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25 CENTS

Profs Push Workplace Leftism

By Beth Bergman

In the second in a series of lectures by faculty proponents of critical legal studies, Profs. Duncan Kennedy and Morton Horwitz told a Pound Hall crowd Monday night that progressive corporate employment need not be a contradiction in terms. Their comments, they cautioned, were made with some reservations, and did not escape criticism from the audience of about 175 people.

Kennedy opened the discussion by explaining the frustrating limitations of being a political professional. As a professional, Kennedy feels deprived of the opportunity to inject personal political viewpoints into conventional discussions of law. He stressed the strategy of critical legal studies as "politicizing discussions without getting directly involved in leftist, radical politics."

Fan of Marxism

With apparent relish, Kennedy proceeded to delve into his personal politics. Kennedy regards himself as a radical, and distinguished his political beliefs from liberalism. As a radical, Kennedy stands behind the ideals of Marxism, and supports regimes that label themselves as Marxist, including the Sandanista government in Nicaragua.

However, Kennedy does not trust the Soviet Union because its political infrastructure has deviated too

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Peter Lebold Cohen

Israeli Labour Party leader Shimon Peres outlines his proposals for dealing with the Lebanese crisis before a packed house in the Ames Courtroom.

Peres Outlines Labour's Approach To Lebanon

By Mike Isbell

Israel should act soon to set the date for its withdrawal from Lebanon, Shimon Peres, chairman of Israel's Labour Party, said Monday at HLS.

Speaking to a capacity crowd in Ames Courtroom as guest of the Harvard Law Forum and the Harvard Jewish Law Students Association, Peres said the withdrawal should be accompanied by recognition of the recent Israeli-Lebanese agreement as sufficient to provide for the defense of Israel.

"The sole reason for [Israel] being [in Lebanon] is the security of Israel," Peres said. "We do not want a piece of land."

Peres's address dealt in length with the ongoing tensions in Lebanon. The opposition leader also called for maintenance of a strong military posture by Israel and protection of the strong ties between Israel and the U.S.

Negotiated Solution

Peres stressed that the solution to the Lebanese impasse must be negotiated, not military. "There is no solution to the Lebanese problem without a diplomatic effort," he said. "There should be a peaceful solution, not a military solution. Neither terrorism nor military [efforts] can answer the problem."

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Panel "Inquires" — Is Bok Wrong?

By Burlette Carter

Harvard University President Derek Bok caused quite a stir last year when he chose to use his annual report as a vehicle to assail the legal system as inefficient and inequitable, and to criticize the role of legal education in perpetuating that system. On Nov. 6, Harvard Law School's professors and students had an opportunity to publicly applaud or challenge the president's comments at *Inquiries*, the second in a series of Law School sponsored discussions of important issues relating to law.

Faculty members Clare Dalton, Christopher Edley, Philip Heymann and Arthur Miller were panelists for the discussion which was moderated by Dean James Vorenberg. The subject of the forum was "The Adversarial System — Is Bok Wrong?"

Adversarial Justice

Edley, the first speaker, argued that the legal system well deserved Bok's attack. He said that the present system produces "adversarial justice," in which the winner in litigation is consistently the person with power and resources. Said Edley, "The wretched are all too often served by the least able."

Edley also attacked those commentators who portray the present system as politically neutral. He argued that they should not be allowed to disavow responsibility for the economic and social hardships which result from the fact that justice is often allocated according to a litigants' means.

Yet Edley also rejected the practice of what Bok called "the gentler

arts," negotiation and mediation, as one possible solution. Said Edley, "The problem with these processes is that the result becomes unhinged from rights and entitlements. It's crazy to imagine that these informal alternatives could be more than a repackaged form of second-class justice."

Miller took a different approach. Conceding that there is no question that the adversarial system is sick, he argued that acknowledgement does not inevitably lead to the conclusion that it should be thrown out. He attributed much of the system's problems to the "make work" activities which corporations and corporate firms seem to indulge in — if the last associate who made partner could draft three hundred interrogatories in a day, the next would have to be able to draft four hundred.

But Miller also suggested that the illnesses of the system may be the result of efforts to achieve justice and fairness. In seeking justice, said Miller, "we have engaged in twenty years of 'right creation frenzy.'" The result, he said, has been not only the creation of rights but also more litigation. "Why should anyone be surprised that when we seek to create rights people will seek to enforce them?"

Federal Illustrations

Miller used examples of federal court procedure to illustrate his point. The liberal construction of complaints, reluctance to grant summary judgment in complex cases, and the virtual death of Federal Rule 12(b)(6) (last used, according to Miller, "during the McKinley administration)," has re-

sulted in a procedural system that is so 'fair' that it has created a gridlock in our courts." Yet, responding to a student's question, Miller agreed that the system has not, in fact, produced justice for all and that wealthy corporate clients are able to monopolize the system.

However, Miller suggested that the answer is not necessarily fewer lawyers. He criticized Bok's observation that every year Japan graduates 30% more engineers than the U.S. and that its *total* lawyer population (15,000) is less than half of the number of U.S. law graduates each year (35,000). "In other words," said Miller, "more is less." Referring to Bok's comparisons of the legal population in each country, Miller noted: "Lost in that equation is the quality of the pie. A small, stale, moldy, meat pie is just as bad as a large, stale, moldy meat pie."

