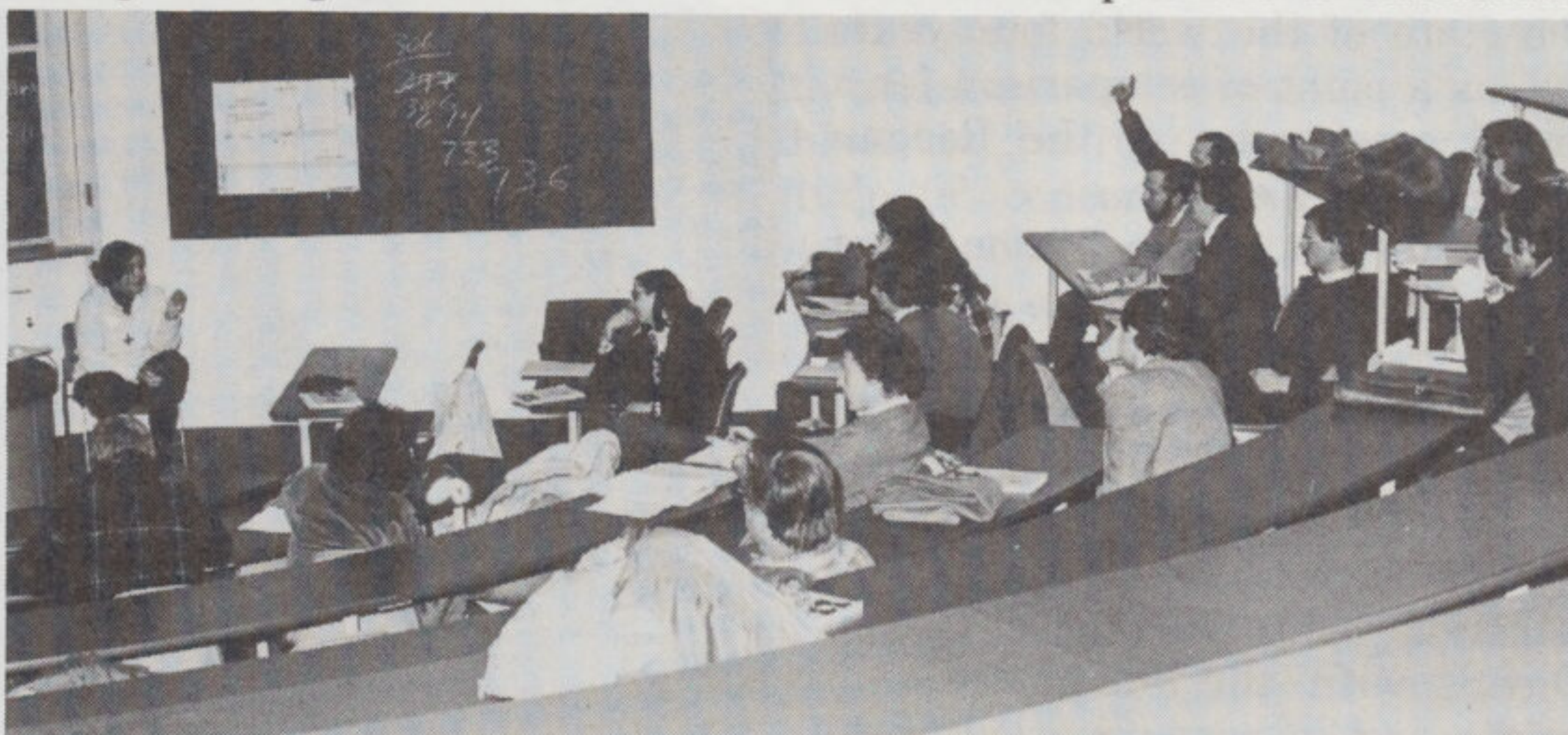
Through a series of panel presentations to the entire group, alternating with smaller workshop sessions, the conference sought to present the current problems of the arms race, disarmament negotiations, and peacemaking generally as they relate to the vocation of lawyering.

Lawyers' Role

After introductory remarks on the current state of the arms race and arms negotiation delivered by Kennedy School of Government Dean Albert Carnesale and *Arms Control Reporter* editor Chalmers Hardenbergh, HLS Prof. Abram Chayes suggested that the lawyer's main role in the arms control effort is to emphasize and practice the skill of negotiation. Chayes said that lawyers should publicly support arms negotiation and should defend the process against attacks from the extreme left that negotiations are too slow, and from the extreme right that negotiations produce no change in the behavior of nations, particularly the Soviet Union.

Elliot Meyrowitz, co-chair of the

Lawyers Committee on Nuclear Policy, sounded a major theme of the conference. He said the use, and ultimately the possession, of nuclear weapons is illegal under fundamental principles of international law, even if specific treaties do not ban them. Applicable principles include: that the right to use force is limited to the force necessary to weaken enemy military forces; that indiscriminate harms to civilians and violations of third-party neutrality are forbidden; and that no combatant may engage in practices that produce genocide.



Mike Lyon

A session of last weekend's arms control conference.

Subsequent speakers, particularly attorney Peter Weiss and Prof. Martin Feinrider of Nova Law School, emphasized that the illegality arguments are not confined to international law, and that lawyers engaged in other specialties, for instance constitutional or environmental law, should raise pertinent legal arguments in their own fields. Weiss, co-chair with Meyrowitz of LCNP, summed up the lawyers' potential contributions to peacemaking as saying what the law is, saying what it should be, getting judges to say what it is, providing legal services to fighters for peace, and forging international legal networks to provide such services as preparing draft treaties.

Non-adversary conflict resolution, innovative organizing for arms control, and problems of confidence-building between the U.S. and U.S.S.R. were the subjects of other panel presentations. Workshops focused on anti-war action by local

governments, the Catholic Bishops' letter on nuclear arms, civil disobedience litigation, and strengthening one's commitment to arms reduction by visually imagining the reality of nuclear war.

While panelists and workshop leaders focused on nuclear weapons, many acknowledged, and some emphasized, that the logic of their positions ultimately required directing their arguments at war itself. The aim of the conference was to generate ideas and strategies to empower as many lawyers and law students as possible to contribute

to arms control and peacemaking efforts.

The Waging Peace Project of the Boston-Cambridge Ministry in Higher Education organized the conference, with assistance from co-sponsors including the Lawyers' Alliance for Nuclear Arms Control, Lawyers' Committee on Nuclear Policy, Society of American Law Teachers, Council on Religion and Law, and the Law School's own Arms Reduction Action Committee and Environmental Law Society.



Correction

Last week's story concerning the Law School Council's Survey of employers contained two errors. This year's placement began on Oct. 25, not Oct. 19 as reported in the article. Also, the approximate number of employers that interviewed at HLS — 600 — was inadvertently omitted. We regret the errors.

HARVARD LAW RECORD

500 Sign Petition for Soviet Family

By Lee Christie

Almost 500 law students have signed a petition declaring their support for the family of Dr. Simion Katz, a Soviet scientist who has been trying since 1979 to gain permission from the Soviet government to emigrate to Israel. Katz, a researcher at Moscow's Institute of the Physics of the Earth, has been the victim of police harassment and professional indignities ever since he and his family applied for exit visas nearly four years ago. Typically, a Soviet scientist seeking to leave the country will resign from his job before applying for emigration, in order to avoid embarrassing high officials at his institute. But Katz's decision to carry on both his work and his emigration battle has led to a campaign of pressure tactics by officials in both the government and the scientific bureaucracy.