If they agreed on nothing else, the panelists concurred that the wealthy have much greater access to the legal system than do the less well to do. Heymann pointed out that the poor are especially hard hit by the system's inequities. "They lose coming and they lose going," he said. "They can't get the better advocates. They can't get into court to defend themselves. The rich win. They have counseling to tell them how to come as close to the legal edge as possible and still be safe. They have a superior ability to change the laws." Heymann concluded, "Any attack on the present legal system is an attack on the rich."

In the midst of this criticism, Heymann pointed out that the adversary system and litigation did, however, perform some valuable functions for the country as a whole. "The fact is that we throw out rights wholesale and we don't expect them to be enforced. We make promises and we don't expect them to be carried out. Change doesn't come about when a law is passed, but it is brought about by litigation — people enforcing those rights and promises. It's litigation which keeps a political system honest," he said.

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Author Unravels Brandeis's Contradictions

By Mike Isbell

The late Justice Louis Brandeis was "a bundle of contradictions," author Lewis J. Paper, '71, told a small crowd last week in Pound Hall.

"[Brandeis] was a successful corporate attorney here in Boston [before he was named by President Wilson to the Supreme Court]," Paper said. "Yet, he was the nation's first public interest attorney. He made a name for himself fighting the causes he represented."

Paper, whose recently published book, *Brandeis*, is the first biography to provide an intimate look at the personal life of Brandeis, spoke as a guest of the Harvard Law Forum.

According to Paper, Brandeis's contradictions were reflected not only in his professional life, but extended to his personal life and political beliefs as well.

Foremost American Zionist

"Brandeis had little use for organized religion. He scoffed at the idea that there would be an afterlife. Nevertheless, Brandeis turned out to be the foremost Zionist leader in the United States. He was one of the people who was responsible for laying the groundwork for the establishment of the state of Israel."

Paper contended that Brandeis was also the "guiding light" for many of President Franklin Roosevelt's New Deal programs, including massive public works projects, even though Brandeis was opposed in principle to the involvement of big government in a citizen's everyday life.

The public and private Brandeis were also contradictory, Paper said. Although Brandeis spent an enormous amount of time working on projects which he felt would better the lives of Americans, "many people who knew him found him aloof and unaffected by the emotions which affect ordinary people."

Paper explained that he wrote *Brandeis* because he wanted people to understand that the influential

Justice "was a living, thinking human being like the rest of us." Paper said he was startled to find in his preliminary research that, even though Brandeis was a giant of the American legal world of this century, the last full biography on Brandeis was published in 1946.

Role For Society

"Brandeis had a role for society," Paper said. "He wanted society to be a place where individuals would have the incentive and the opportunity to make the most of themselves."

This objective was what attracted

Brandeis to Zionism, according to Paper. "Brandeis saw [Zionism] as an opportunity for the individual to build a life for himself, to be in control. Brandeis saw Palestine as the last frontier."

Brandeis contributed thousands of dollars for the purchase of arms for Jewish settlers in Palestine. "When Hitler came to power, [Brandeis] saw Palestine as essential to the survival of Germany's Jews," Paper said.

Paper said that Brandeis's view of society made him a "driven man". "He had a goal for society and

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Frank Addresses New Political Action Group

By Peter Lebold Cohen

On Wednesday, Nov. 30, the first night of Hanukkah, Massachusetts Congressman Barney Frank spoke at HLS to the members and friends of the Charles River Political Action Committee, a PAC organized by Harvard law students and others to help political candidates who are strong supporters of Israel.

The title of the talk was "The Role of Congress in Shaping United States Foreign Policy in the Middle East." However, Frank covered a wide variety of topics including the role of the differing ethnic groups in asserting their interests in U.S. foreign policy discussions in Congress, the present state of U.S.-Israeli relations, the pros and cons of the influence of PACs, the electability of women and minorities to executive governmental positions, and the field of presidential candidates and their possible running mates.

In analyzing the remarkable change in the tenor of Israeli-American relations in the last 18 months, Frank gave much credit to the current Israeli Defense Minister, Moshe Arens, for being sensitive to American interests and for having

guided Israel into signing the Lebanese-Israeli joint security agreement, which met perceived American interests without jeopardizing Israel's security and helped lead to a dramatic improvement in U.S.-Israeli relations.

Total Collapse

This improvement has been aided in the recent months by the conjunction of what Frank described as "the total collapse of even the facade of Arab moderation" and the prospect of the 1984 presidential elections. Frank portrayed senior State Department and White House decision makers as being increasingly frustrated by the reality of Syrian opposition and resistance to all U.S. and Israeli peace moves and the realization that the "vaunted 'moderation' of the Saudis does not exist."

He said that this was demonstrated by the fact of the continued and substantial financing of Syrian military endeavours hostile to U.S. interests by Saudi Arabia and other supposed Arab "moderates." Frank reminded his listeners that with each new sale of advanced U.S.

(Continued on Page 7)

Will Cranston Play In Peoria?

—Lee Christie

What Alan Cranston wants more than anything (except world peace) is to be taken seriously as a candidate for president. He is failing.

To begin with, the man is an admitted "liberal". Worse, he is a liberal from California, which gives him a national image problem that is only partially softened by the fact that he is nearly 70. Worst of all, Cranston seems to be obsessed with war and weaponry, which casts a lingering gloom over baby-kissing, promising the moon to interest groups, and the many other upbeat traditions of campaigning.

The irony in all of this is that the candidate the country takes *most* seriously shares more or less all of Cranston's "liabilities". President Reagan, too, is an elderly ideologue from California, equally (though differently) obsessed with warfare and weapons.

Peace and Jobs

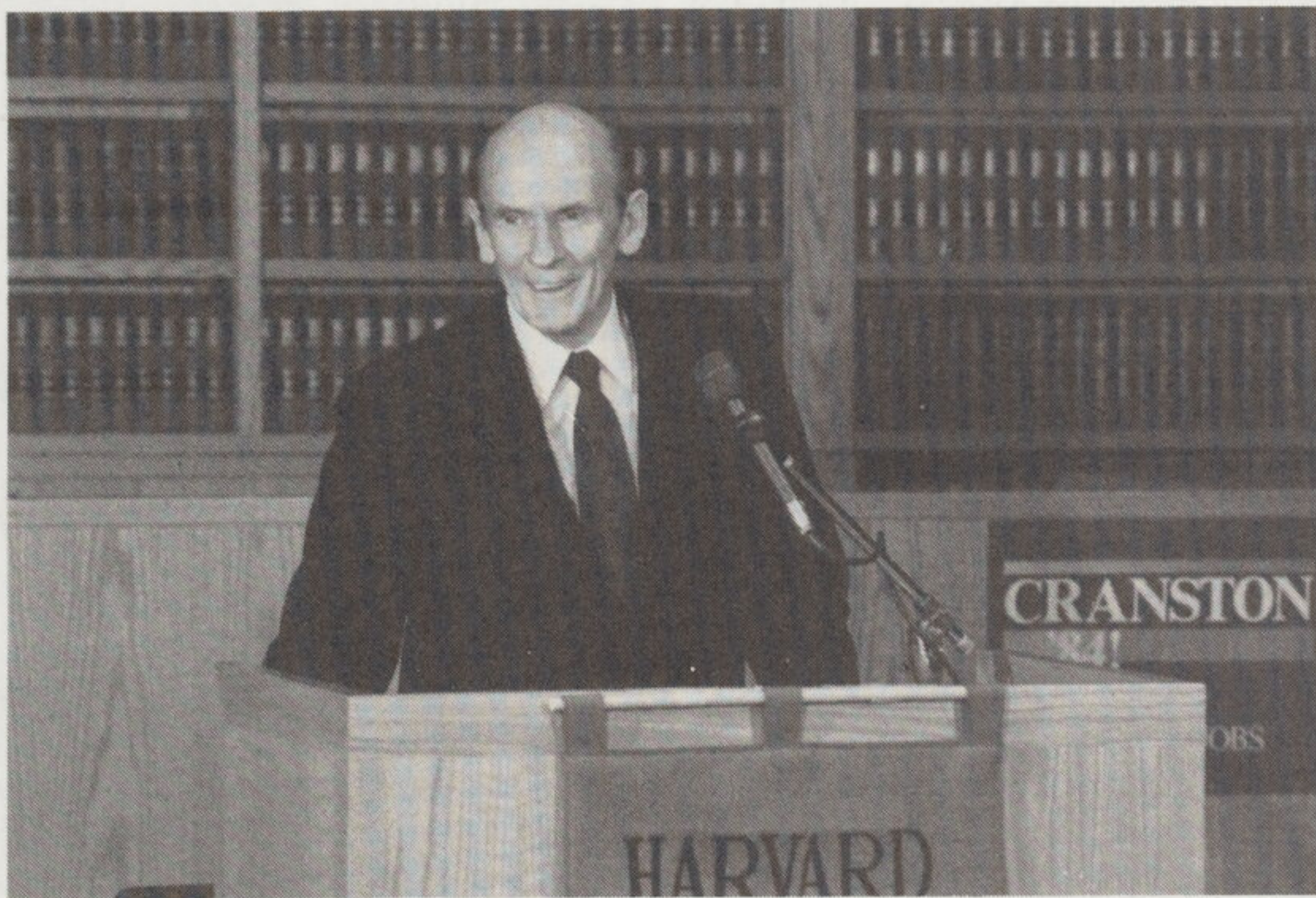
Cranston came to the HLS Forum last week and declared himself to be in favor of peace and jobs, goals he intends to achieve by "focusing" on them. Reagan, too, is said to favor peace and jobs. The question — or at least one question — is whom does the country believe. The other question is whether Cranston can ever look as good on television as Reagan, or even as good as John Glenn. (Everyone agrees that Walter Mondale looks terrible.)

Cranston came to Harvard partly because he was invited, but partly to recruit student shock troops for the early, important contests in New Hampshire and Massachusetts. His aides passed out little white cards to everyone at the Forum, hoping for names and addresses of potential volunteer canvassers.

Like John Anderson in 1980, Cranston comes across as a serious man, a thinking man, who is nevertheless just plain *excited* about running for the White House. Like

Anderson, Cranston is relying on youngish student-types to get his campaign rolling. But, unlike Anderson, Cranston strikes you as easygoing and warm, even kindly. One gets the feeling that, in these

sists, therefore, that he is *glad* not to be the front-runner, and that neither Mondale nor anyone else will be able to outspend or out-organize him in any of the crucial early-bird states.



Adam Eisgrau

Democratic presidential hopeful Alan Cranston speaks about peace and jobs during a campaign stop at HLS.

harrowing times, Cranston's appeal could spread much farther beyond the blue-jeans-'n'-brie crowd than Anderson's did. In fairness, Cranston's accountants ought to acknowledge the producers of ABC's "The Day After" as in-kind campaign contributors.

But even as his campaign cashes in on the recent missile hysteria, Cranston-the-candidate is working hard at being taken seriously by other than peaceniks. He has a book coming out called *Inside The Politburo*. And he has learned how to say: "It would be difficult to negotiate with the Soviets; they neither understand freedom nor value it."