Strong-Arm Tactics

Katz has been the victim of familiar totalitarian methods. According to materials distributed by the Harvard Jewish Law Students Association (HJLSA), one month after the Katzes applied for visas, police came to their apartment on an unusual late evening visit for the purpose of "checking their papers." Later that summer, Katz was brutally attacked in the midday bustle of a shopping center, suffering a severe beating that hospitalized him for a month. Police refused to investigate. Back at work, Katz steadfastly refused his superiors' "requests" for his resignation, but was nevertheless demoted from his position as senior researcher. The author of more than 60 published

articles and the holder of several patents, Katz has seen his recent articles barred from publication and his recent seminars cancelled. Katz now fears that he will be stripped of his degrees on the ground that he has "ceased to make a valuable contribution to his field" — a popular and ironic new tool of harassment used against Jewish scientists in the USSR. The plight of Soviet dissidents is aptly summed up in a joint letter signed by Katz and nine other scientists: "We have in fact been thrown out of society, but at the same time we are not allowed to leave the Soviet Union."

David Mirchin, 3L, president of HJLSA, says the plight of Soviet Jews seeking to emigrate is "worse than ever." During much of the 1970s, Jews were allowed to emigrate at a rate of 3,000 to 5,000 per month, and in 1979 total Jewish emigration reached 51,000. But Mirchin reports that last month only 81 Soviet Jews were allowed to leave the country. The shape of things to come under the regime of Yuri Andropov remains unknown, but Mirchin feels Andropov's record as KGB chief provides little or no grounds for optimism.

Pleas to Congress

HJLSA member Bill Jacobson, 2L, met the Katz family in Moscow in 1980 and was instrumental in launching the current petition effort. Jacobson plans to send the petitions to key members of Congress who sometimes make "fact-finding" junkets into the USSR, as well as to other members of Congress who are HLS graduates (see *RECORD*, Dec. 3, 1982) and who might therefore be especially sensitive to the

human rights concerns voiced by students here. Jacobson says such concerns over Soviet Jewry will be a major topic of discussion when the first national Jewish law students' conference convenes next month at HLS. Then, in April, several Law School groups will sponsor a conference entitled "Law and Repression in the Soviet Union," which also will specifically address the problems of Soviet Jews.

Other persons who have connections with the Law School have been making efforts of their own to ease the plight of Soviet Jews. Donna Arzt, of the Massachusetts Attorney General's office, founded the Soviet Jewry Legal Advocacy Center after graduating from the Law School in 1979. The center is a group of Boston area law students and lawyers (including Harvard Prof. Alan Dershowitz) who write briefs on behalf of would-be emigrés and political prisoners in the USSR. The briefs are typically signed by a member of Congress as attorney of record (Sen. Paul Tsongas and Rep. Barney Frank have signed several of them) and are then formally submitted to the Soviet embassy and forwarded to legal authorities in Moscow.

Sports Answers

1. Norm Nixon
2. Lester Hayes
3. Wendell Tyler
4. Steve Van Buren
5. Reggie Cleveland

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Students Report Harm from Placement

(Continued from Page 1)

cedures. First, the season began on Oct. 25. Second, it lasted only four weeks. Third, interviewing took place in the afternoon and evening, rather than the morning and afternoon. Fourth, employers had to hold offers open until Jan. 10. Fifth, employers were asked whether or not students could attend interviews in school dress.

The late starting date received the most complaints. Over 90% of the students felt the change was harmful and preferred the old system. Further, 110 students felt they had been personally hindered by the late starting date.

Reaction to the compressed four-week interview period was less harsh. A small majority felt that students were harmed, although only 48 reported actual harm. In spite of this, a majority preferred the four-week season, especially if it began earlier. Seventy-eight peo-

ple favored the shortened season and 37 (presumably consisting primarily of those opposing the change) said they would change their answer if the shortened season began on Oct. 1.

Interviewing later in the day received a similarly mixed reaction. Students felt that the change was detrimental and preferred the old system, both by small margins. More than a quarter reported that they were personally harmed.

Students also considered the Jan. 10 deadline harmful, but felt that it was preferable to the old system, again by a small margin. Apparently, employers' unwillingness to leave places open until Jan. 10 was the source of disenchantment. Thirty-five students claimed to have been disadvantaged. The late date didn't help most students expand or evaluate their options, yet a small plurality favored the change.

The student dress option had little impact last fall. Only 14 students took advantage of the option to interview in school dress with some firms, and only 24 felt that having the information helped relieve the pressures of the interviewing season.

Changed Practices

Students reported that both they and the employers changed their practices in response to the new system. Nearly a third of the respondents (46) interviewed over the summer before school started. Another 23 visited at least one firm between Sept. 7 and Oct. 25. Employers made offers to 109 students based on the Cambridge interviews alone; however, only 11 students accepted one of these offers. Some students (18) reported that they spoke with an employer who was not interviewing at Harvard because he or she was displeased with the interviewing system. And most (82) students reported that an employer told them that their chances would have been better under the old system.

One of the purposes of the new system was to force students to take

fly-outs over Christmas vacation. Instead, more students (63) took some fly-outs during reading and exam periods than during Christmas (50). The reason: employer resistance. Of those students who attempted to arrange Christmas fly-outs, 68 of 79 encountered resistance from employers.

The results of the placement procedure appear to justify students' misgivings about the changes. In a survey taken by the Placement Office in 1981, which included about 300 responses, students reported that they secured jobs with their first-choice employer in 73% of the cases and at their first-choice location in 90% of the cases. This year's survey showed that only 64% of the students will be working for their first-choice employer, and 80% will work in their first-choice location.

Poorer Results

Conversely, 6% of the 1981 students — as compared to 16% of the 1982 students — failed to work for one of their first three choice employers. In 1981, 3% of the students surveyed ended up working in a location which was not their first or second choice. In 1982, that number tripled to 9%.

This year's survey results must be considered in light of the fact that significantly fewer interviewers appeared on campus last fall than in 1981.

Director of Placement N. June Thompson stated that about 600 employers interviewed on campus this year, down from last year's 750.

When asked what option they would prefer, a majority of the students surveyed (76) specified the four-week interviewing period, at least if it began earlier. Last season's longer format won 41 student votes. Three students preferred eliminating the placement season entirely and allowing students and employers to set their own procedures.

A sampling of comments from the survey indicated that students

(Continued on Next Page)

Which of the following options is best?

Four-week format, starting earlier	76
Seven- or eight-week format, as last season	41
One or two weeks prior to start of school	17
Spring interviewing, if enough other schools went along	17
Eliminate placement and let students and employers set their own procedures	3

If the four-week format is chosen, when should it start? (write-in answers).

Sept.	25
Oct. 1	75
Oct. 8	7
Oct. 15	3
Nov.	1

The following table shows the results of a question where students ranked their accepted job according to their preferences.