Cranston points out that opinion polls in the year preceding an election-year have not picked the Democratic nominee since 1956. He in-

Cranston thinks being from California makes him the best nominee, since only he among all the Democrats has a prayer of beating Reagan there, where forty-seven electoral votes will be at stake. "California has produced three presidents so far — Hoover, Nixon, and Reagan," says the state's senior senator. "I say we can do better."

"He Won't Play in Peoria"

But California, by itself, does not a Democratic president make. Reagan must also be beaten either in Texas, about which I know nothing, or in Illinois, about which I know a lot.

To put it bluntly, Alan Cranston will never play in Peoria. For one thing, he is too depressing. His stock campaign speech includes a sob-

Armageddon Ill-Serves Cranston Cause

ering discourse on "the extinction of God's creation and the human family. . . . It is absolutely irresponsible for us to allow this lethal nightmare to hang over our children." Well then, we are all being irresponsible to our children. Unfortunately for Cranston, he is far more riveted by the nuclear spectre than are the voters of middle America, to whom Cranston looks like the kind of guy who would undo Kemp-Roth and be stingy about farm subsidies.

Cranston's other problem is that he sounds too much like George McGovern. Cranston rightly blames the erosion of our economic strength on the "drain" of runaway military spending, much of which serves to protect allies whose trade ministries subsidize exports to America.

But Cranston wants not only missile treaties but also big (mutual) reductions of conventional military forces. Nervous American voters, sensibly, *liked* the invasion of Grenada, while Cranston is out there trying to make hay by insisting that he *opposes* it more strongly than anybody else.

People in and around Dixon, Illinois, where Reagan grew up, are going to look askance at a California liberal who talks a lot about the President's "world view", and about how that view is "simplistic, superficial, paranoid".

Good Against Reagan

Cranston is fine when he is criticizing Reaganomics, James Watt, and Kenneth Adelman. His problem is that on the stump he cannot resist the urge to heap praise on Albert Einstein (whom he met once), Jonathan Schell, and (arrgh!) Carl Sagan. Cranston has even suggested that the weapons stockpiled by the Cubans on Grenada were put there precisely because a U.S. invasion had been rumored, as if this would be an argument *against* invading

(even if it were true).

When he starts talking this way, Cranston sounds less like a viable politician and more like McGovern, or worse. All of which is really too bad for the country, since Cranston (like McGovern) has several very sensible things to say, for example: "The problems of Central America lie in a history of poverty and tyranny. Too often we have been indifferent to the poverty, and we have backed the tyrants." (Why can't Cranston see that Grenada is an opportunity for the U.S. to intervene *against* tyranny for a change?)

Levitating Liberals?

Another example: "Ronald Reagan sees arms negotiation as a means of propaganda, to be carried out in the public print, for military and diplomatic purposes, not for arms control purposes."

But someone should tell Cranston that the majority of Americans, like the majority of West Germans, cannot be terrorized into the voting booths. Cranston needs to moderate his image as the doom-saying "peace candidate" and work on coming across as what he truly is — a good, thoughtful man with a sense of humor.

Cranston won his first Senate term in 1968 by defeating Max Rafferty, whom Cranston now calls "an extreme right-wing alleged 'educator'". Rafferty campaigned against Cranston by painting him as a leftist and quoting Shaw: "A liberal is a man with both feet

planted firmly in midair." Cranston's winning retort was: "Show me a man with both feet on the ground and I'll show you a man who can't put his pants on."

For better or worse, Shaw's is the politics America craves. Reagan, who donned his current pants sometime before 1964 and planted both feet, is still a formidable candidate because his handlers understand what Cranston's do not — people vote for likeable politicians who remind them of the hopeful fact that human nature is not all bad.

I do not understand how it is that Ronald Reagan makes people feel reassured, but apparently he does. It seems clear that Walter Mondale cannot. Perhaps Alan Cranston could, but, at least for now, his shadows-of-Armageddon campaign is so serious that no one can take him seriously.

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Student Does Time In Langdell

By Peter Lebold Cohen

Augustin Berdeja, an LL.M. student from Mexico, was taking the antique elevator from the basement of Langdell library to the reading room on the fourth floor when it broke down without warning last Wednesday, Nov. 30, at 6:30 P.M., trapping Berdeja for the next hour and a half. It came to a halt just three feet below the exit doorway. He was close enough to see people chatting through the window of the elevator shaft door.

After pressing all the appropriate buttons and getting no response, Berdeja called to the people standing near the elevator in the reading room to get their attention. They then pressed the lift button on their side and also got no response, after which they went to the circulation desk to call for help.

Jim McGillvray, the night circulation desk supervisor, came over and, in what Berdeja characterized as an unsympathetic and gruff manner, instructed him to "slam the door." Berdeja tried opening and then reclosing both of the cage-type steel doors as instructed, but that too failed to restart the elevator.

Help on the Way?

McGillvray then went to call someone to fix the elevator while Berdeja sat down and tried to study. By that time it was about 6:45 P.M.

About 25 minutes later a man from the Harvard Buildings & Grounds Department (B&G) arrived and began working somewhere above the elevator's ceiling, where he could be heard but not seen. He told Berdeja not to panic and assured him that he would be freed.

After 15 more minutes without progress Berdeja, who had been trying to stay calm and be patient, decided enough was enough. He had been en route to the final Sociedad Inter-Americana (SIA) meeting of the year when the elevator ground to a halt, and he had missed both what was to have been his dinner and the opportunity to bring up

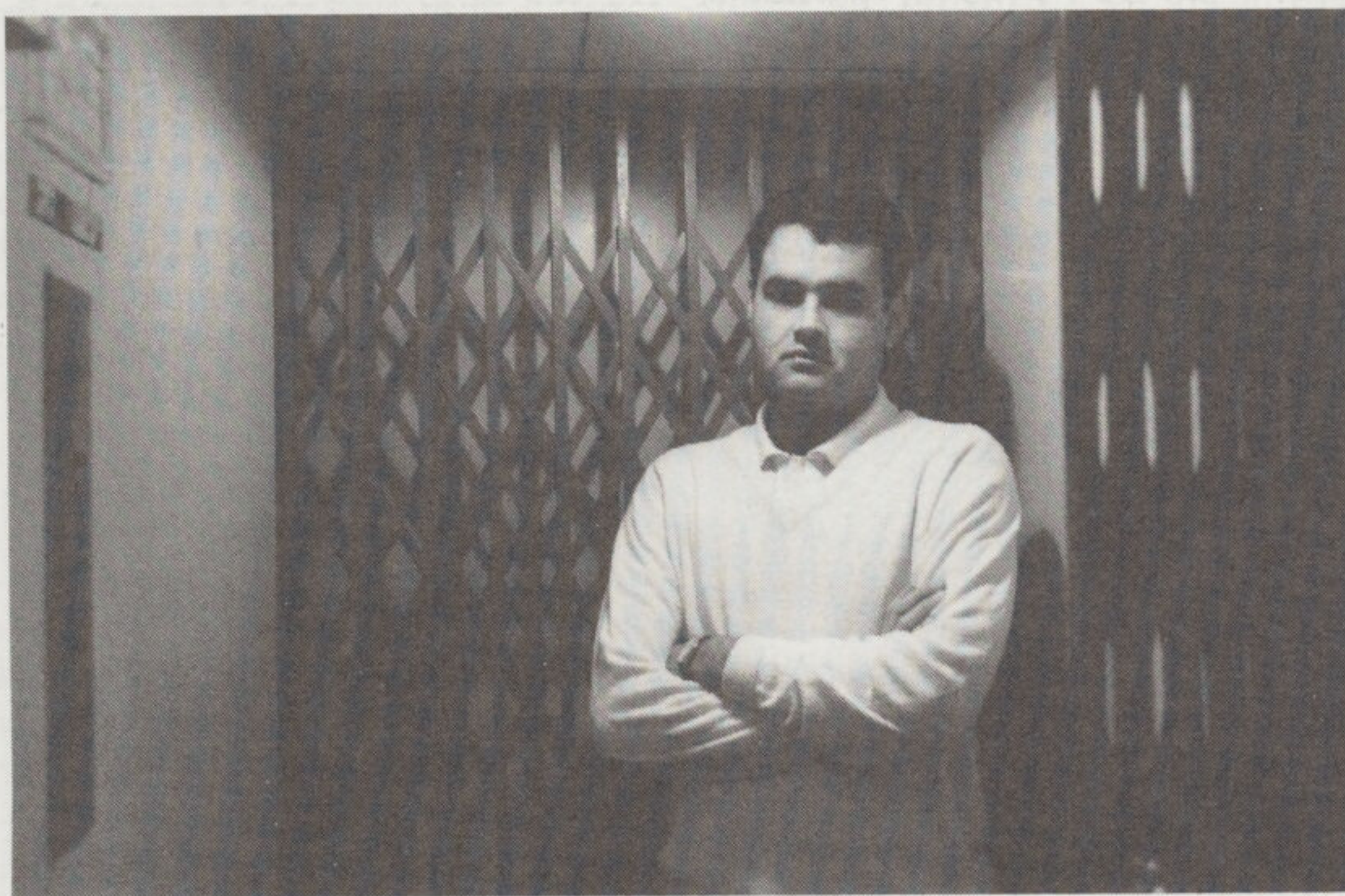
some important SIA business as well.

Berdeja saw Jorge Alers, a Spanish-speaking 2L whom he knew. Berdeja called to him in Spanish to contact the police or do something else, because he no longer had faith that the B&G man knew how to get him out. Alers urged him to try to be patient for a few more minutes.

Then the B&G man reportedly

Berdeja describes himself at that point as having been "very upset, but not panicking." Supervisor McGillvray reappeared at this point and advised him to "take it easy."

After an hour and 20 minutes had passed, an elevator mechanic from the Payne Company arrived and instructed Berdeja to shut the cage-type doors once again and to keep away from the shaft door. He then



Peter Lebold Cohen

Augustin Berdeja, an LL.M. student, spent one and one-half hours trapped in an elevator in the Langdell library.

told Berdeja to "take it easy" although he himself appeared upset by this point. According to Berdeja, the B&G man said that he did not think he could get him out.

Alers suggested to the B&G man that they try to remove the glass from the elevator shaft door so that Berdeja could crawl through. After an initial attempt it became clear that this would not be possible. Then Berdeja tried unsuccessfully to force the elevator shaft door open from his side.

Increasing Concern

An hour had now passed and a group of people gathered around the elevator were showing increasing concern, according to Berdeja, who continued to urge Alers in Spanish to call the police. Finally, the B&G man agreed to call someone else in.

went to work. Within 10 minutes Berdeja felt a sudden jerk followed by two more, and the elevator then rose the extra feet to the landing where he was able to walk out unharmed.