Year:	1981	1982
Employer:		
1st choice	73%	64%
2nd choice	15%	14%
3rd choice	5%	6%
other	6%	16%
Location:		
1st choice	90%	80%
2nd choice	7%	11%
3rd choice	2%	7%
other	1%	2%

Changes

(Continued from Previous Page)

complained mostly about the fact that the interview season began later this year. Students noted such disadvantages as fewer positions available, increased attention by employers to grades, and stress during the pre-exam period. Other students noted that students interviewing with smaller or more distant firms suffered disproportionately.

Positive features mentioned included the later interview times and the extra time to make a decision.

Helpful Hints

In the space for comments, respondents advanced several innovative ideas. Suggestions included coordinating interviews with the Business School, separating 2L and 3L dates, and encouraging employers to state minimum qualifications in advance to avoid wasting time.

Two students suggested charging employers a fee, but they differed on what to do with the funds. One said the proceeds should go to financial aid, the other suggested promoting public-interest employment. One student said Fridays should be free for fly-outs. Thompson's favorite suggestion was that there should be one job fair for Yale, Cornell, NYU, Columbia and HLS at Madison Square Garden.

Although the survey wasn't random, Thompson felt that it was likely to be representative. However, she noted, "the ones who were most dissatisfied were most likely to get their questionnaires in early."



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Student Opinions of the Changes

This season interviews began on Oct. 25 rather than Oct. 1.

Was the change detrimental to students?	Yes	141	No	12
Do you prefer the change?	Yes	7	No	140
Did it harm you?	Yes	110		

This interview season lasted for four weeks rather than seven weeks.

Was the change detrimental to students?	Yes	79	No	73
Do you prefer the change?	Yes	78	No	66
Would your answer to the question above change if the season began on Oct. 1? ...	Yes	37	No	113
Did it harm you?	Yes	48		

This season interviews lasted from 1:00-9:00 instead of 9:00-5:00.

Was the change detrimental to students?	Yes	66	No	86
Do you prefer the change?	Yes	66	No	69
			Don't Care	15
Did it harm you?	Yes	43		

This year employers had to hold offers open until Jan. 10 rather than Dec. 15.

Was the change detrimental to students?	Yes	63	No	90
Do you prefer the change?	Yes	63	No	58
Did it help you evaluate options?	Yes	54	No	78
Did it help you expand options?	Yes	28	No	99
Did it disadvantage you because of employer unwillingness to leave places open until Jan. 10?	Yes	71	No	49
Were you personally hindered by the change?	Yes	35		

This year employers were asked to indicate whether or not students could attend interviews in school dress.

Did you do any interviews in school dress?	Yes	14	No	135
Did having this information help relieve the pressures of interviewing?	Yes	24	No	122

Before the on-campus season.

Did you do any interviews before school started?	Yes	46	No	104
Were they in the same city where you were working?	Yes	35	No	11
Did you visit any firms between Sept. 7 and Oct. 25?	Yes	23	No	125

During the on-campus season.

Did you receive any job offers based on the Cambridge interview alone?	Yes	109	No	42
Did you accept one?	Yes	11	No	31
Did you see the office before accepting? ...	Yes	10	No	1
Did any employers indicate that they were not interviewing at HLS because of the changes or other HLS policies?	Yes	18	No	133
Did any employers indicate that you would have received a better chance under the old system?	Yes	82	No	70

After the on-campus season.

Did you do any fly-outs during reading and exam period?	Yes	63	No	84
Did you do any during Christmas vacation?	Yes	50	No	89
In attempting to arrange Christmas fly-outs, did you encounter any employer resistance?	Yes	68	No	11

A Tale of Two Harvards

—Bob Riggle

Liberalism, we are taught, ultimately reduces to an endless contradiction between diametric opposites. Public Order v. Individual Liberty. Egoism v. Altruism. Gideon v. Wainwright.

Not surprisingly, an identical duality characterizes Harvard Law School, which is both a community in its own right and an integral part of a larger liberal order. My own experiences of the university we call home vividly illustrates this basic divide. I offer them here in the hope that they may help other, particularly younger, students come to terms with their own excluded middles.

When I returned to law school last fall, I looked forward with special eagerness to two new ventures: a student-initiated seminar and Law Review. These were two offspring borne of a single pang. My first year, an attack aggravated by assaultive final exams, left me in psychic, intellectual and emotional tatters. I lost weight, my skin broke out, my head perpetually ached, and I found myself unable to indulge even in my comical vice of talking with myself. Every conversation had turned socratic.

Fortunately, a summer of working in the fabled "real world" cleared up enough of my soul-searching doubts to enable me to return. When I did so, I aspired to rediscover coherence, enjoyment, and comradery in the two above-mentioned fora.

The first consisted of eleven students from my first-year section and Martha Minow. Alternately known as "The School of Minows," "The Gang of Twelve," "Remedial Class Action," "The Apostles," and, perhaps most appropriately, "The Eerie Progeny," we vowed to carry on the quest we had initiated with our 1L discussion group in a special class of our own making.

What precisely was to be the end of our meandering none of us knew. I like to think that we joined hands in our ascent of Mt. Harvard for no

other reason than that we needed one another. My own need for these comrades in arms was soon to be made dramatically clear to me.

My other major time commitment was more regularized, institutionalized, conventional. You've all heard of Law Review. I can add distressingly little to the myths surrounding this distinguished factory of legal thought, all of which are true. What I can do, I feel, is bring its good, bad, and ugly features into sharper focus by comparing it with my Wednesday evening seminar.

Both groups, after all, share certain aspirations in common. Both essentially aim to advance people's individual and collective understandings of the law through the establishment of an interest group, a club, a society. A rambling inquiry into why, in my case, one institution succeeded so well while the other failed so miserably should benefit some readers.

The Review

The Review is a curious organization. To say that it is primarily white, male, and competitive is merely to observe that it pretty well mirrors the population from which it draws its members. I like to think of the Review as a high-powered Wall St. law firm. The people you meet there strike you as by and large nice, friendly, cooperative, and extremely busy.

Well might they be genial, for they are one and all immersed in a sea of privileges. Their benevolent smiles derive largely from their endlessly reinforced assurance that they constitute an elite, that they are firsts among equals at a school in which the entire student body falls into the top quarter of the class. They feast in a world where no one goes hungry.

First impressions, of course, contain seeds of error as well as grains of truth. Look a bit closer, and you may be disturbed to detect alarming

shades of purple in eyelids, bags under eyes, incipient paunches, and ravaged skin. "Why, these poor souls have made first-year finals a way of life!" you exclaim.

Looks are not everything; they are thin covers glossing over the Review's darker contents. Foremost among these is the stark contrast between the Review's intellectual pretensions and its pedestrian realities. The life of the second-year editor involves considerably more physical labor than cerebral exercise. Photocopying, bluebooking, and proofreading deaden minds and sensitivities as surely as do boring professors. Even the exalted prelim often turns into a routine preemption check. Few would argue that these drab chores have any redeeming value as learning devices.

More insidious than the immediate frustration engendered by such exercises in futility are their truly frightful long-term effects. By the time most editors at last apply their new skills to the crowning jewels in their review experiences — their notes — they seem to have lost their abilities to read, write, and think beyond foot-noting.

Examine a "note" sometime. Have you ever encountered so many footnotes elaborating so meager a text? Ignore the footnotes, as most readers do, and skim several notes' contents. Do you share my conviction that many are narrow, dry, and lifeless beyond any possible expectations of the gifted people who come to Harvard Law School? Let there be no mistake: the Review's editors are not insensitive, uninspired, and downright boring, but the Review is.

The Seminar

It is with this criticism in mind that I turn to a more pleasant subject: my anonymous seminar. Thirteen creative-yet-representative people who gather every other

(Continued on Page 16)

Betting on Charity



Photos by Bob Peterson

Students gamble, . . .

By Michael Malamut

Pound Hall looked like Atlantic City last Friday night as the Dorm Council held its annual Casino Night. Dice rolled at craps tables; balls raced around roulette wheels. Women in black dresses cavorted with men wearing tuxedos. The lively affair was staged in order to raise funds for the Student Funded Fellowships program, and to kick off this term's social season at the same time.

Over 400 patrons paid an entrance fee of \$2.50 to enjoy the music, drink, and gaming. Students provided the bulk of the work force, with 75 donating their services as waiters, bartenders, croupiers, waitresses, barmaids, and croupieres. Their numbers allowed them ample time to sample the evening's delights during breaks. And there was no need for anyone to feel guilty about enjoying those diversions. Massachusetts law provides that gambling can take place if the proceeds of the event go to the support of a nonprofit organization.

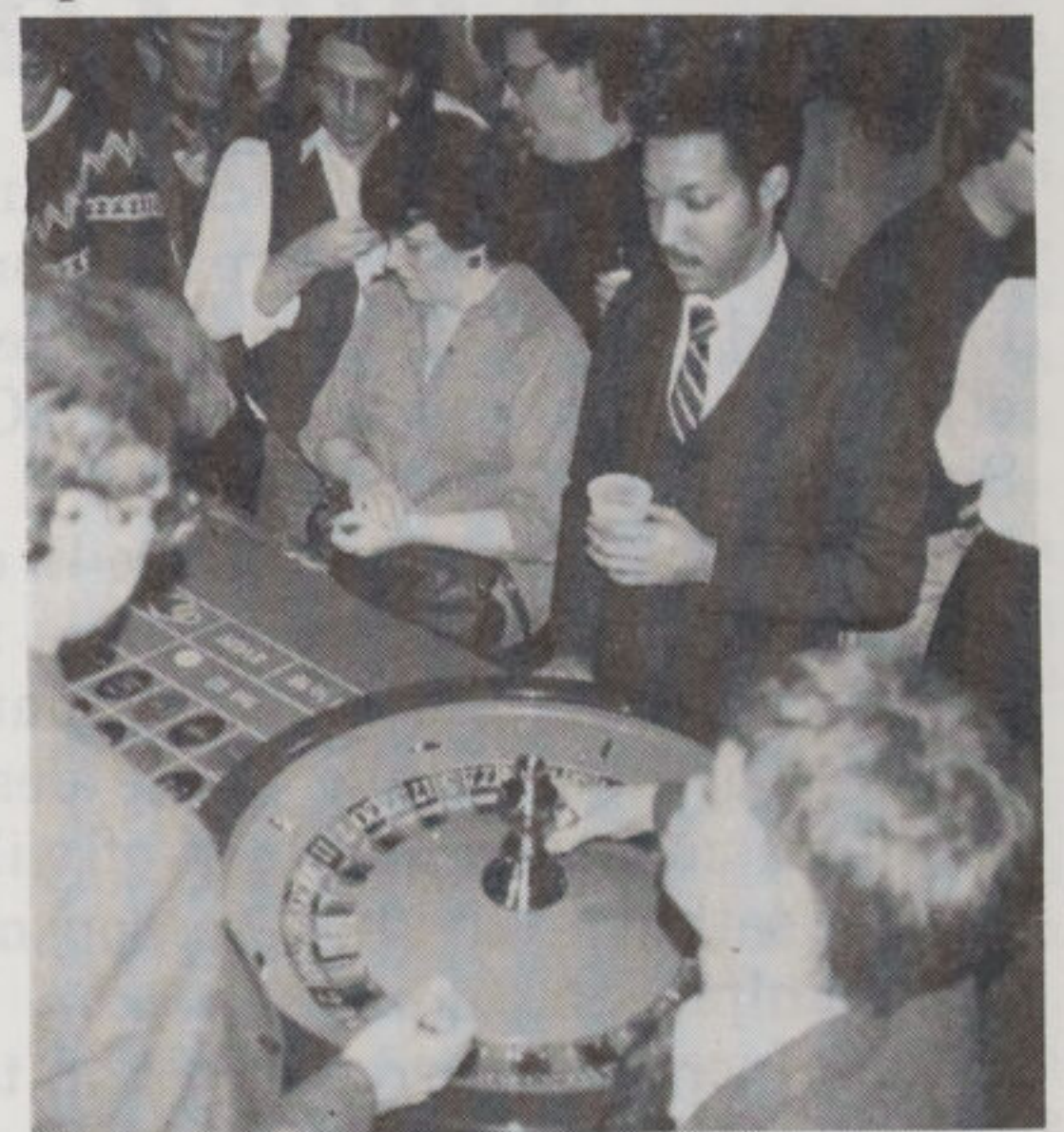
The band this year played a combination of swing, jazz, soft and classical rock, and tunes from the 1950's. The response on the dance floor was positive — so positive that the band has already been hired to perform at the HLS spring formal.

Michael Sundel, 2L, who as outgoing vice-president of the Dorm Council had responsibility for organizing the event, stated that "the purpose was to have fun and not to make money and that's what happened." Although this year's attendance was about as large as last year's, Sundel said he believed that less was earned at the tables this year because people danced more.

Casino Night, which has become a Law School tradition, earned \$1300 for Student Funded Fellowships last year. This year it will probably break even. While the drop

in the total take this year was disappointing, it at least reflected a profit at the craps tables. Last year, inexperienced dealers led to a loss at the craps tables. This year the dealers practiced beforehand.

The earnings came from a variety of earnings and costs from a variety of sources. The rent on the gaming equipment by the racketeers came to \$1100, which was not covered by the \$891 gross earnings at the tables. However, the cover charges at the door came to \$1000, which made up the difference at the tables and



Students win, . . .

covered the band and incidental expenses as well. The final take, then, basically came from the drinks. The sale of aromatic "gambling cigars," thanks to the organizers' careful consideration of the upscale clientele on hand, also generated a healthy profit.

Student Funded Fellowships, to which the evening's profits are donated, aids HLS students taking non-paying or low-paying public interest jobs over the summer. In addition to the money pledged during the annual fund drive (the main source of funding) and the donation from Casino Night, SFF receives contributions from professors. Ralph Nader recently awarded SFF with the honorarium from his Forum appearance last spring. Applications for this summer's fellowships will be available shortly from the Langedell reception desk and may be submitted by members of all three classes.



Students lose . . . to their chagrin.

Food for Thought?

As students went to pick up their grades this week a few were delighted to see what the registrar's computer tear sheets bore. Some were upset. Many shrugged. Others chuckled at what they had gotten away with. How few of Loss's 20 multiple-choice Sec Reg questions could one get right and still get a B? That was the question.

What should not go unnoticed is that the grades were released on schedule this year — albeit two months after the exams. The embarrassingly late release of grades in mid-March last year was not forgotten by the administration.