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... Trapped In Tiny Elevator

having been poorly treated while an involuntary prisoner for an hour and a half, Berdeja went over to McGillvray at the circulation desk to tell him that something should be done about the situation, such as replacing the antique elevator.

McGillvray retorted, "Come on, man, you're not going to make a

federal case about this are you?" Understanding this colloquial expression to be an actual reference to a lawsuit, Berdeja replied that the elevator's deficiencies created a dangerous and stupid situation and that one could indeed sue. McGillvray reportedly responded "come on, you are not going to sue

us. This happens often and nobody makes a big deal about it."

McGillvray later confirmed the substance of this conversation, but claimed that the breakdowns of the reading room elevator occur only "once or twice a year."

No Reason

Berdeja pointed out that there was no reason for McGillvray to defend the Law School on this point because, after all, if the elevator were to be replaced with a modern and reliable model there was no reason to believe that McGillvray would have to pay for it.

McGillvray indicated once again that he thought it was useless to complain, but that if Berdeja wished to try, he should speak to the librarian, Terry Martin, or to Joan Howland, the associate librarian for public services.

Coffee Achiever?

Reached for comment the next day, Howland expressed concern over some of the safety issues raised by the incident and indicated a willingness to investigate. Regarding the treatment given Berdeja after his ordeal, she concluded "somebody should have given that poor guy a cup of coffee after an experience like that."

Sales To Saudis Blasted

(Continued from Page 3)

military hardware to the Saudis the public is told that this is the price for Saudi "moderation" and cooperation in keeping oil prices low and restraining the behavior of their Arab brethren in Syria, Iraq, Libya and other countries.

Petroleum Politics

Frank maintained however that Saudi oil pricing politics are determined by their own sophisticated understanding of their long term economic interests. He felt that there is no evidence at all that U.S. sales of F-15 fighters and AWAC reconnaissance planes to the Saudis has brought any direct support for the U.S. Middle East peace initiative or even any indirect support. According to Frank, such support to the Saudis has not caused any of the radical Arab states such as

Syria to stop killing Americans or even to show a willingness to negotiate in good faith to try to keep Lebanon from falling apart and/or being blown up permanently.

Many of the Saudi leaders are highly educated, sophisticated people who can see for themselves that they have a long term stake in not seeing their country taken over by the Soviet Union, Frank opined. It is thus in the American interest to offer friendly cooperation with the Arabs, but on terms favorable to U.S. interests and policies rather than on terms dictated by Saudi whims and carried out in ways that work against U.S. interests and endanger American lives as well, he concluded.



Great Moments in the Law

New Math?

BATON ROUGE, La., Nov. 20 (AP) — A man described by a Federal district judge as "the most inept counterfeiter I ever heard of" was sentenced to five years' probation for cutting the corners off a \$20 bill and pasting them on a \$1 bill.

Judge John Parker said he saw no sense in mutilating a genuine \$20 bill to make a bogus one.

Judge Parker sentenced James E. Sanders on Friday after noting that the defendant had a drinking and drug problem and seven

burglary arrests. The judge ordered Mr. Sanders to get treatment for his drug and alcohol problems as a condition of probation.

New York Times, Nov. 21, 1983, Western Edition, p. 22.

Not Dirty Ones?

In Pontiac, Mich., where the unemployment rate is 32.9%, certain offenders who can't come up with fine money have been sentenced to clean cages at the county animal shelter.



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States Attack Abortion Right

—Helena Cook

On Oct. 11, Barbara Milbauer spoke to the Women's Law Association about her recently published book, *The Law Giveth: Legal Aspects of the Abortion Controversy*, (Atheneum, New York, 1983), written in collaboration with Bert Obrentz.

The book is a comprehensive survey of the issues involved with the right to legal abortion in the United States as these have been debated in the courts and in Congress. The authors trace the history of the controversy by examining the court cases and the legislation on abortion and related issues from the beginnings of the such legal regulation in the previous century up to the present day.

The great landmark case is the historic decision by the Supreme Court in *Roe v. Wade* (1973), which was the first case in which the court ever confronted the issue of whether or not state laws on abortion were contrary to the Constitution. In that decision the court divided pregnancy into three stages. During the first stage the abortion decision was left up to the woman and her doctor; during the second stage the state could regulate the abortion procedure in ways reasonably related to the woman's health; and in the final stage a state could prohibit abortion if it wished, except where it was necessary to preserve the life or health of the woman.

Far From Ideal

The ruling was far from ideal and, indeed, both sides in the dispute claimed it was a victory. However, it did seem to grant a measure of autonomy to the woman in making a decision whether or not to have an abortion, at least in the early stages of pregnancy, and it was hoped that the case would answer the question once and for all of a woman's right to end her pregnancy. On the contrary, in the ten years that have passed since the decision

in *Roe v. Wade* some 21 cases have come before the Court on the issue of legal abortion.

There seems to be no end to the ingenuity of the state legislators in skating around the basic ruling in *Roe*. Some legislation has introduced restrictions on the methods of abortion, required the consent of the woman's parents or of the father of the unborn child, and imposed on doctors impossible standards of care that could result in charges of manslaughter for performing abortions.

The most recent controversy has centered on whether Medicaid funding is available for abortions. Medicaid is a medical assistance program under which federal funds are available to reimburse states for certain medical expenses in providing health care to "needy" people.

Amendment Upheld

In 1976 Republican Henry Hyde managed to get an amendment passed prohibiting the use of Medicaid funds for abortions except where the woman's life (but *not* health) was in danger. The Supreme Court has decided that the Hyde amendment is not unconstitutional and that states are not required to pay for those abortions for which federal funds are not available for reimbursement, thus denying abortion to thousands of women who are too poor to pay for it.

As Milbauer pointed out in her talk, these cases and the arguments which have been put forward by the parties involved only emphasize the fact that a court of law is hardly the appropriate forum for regulating a matter such as abortion, which involves not only legal considerations but social, medical, philosophical and religious issues of great complexity as well.

Nevertheless, however intrusive and inappropriate this might be, abortion continues to be brought

before the courts, and if women are ever to have control over their own bodies in this respect it seems that the fight must go on in the courts.

Much Explanation

The book traces the various issues of the abortion controversy, primarily by reference to the court cases and legislation, but it is certainly not a technical legalistic work intended only for legal practitioners or scholars. Milbauer takes great care to explain the legal issues that have arisen and frequently inserts an explanation of the relevant legal or constitutional concepts and court procedures. Occasionally these explanatory passages interfere with the flow of the arguments and can be an irritating diversion, particularly for lawyers who will almost certainly be familiar with these basic concepts and procedures.

However, as she explains in the introduction to the book, one of the aims of the book is to make the crucial and complex legal issues comprehensible to everyone, especially those unfamiliar with the legal process. She rightly points out that the language of the law can be arcane and difficult to understand, although its far-ranging effects touch human lives, human rights, and human destinies.

She contends that the lawyers "who plead our cause before the courts are not an exotic species but people whose concerns are our concerns, and that the decision handed down today will affect us directly tomorrow."

Courageous Stories

Nevertheless, the abortion controversy does involve highly complex and difficult issues of law. The sheer breadth of the subject matter and the mass of state and federal legislation and case law is daunting.

(Continued on Page 16)

Protecting Free Speech

James Vorenberg

I am writing to share my strong view that all speakers invited to the Law School must be given a fair opportunity to be heard. What prompts my concern now is the Harvard Law School Forum's presentation of Secretary of Defense Caspar Weinberger at Sanders Theatre on November 18. Although Secretary of Defense Weinberger managed to complete his speech and answer questions, that is not good enough. Shouting from some in the audience frequently prevented others from hearing what the Secretary and his questioners said.

The event was open to the public, so I do not know whether any members of the Law School community were among those whose conduct interfered with Weinberger's being heard. But, since he was invited to

Cambridge by a Law School organization, I believe we have a responsibility for this event — and, more broadly, to consider how we can ensure that the Law School remain an institution where freedom of expression is respected and protected. We are fortunate that public figures dealing with important and controversial issues come to Harvard to speak and are often willing to engage in open discussion with the audience. It would be a serious loss for all of us if these opportunities were jeopardized.

Expressions of disapproval, such as those made when a speaker is introduced or made briefly in response to particular statements, are themselves exercises of listeners' rights to make their views known. While it is difficult to define precisely the permissible range of such expressions, repeated and prolonged shouting or other conduct that interferes with the ability to hear a speaker's statements violates the rights of both the speaker and the audience as a whole.

Some have suggested that when controversial speakers are here, we should limit the audience to those affiliated with the Law School. I would regret that because it would sacrifice our role as a center of intellectual exchange for the larger community. There are also hard questions about the role of student marshals and university police and the circumstances under which a

disruptive member of the audience should be required to leave.

It is not pleasant to have to think about such matters. But it would be far worse to ignore them at the possible price of depriving ourselves of all viewpoints, including those which may be intensely controversial.

I propose to work on these issues with students, faculty, and administrators, including representatives of Law School organizations, and would welcome suggestions from readers of the RECORD.

Most important, I hope that everyone will recognize our joint stake in the broadest possible exchange of views here, and that each of us will take individual responsibility to help protect the right of free expression.

HLS Grad Recent Loser

Among the disappointed losers in last month's Boston municipal elections was a recent graduate of the Law School, Mark Roosevelt, '83. The 28-year-old Roosevelt lost, by a narrow margin, his bid for the city council post from Boston's 8th District, which covers Beacon Hill, the Back Bay, Fenway and Roxbury's Mission Hill district.

A great-grandson of the nation's 26th President, Theodore Roosevelt, Mark can still look forward to ample opportunities to seek and win public office. Though he would no doubt deny any lack of confidence at the polls, Roosevelt did concede in a RECORD interview last year that he saw his law degree as good unemployment insurance against the vagaries of politics. (See RECORD, Nov. 5, 1982, p. 3.) Now, having missed out on the \$32,000 a year city council post, Roosevelt will probably have to go out and get a real job.

— L.C.

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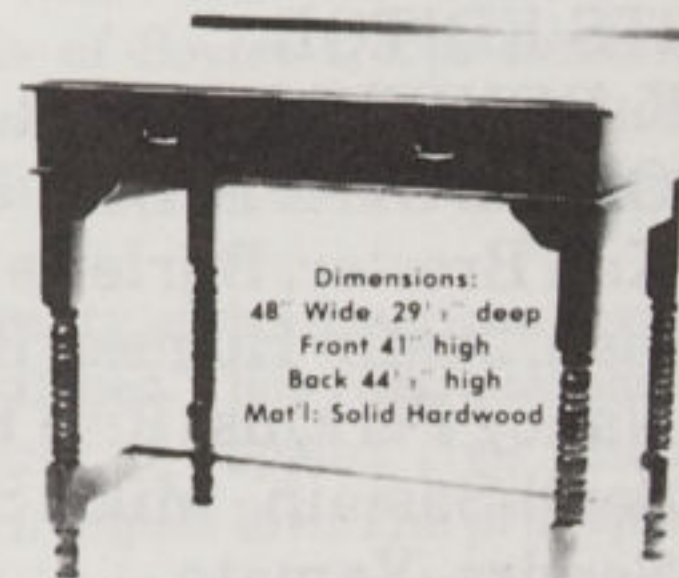
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Step One

There are some signs of improvement. At its most recent meeting, the faculty overwhelmingly approved a proposal largely drafted and lobbied for by students. The proposal provides subsidized loans to students who take low-paying summer jobs and turns the loans into grants for those students who stay in low-income, law-related jobs in the three years after graduation. (See RECORD, Dec. 2, p. 5.)