Even now, memories of the fall term are dim for many and the significance of grades as feedback is consequently doubtful. Another month and no one would be able to remember what sins he or she had committed under those blue covers. But then again, we must be grateful for what occasional morsels of feedback we do receive as we head back to peck the key again.

Our Thoughts?

We recently received a disturbing piece of mail from a reader in San Francisco. He asked us to pass along the following message: "Please ask for United States Government adherence to law and immediate shutdown of Thought Projection, Thought Control, Image Projection and Audio Simulation systems."

The letter goes on to describe in detail an elaborate system of thought, sound and image control that is now being employed throughout the country. Some of the effects of that system, as listed by our reader, are: the loss of individualism; the destruction of self rule; the bowing to omnipresent forces and lack of will to fight back; and the constant instruction that individual reason must fall before great, uncontrollable and omnipresent forces.

"The incredible arrogance and the awful inhumanity of the systems exemplify characteristics of great powers in the world today," he adds.

We agree. In fact, we have located a number of installations scattered throughout the country that engage in this kind of activity. Those who participate defend themselves by claiming that they are simply "trying to learn how to think like lawyers." But we know better, don't we? ☛

HARVARD LAW RECORD

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Fenno

This is the story of Fenno, a righteous man, the one blameless man of his time. He walked with G-d. Sometimes they even went jogging together.

One day, G-d called on Fenno.

"Pass," said Fenno.

But G-d continued: "I'm going to flood the world."

"Oh, G-d. I'm not insured."

"When I'm done, there will be no one to collect from. I want you to build an Ark."

"Now, G-d, don't be rash. Just because the court in the creationism case rejected your amicus petition doesn't mean you should destroy a whole week's work."

"I'm *commanding* you to build an Ark Fenno. Make it with ribs of cypress, coat it inside and out with pitch, and insulate it with fiberglass. Make it 300 cubits in length, 50 cubits in breadth, and 30 cubits in height."

"OK, OK, but I'm going to need blueprints, you know. And none of this cubits stuff, or meters either. Make it in feet."

"You shall bring living creatures of every kind into the Ark, male and female you shall bring."

"Every kind?"

"Every kind."

"Cockroaches too?"

"Cockroaches too."

Staphylococci?

"Yes. But only one. Bacteria are capable of mitosis."

"Bigfoot?"

"Two Bigfeet."

Fenno set out to build the Ark. "Who will help me cut the cypress?" he asked. "Not I," each of his neighbors said. "Who will help me gather the pitch?" he asked. "Not I," they all said. "Who will help me pick out top-siders?" he asked. "Not I," they said. "Then I shall do it myself," he said. And he did.

When Fenno had assembled all the creatures of the earth, male and female, G-d spoke again: "One hundred percent chance of rain for the next 40 days." When Fenno's neighbors heard the forecast, they ran to the Ark, and tried to clamber aboard.

Fenno was smashing a bottle of champagne against the prow when he saw them coming. He pulled out a machine gun and waved it. "That's far enough!" he cried. "Back! All of you!" Fenno felt bad, but didn't apologize. Being the only blameless man on earth means never having to say you're sorry.

A tremendous rumble of thunder shook Fenno's ears — and he woke up. He was in the Harkness cafeteria, alone. The floors were being washed. His lunch — french fries, and a Vorenburger, medium-rare — was cold. Fenno got up and left, and walked out into the storm.

And that's the story of Fennoah and the Hark.



Letters to the Editor of the Record

Where's the Color?

To the Editor:

Your provocative piece on ice cream brought to mind a curious deficiency from which all the "gourmet" ice cream stores — Steve's, Emack & Bolio's, Herrell's — suffer. They have only two flavors: brown and white. Oh, occasionally a token pink (usually bland, fruitless strawberry) appears, but for the most part the hapless consumer is treated to a lamentably predictable parade of browns (chocolate, mocha, chocolate pudding, etc.) and whites (vanilla, sweet cream, butter almond, etc.). This phenomenon has puzzled me for some time, and I was hoping the RECORD could give me the scoop.

Joe Ramirez, 1L

More Gym Tales

To the Editor:

I would like to add my story to the growing collection of those speaking to sports and life and other meaningful experiences as played out on the floor of the Hemenway Gym.

Recently, I was playing basketball at Hemenway. Our team was considerably smaller than the opposition and they were taking advantage of that situation to outscore us mercilessly. What particularly upset me was when a fellow 6' 10" tall dunked the ball over the outstretched reach of a teammate of mine (who is 5' 5") and laughed a sinister laugh as he then proceeded to dunk my teammate through the hoop as well. (Frankly, I thought it was goaltending.)

Now, I understand that Harvard Law School is a competitive place. I also understand that many of the people here will some day rule this country, Canada, and New Jersey. But all of this notwithstanding, I don't think it was appropriate for that fellow to sneer at me and shout out, "In your face, sucker."

I suspect that there is greater interpersonal sensitivity among students at other lesser institutions. But in our school of "adversary, assertive, and elitist approaches" to dealing with other people, it strikes me as all too common an experience that the spirit of fair play is forgotten. Frankly, it worries me that some day, when the Class of 1985 dominates the Supreme Court and other lesser institutions, that the judges will fail to see the need for issuing carefully reasoned opinions ignoring the rights of the downtrodden and instead, will speak to women, minorities, and the citizens of New Jersey, with a simple, "In your face, sucker."

What is to be done?

Steve Winerip, 1L

No New Prof.?

To the Editor:

Your Feb. 11, article, "New Courses, New Professors Due in 83-84" raised an old concern. While I was pleased to see one minority and four women among the new visiting professors, I was displeased to see no mention of the Black legal scholar who was allegedly hired by the Law School to fill a tenure-track position. This struck me as a glaring omission since according to the Sept. 24th issue of the RECORD, Dean Vorenberg was said to have "confirmed" that an unnamed Black attorney would begin teaching at HLS next year and that a formal announcement of the acceptance would be made during the 1982-83 winter term.

Yet we saw no formal Law School announcement during the winter term, or even in last week's RECORD, despite the fact that it did name several of the new visiting professors, the currently tenured professors, and some of the new courses they will teach. But why has the Law School made no formal announcement of the name of next year's new tenure-track Black professor? As I recall, the RECORD's Sept. 24th issue made a guess at the Black professor's name — a guess thought by some to be in error. In fact several students, alumni, and faculty have always felt it unrealistic to expect the attorney in question to give up a very successful private practice in exchange for next year's HLS professorship. Moreover, some minority students even suggest that the Law School's renewed offer to that attorney was merely cosmetic — a dishonest yet desperate attempt to publicly depict the School as a conscientious supporter of affirmative action, when in fact no offer had been made.

But the question remains: why didn't Law School administrators announce the name of Harvard's new Black professor when they spoke with the RECORD staff about next year's professors? If the Law School administrators did finally make the announcement, why didn't the RECORD report it? Maybe the offer *hasn't* really been made or accepted and thus is not part of the "preliminary teaching schedule for the 1983-84 year." At this point one can only speculate.

It's my hope, however, that an official announcement of the name of the new Black assistant professor will come within a few weeks. A speedy announcement would not only eliminate speculation, but would also disseminate trust. On the other hand, the lack of an announcement soon, can only increase the tension surrounding this issue, since the Third World Coalition has already shown that it will not accept visiting minority and women professors as substitutes for *tenured* minority and women professors.

Donald Christopher Tyler, 2L

USSR Pressure Points

To the Editor:

It was enlightening to read Peter L. Cohen's instructive interview with Prof. Harold Berman in the Dec. 3 RECORD. Perspectives on the Soviet state and empire can differ significantly, depending on one's angle of view. When considering the prospective 'direction of law' in Czar Yuri Andropov's kingdom, the observer can do well by weighing the probable role of legal ordering in dealing with a few of that regime's pressure points.

Prof. Berman rightly cites the problem of succession to ultimate power and authority as such a pressure point, and states that he thinks that, "it will take the next succession to show that they have developed a legal process for it." Others might conclude this is, rather, a political process, first to last, just as will be the Democratic Party's process for sorting out Mondale, Glenn, Udall, et al., and selecting one '84 candidate for the presidency. Whatever the admixture of 'political process' with 'legal ordering' in the U.S.S.R., it is productive of useful reflection to range across a few more Soviet pressure points, such as:

1. *Religion, race and military conscription:* Post-1945 demographic patterns in the U.S.S.R. are totally unlike those seen in North America. In particular, Great Russian, Ukrainian and other Caucasian population groupings west of the Ural Mountains have experienced declining birth rates. On the other hand, Central Asian Islamic Soviet citizens have experienced marked growth. By law, the U.S.S.R. conscripts its young males at age 19. Due to these demographics, the ethnic input into all Soviet armed forces has shifted perceptibly in makeup. When two Muscovites settle down for some serious vodka consumption and serious talk, and one says to the other, "There are too many of *them* in the Army," no elucidation is required these days. Reports of tensions in Russian garrison towns persist, where the surrounding population is Caucasian, and assigned enlisted cadres are Asian. Of course, the elitist officer ranks are Caucasian, privileged folks, heavy on the Communist Party membership. It is left to the reader to assess the welcome mat rolled out for echelons such as these in Poland, Hungary, Czechoslovakia, Latvia, Estonia, and Lithuania.

In the America of H. Rap Brown and George Corley Wallace, we Americans resorted to such curious social institutions as the television talk show to ventilate basic social grievances and eventually alleviate them. In the U.S.S.R. today, can 'legal ordering' somehow ameliorate the racial problems of a fundamentally paranoid, repressive social structure which declines to admit the

(Continued on Next Page)

Letters to the Editor

(Continued from Previous Page)

existence of such problems?

2. *Conventional armaments*: Rumor has it that a senior general of the Red Army General Staff was recently sent to Damascus, to assess the many failures of Soviet weapons, and their abysmal showing in the Lebanon fighting. Is there that much qualitative difference between Syrian conscript manning of such weapons, and Soviet conscript manning? Some say that second-rate, Reserve-type Red Army units were first sent into Afghanistan. When the fighting became protracted, the uniformed careerists in Moscow began to crave some Afghan campaign ribbons for themselves, and so the Regulars went in. Neither category of force has come close to accomplishment of the assigned task. Are explanations for such nondescript performance to be found within the Soviet military-industrial complex? Are they inconsistent with the Reagan-Weinberger image of a Soviet conventional armaments Colossus? Will Soviet society admit even some minimal element of 'legal ordering' to set fairer bounds in the civil vs. military allocation of quite limited resources? Or will events such as the selection of General Ustinov by the Politburo, referred to by Prof. Berman, continue to set the tone? A strongman deputized by an aging junta doth not legal ordering make.

3. *Losers as client allies*: How about legal institution of public referenda, to be utilized in the immediate future, to provide the Soviet people a genuine secret ballot on whether or not funds should be drained from the U.S.S.R. in aid of economic spendthrifts such as profligate Cuba or uncouth Hanoi? I'd like to give Soviet women voters a choice between: (1) funding of aid to Cuba in 1983; or (2) diversion of the same money to enhanced Russian production of improved

quality pantyhose for their domestic markets. Betcha I know which option would prevail, in a fair, secret balloting by Soviet female consumers.

4. *Ideology and China*: If ideology is evaluated by some as de-emphasized on the Soviet domestic scene, it is not comparably downgraded in their great debate with China. Anyone involved in Far East trading knows that the Mainland Chinese economy is now flirting with some very large, thoroughly capitalistic projects. Can the Soviets assimilate a diplomatic tolerance, or adaptation of policy, to such trends? Can they conduct a rational China policy on the basis of 'legal ordering'?

One must conclude, then, that the Soviet state remains a relatively crude tyranny. All will welcome the rise of legal norms and legal practices there, to mitigate its worst excesses. With Prof. Berman, many of us strongly advocate expanded trade and social contacts with the Russian people. We desire to steer our way around the Soviet regime any way we can in doing so. But we also reserve the right — 'legal ordering' or no — to advocate the pervasive subverting of the evil, lying, static, sterile regime that is now fastened upon the Russian people. After all, the "fasteners" are without redeeming social value. Grossly surplus legions of idlers in the KGB's uniformed internal branches are but one prime example. These are, however, in the Soviet image of "proper instruments" for their contemporary version of 'legal ordering.'

William C. Mc Auliffe, '58
New York, N.Y.



Great Moments in the Law

Poetic Justice

He was entitled to damages, contended William Fisher, of Michigan's Oakland County, plus the expense of having a tree surgeon repair his "beautiful oak." Fisher's suit against the woman driver who hit his tree was dismissed in Circuit Court. Fisher appealed, and the three appeals judges upheld the lower court with both rhyme and reason:

"We thought that we would never see
A suit to compensate a tree.
A suit whose claim in tort is prest
Upon a mangled tree's behest.
A tree whose battered trunk was prest
Against a Chevy's crumpled chest.
A tree that may forever bear
A lasting need for tender care.
Flora lovers though we three
We must uphold the court's decree."

— *The Los Angeles Times*,
Jan. 12, 1983

Lengthy Justice

The jury gave a verdict for the plaintiff of \$10,660, but it was set aside by the Court of Appeals in 1872. In the second trial, in 1877, the jury gave a verdict of \$18,431, but this amount was reduced by General Term to \$13,908.96, only to be set aside again by the Court of Appeals in 1880 on the ground that the record indicated that McCormick had waived all claim except for nominal damages.

On the third trial, in October, 1880, the court directed a verdict of 6¢ on the basis of the Court of Appeals' prior decision, but this was set aside by the General Term; and on the fourth trial, in May, 1882, a verdict was returned for \$13,248.54. This fourth verdict was again taken to the Court of Appeals, where it was affirmed; and thus the litigation finally ended. But McCormick did not live to see the end, for he died just before the final argument in the Court of Appeals. . . .

— from the account of *McCormick v. Penn. Central R.R. Co.*, 3 Albany L.J. 129, *rev'd*, 49 N.Y. 303; *new verdict rev'd*, 80 N.Y. 353; *new verdict affirmed*, 99 N.Y. 65, contained in 1 Swaine, *The Cravath Firm and its Predecessors* (1946)

Readers' contributions to
"Great Moments" are welcomed.

HARVARD LAW RECORD

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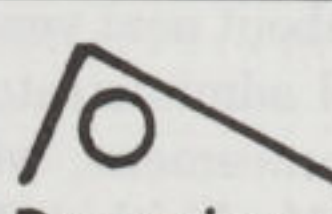
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Brzezinski Addresses Forum Crowd

(Continued from Page 3)

and moderate has not gone unnoticed" by moderate Arab leaders to whom "peace is a necessity." The Reagan administration, he said, is in a position to take advantage of this new awareness to seek a mechanism for peace, but the realization of that end will require the participation of both the President and the Secretary of State.

In response to questions following his talk, Brzezinski agreed that "we do have a military readiness problem, but that's a problem that is being addressed. Our budget is misdirected, though. We have conventional force problems, command and control, survivability. We do need the MX. We don't need the B-1. The MX is needed either in maintaining the balance or as a quid

pro quo in arms reduction." He added, "Unless we either impose arms control or take needed security measures to maintain stability and symmetry, the Soviets may be tempted to apply militarily derived intimidation."

Finally, addressing the seemingly inevitable clash between the Secretary of State and the Assistant for National Security Affairs, he said, "The activism of the President in foreign policy is what makes the Assistant for NSA predominant. That was the case with Kennedy, Nixon and Carter." Nixon, he said, had remedied the conflict in his administration by "decapitation" of the Secretary of State. Added Brzezinski wryly, "That solution was not applied by the Carter administration, alas."

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Sports Quiz

Note: As the birthdays of our most famous presidents fall at this time of year, this week's sports quiz asks you to identify athletes who share their last name with those of former U.S. presidents.

1. An alumnus of Duquesne, this guard was an all star last season and helped his team win the NBA championship in 1982. Name this star basketball player.
2. When stickum became illegal in the NFL before the commencement of the 1981 season, this cornerback from Texas A&M, who helped the Raiders to the world championship the season before, saw his interception totals drop dramatically. Name this athlete.
3. Having just completed his fifth NFL season, this UCLA alumnus, who rushed for over 1000 yards in 1981, has been one of the few bright spots for the Los Angeles Rams in recent years. Name this running back.
4. This former running back who was inducted into the Professional Football Hall of Fame in 1965, is an alumnus of Louisiana State and starred for the Philadelphia Eagles from 1945-51. Name this former star.
5. A native of Canada, this pitcher began his major league career with the St. Louis Cardinals, pitched for the Boston Red Sox in the 1975 World Series, and later played for Texas and Milwaukee. Name this athlete.

(Answers on Page 5)

Bogged Down With Narrow Details

(Continued from Page 1)

the committee are appointed by the Law School Council.

A likely explanation for the committee's relative anonymity is that it spends most of its time deliberating over mechanistic rules concerning such matters as curriculum requirements which, in and of themselves, do not "shock the interests" of the HLS community. According to Prof. Andrews, the committee's grandest work during the past two years was its proposal concerning the first-year curriculum and the number of credits assigned to first-year courses. These proposals were acted upon by the HLS faculty last fall. (RECORD, Nov. 19, 1982.)

Many feel that if the committee would begin to consider broader educational policy questions, its work would receive greater recognition and have more of an impact on legal education at the Law School. Prof. Sargentich feels that the committee "should try to deal seriously with broad policy questions and educational principles and not be swamped by technical, mechanistic considerations." He continued, "It's a tragedy that the committee has allowed itself to get bogged down with narrow details."

Helen Irvin, one of the three student members of the committee, echoed the concerns of Sargentich, "The scope of the committee's work is too limited, we spend inordinate amounts of time on things like the number of D's allowed in the first year."

Prof. Andrews was asked why his committee has not considered seriously educational policy questions. He responded by saying that the Committee on Educational Planning and Development (Michelman Committee) assumed that duty and, therefore, that it would be "a waste of time and resources" for the Committee on Legal Education to entertain such concerns.

Dean James Vorenberg agrees with Prof. Andrews' contention that it would have been "a waste of resources" for the Legal Education Committee to have discussed edu-

cational policy issues during the existence of the Michelman Committee. However, Vorenberg added, "now that the Michelman Committee is no longer operational, the Legal Education Committee is the body responsible for hearing and discussing proposals concerning educational policy at the Law School."

Though it is apparent that the committee is plagued by "narrowed vision," there are other flaws on a more practical level. Many members of the committee complain that the meeting agendas are inconsistent and too fragmented to allow meaningful and thoughtful discussion on any particular issue.

No Answers

For example, according to one member, in one meeting the committee seemed to be making headway in formulating a consensus on a legal education policy question submitted to it, but the agenda for the next meeting did not even provide for consideration of the proposal. Instead, the committee listened to the registrar's proposal about computer software. Thus, discussion of the initial educational policy question was deferred indefinitely before a consensus could be reached on it.

In reference to this "scheduling" problem, one committee member exclaimed, "The agenda is crazy, nothing is ever decided." Another member commented that "there is no sense of where the committee is headed; we can be discussing issue 'X' in one meeting and issue 'Y' in the next — without ever reaching a consensus on either issue."

Another flaw of the committee, which affects its ability to consider broad educational policy issues and act upon them efficiently, is the relative infrequency of meetings and the numerous postponements which occur when meetings are scheduled to be held. Leroy Collins believes that meeting for a couple of hours once a month does not give committee members a chance to air fully their views and concerns.

Collins suggests that more frequent meetings, "perhaps once a week for a hour," will allow the committee to adequately "consider substantive issues of legal education." He also suggests that the formation of subcommittees may help the committee "focus its deliberations" which, in turn, will result in concrete proposals being formulated expeditiously.

Addressing the problem of numerous postponements, Helen Irvin says that "many meetings are cancelled or postponed at the last minute without adequate notice." She and Angela Carmella allege that several meetings have been cancelled for no apparent reason. Irvin says, "We are hardly ever told why meetings have been cancelled; whenever I am on my way to a scheduled meeting of the committee, I always check my mailbox for cancellation notices."

In 1981, Profs. Richard Parker and Duncan Kennedy presented the committee with a novel proposal concerning first-year educational policy. Neither that proposal nor a modification of it have been acted upon by the committee. The Parker-Kennedy proposal, in paraphrased form, reads: "It is the sense of the committee that it is the better educational policy to not require students in first-year classes to be forced to answer professors' questions and to not require such students to notify professors in advance that they, for whatever reasons, do not wished to be called on." (This is commonly known as the "No-hassle pass.")

Prof. Sargentich supports the Parker-Kennedy proposal but, in the event it is not adopted by the committee, offers a modified proposal. Sargentich's modified proposal reads, in pertinent part, that "No student in a first-year class may be disciplined officially by the school for failing to respond to a professor's questions."

The Parker-Kennedy proposal was first presented to the committee in 1981 and it has been added to and deleted from agendas ever since.

(Continued on Next Page)

Two Year No Hassle Pass Hassle

(Continued from Previous Page)

When asked about the reason the committee has not been able to act on a proposal which has been before it for two years, Prof. Andrews replied that he "takes full responsibility for not responding to the proposal in a timely fashion."

Several well-informed sources feel that the committee is purposely avoiding the proposal because some members of the committee think that the issues raised by the proposal are moot or unimportant. When questioned further about this specific allegation, Andrews replied, "I have not heard of this criticism and, anyway, I am reticent to speak about the Parker-Kennedy proposal before the committee has had a chance to fully discuss it."

One possible reason why the committee has not yet acted on the Parker-Kennedy proposal is, simply, that there have not been sufficient opportunities to discuss the issue. One member of the committee flatly stated that "an opportunity to talk about the [Parker-Kennedy] proposal has just not come up." Another member blames "the reluctance of the committee to be imaginative" for failing to act on the proposal.

Prof. Parker believes that two basic questions should be asked regarding his proposal: Is it a "live" issue? Is it an important issue? Parker's response to both questions is in the affirmative. Those who would disagree with him claim that most professors already use the "No-hassle pass" and those that don't never discipline students for not answering questions when called on.

According to one member of the

committee, although an official sanction has not yet been imposed on a student for failing to respond in class, one student has indeed been subjected to the Law School Administrative Board's investigation procedures.

Parker thinks that "we should not have to wait for a sanction to be imposed to question the existing educational policy." He continued, "It's a live issue, not because a sanction hasn't been imposed, but because sanctioning failure to participate in class impedes educational quality."

When told of the committee's apparent reticence to discuss and take action on the Parker-Kennedy proposal, Vorenberg stated that, "there are more promising issues for discussion." He would prefer that individual professors and 1L sections, "decide between themselves what specific policies, if any, will be adopted regarding 'No-hassle passes'."

The student members of the committee, in reply to critics of the Parker-Kennedy proposal, emphatically state that "it's a myth that people will not participate in class if not called on." Leroy Collins adds, "In fact, in my 1L section, there is more participation from more people when the professor doesn't call on specific students." "It's really not too much to allow passes in class because a student may have a lot of valid reasons for passing on a given day."

Helen Irvin, after experiencing a completely different teaching method in 2L courses this year, says that "there's no excuse for professors to treat 1Ls the way they do." When asked for her explanation for the present system, Irvin replied, "HLS is proud of its inhumanity."

Prof. Parker surmises that one of the problems with his proposal is that "faculty members are carrying the ball" and, therefore, many faculty members do not think there is sufficient student interest in the issue. Parker says that "initiative to raise issues like this would better come from students" and he hopes that, in the future, students will

take the initiative and get involved. He is pleased to see that students "are already becoming more responsible."

Helen Irvin thinks that more open meetings of the committee will allow students to air their views. She stresses however, that students must get involved and organize before bringing their concerns before the committee. Angela Carmella characterizes her role on the committee as one of helping to verbalize students' concerns. All three student members are in agreement that, absent sufficient student involvement, it is unlikely that substantive educational reforms will be considered seriously by the committee.

Must Be Responsible

Now that the Michelman Committee has completed its look at legal education, the Committee on Legal Education is the only official body responsible for discussing matters of educational policy at the Law School. If the committee continues to spend most of its time considering technical issues and fails to assume the responsibility of generating meaningful and substantial discussion on the basic issues of legal education, these issues may never be considered.

Certainly, the procedural problems mentioned by many of the committee's members must be resolved before the committee takes on such a task. And according to the three student members, more student involvement is needed to spur discussion of substantive educational reforms.

An opportunity for such student input will occur in the near future, according to Vorenberg. He explained that, pursuant to a faculty vote taken last year, "the committee will organize an open hearing for faculty and students at which the deans will present for discussion issues of educational policy." Vorenberg hopes that the committee will conduct the hearing sometime next month.

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Great Expectations

(Continued from Page 8)

Wednesday to discuss their experiences at Law School and in the law.

Our discussions abound in insights and discoveries. We keep fortnightly journals in which there appear no footnotes. Whenever one of us has a creative project in mind (outline libraries, curriculum reform, a letter to *American Lawyer*, an article for the *RECORD* some larger change in the world), she knows that she has an audience eternally willing to hear and share in her ideas. The stimulation, learning, and achievements of this group do not rival those of the Review in my mind; they far surpass them.

Having presented the seminar's up-side, I must intimate its faults as well. They are many indeed. At various times, we have lapsed into lethargy, complacency, paralysis, and frustration. Some, perhaps all of us has contemplated leaving the group to pursue other interests. Rare are the meetings that do not leave me curiously depressed about my ability to have an impact upon the world at large, or even upon Harvard Law School.

Wednesday evenings, in short, are not merely bowls of cherries. This

being said, however, I nevertheless believe that my seminar delivers much of what the Review only promises. For all its flaws, I think, it represents the future of legal education.

Thus concludes my necessarily skimpy tale of two Harvards. My aim has been not to criticize the Review (certainly not its members) or to glorify my seminar, but rather to suggest that neither institution is for everybody at this law school. The Review is relatively large, impersonal, organizational, inflexible, bureaucratic, and restricted. The seminar is relatively small, intimate, free-form, fluid, egalitarian, and open. One-Ls should think

carefully about their futures as human beings, legal scholars, and lawyers before committing themselves to the sorts of changes which either or neither experience shall work upon them.

I feel happy and privileged to be a member of both communities, but I am unusual in that I genuinely enjoy the assignments that most find stultifyingly boring. My priorities, however, are no secret. It is a far better thing that I do when I meet with my seminar at a back room in some Chinese restaurant than I have ever done at Gannett House.

Koby Antupit

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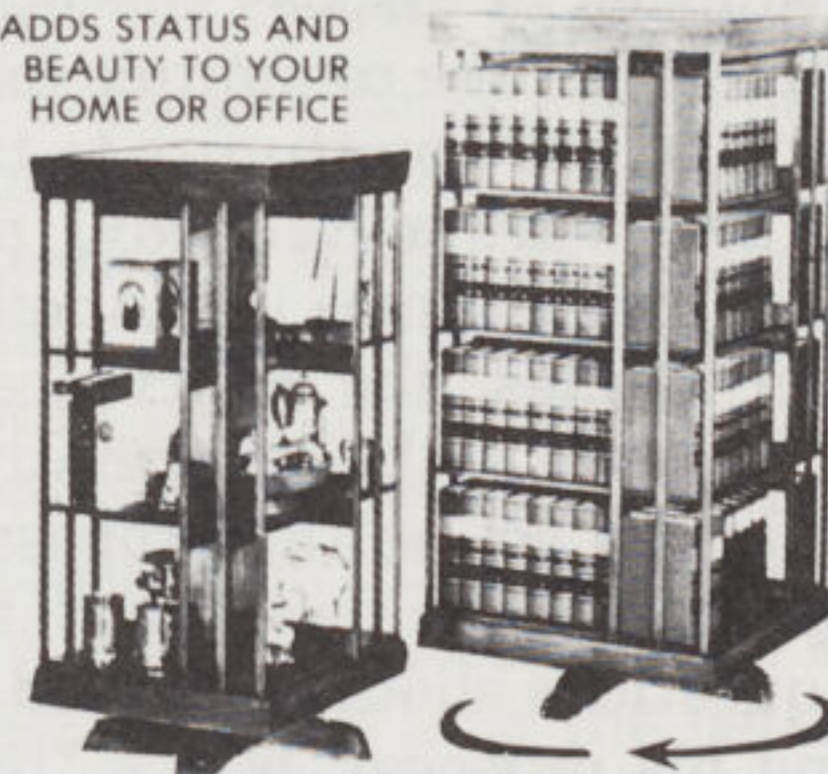
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