The significance of the proposal is two-fold. First, it will help encourage (in a systematic way) all students, even financially needy ones, to enter public interest jobs, and it may help reverse the incessant flow of graduates into a single sector of the legal profession. Second, and perhaps more importantly, it demonstrates that the faculty can be responsive to student ideas, when those ideas are well formulated and well presented.

One of the factors motivating the demonstrations of last term was the feeling that students had little input into decision-making at the school because the faculty was unwilling to listen, in any meaningful way, to student ideas. The faculty's actions to change the grading system were prime examples of this closed-mindedness. The latest action by the faculty shows that the charge need not be true.

To the faculty: True student-faculty dialogue is less likely to be found in discussions such as the "Inquiries" series, which use a format identical to classes, than in quiet, behind-the-scenes work by members of both the faculty and the student body. Harvard students have a wealth of ideas, both good and bad. They experience the effects of decisions on a first-hand basis, and they may have more diverse backgrounds than are as yet represented on the faculty. The action on the new loan/grant proposal is a step in the right direction.

To the students: The Law School is more than just a three-year way-station on the way to the Real World. You can change the institution, even in only three years here. Change is worth it, both because HLS is important and because you are important. It does require work, though. Apathy can no longer be justified by frustration.

To the administration: This term has shown some movement in the right direction, but more needs to be done. It is important to create fora where students can present their ideas to faculty members and receive a response, not vice versa.

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Fenno

Fenno chuckled. He had concocted the ultimate scam, the scheme of schemes. He had devised the greatest get-rich-quick gimmick since the Wall Street law firm.

Like all of the great masters, he took his inspiration from an unusual source. Fenno had read with great interest the newspaper accounts of maniacal Christmas shoppers who shouted, pushed and brawled their way to toy counters in order to purchase for their children the latest Madison Avenue craze: Cabbage Patch Kids.

Why all the fuss over these (admittedly cute) dolls? Each doll was unique. Using a computer, the manufacturer had enabled parents to give their child something that no other child would ever receive.

Fenno chuckled again as he surveyed the warehouse full of doll-sized boxes. Each box displayed the name of the product contained within: Cabbage Patch Professor.

Visions of condominiums dancing in his head, Fenno grabbed one of the boxes to inspect his creation. "They'll be a hit with law students," he thought as he began to read the résumé printed on the back of the box. Fenno had intended each résumé to be different, describing how *this* Cabbage Patch Professor was unique.

"Hi! I'm your very own Cabbage Patch Professor," he read aloud. "I am different from every other Cabbage Patch Professor in the whole world. After I graduated from a prestigious college, I went to one of the nation's top law schools, where I was an editor on the law review. After I finished law school, I went on to the Supreme Court to work as a clerk."

Fenno yawned and put the box down. "I guess there had to be one of these," he muttered. "Maybe the next one will be a little more exciting." He picked up another box and began to read the résumé.

"Hi! I'm your very own Cabbage Patch Professor. I am different from every other Cabbage Patch Professor in the whole world. After I graduated from a prestigious college, I went to one of the nation's top law schools, where I was an editor on the law review. After I finished law school, I went on to the Supreme Court to work as a clerk."

Fenno quickly dropped the second box, a sinking feeling growing in the pit of his stomach. He raced around the warehouse, grabbing boxes at random and reading each printed résumé. They were identical.

"Oh no," moaned Fenno. "I'm ruined. Who would ever buy a Cabbage Patch Professor that has the same credentials as every other Cabbage Patch Professor?"

Then a smile slowly returned to his face. "Why, of course," Fenno snickered. "Law schools."

Letters to the Editor of the Record

Hello, Larry

To the Editor:

Your article in the Nov. 4 issue on Tribe's fee of \$322,441 is interesting. I gather that Tribe required the services of another Harvard professor (Rosenberg) and a then graduate law student (Karasik) to present this relatively simple constitutional question in this simple liquor license case. In the process of resolving this simple case Tribe clocks 600 hours of his own time at \$275 per hour plus a "50% multiplier." He must have used a very fast clock and a strictly high digit calculator. Moreover, he managed to incur over \$7,000 in out-of-pocket expenses. I know there are printing and secretarial costs and travel to Washington — but \$7,000 worth? How much time did Rosenberg and Karasik spend on this "difficult" case and what are they being paid?

It seems to me a so-called "expert" who tries to value his time at the exorbitant rates mentioned above ought to be able to handle the uncomplicated constitutional issues of this case without the assistance of another professor and a graduate student in addition to the 600 hours he personally claims to have spent. It is obvious that the case required no extensive presentation of evidence in a protracted trial or trials because the facts could not have been in dispute. Probably they were stipulated. The injection by Tribe of the claimed violation of the equal protection clause in addition to the due process and establishment clauses certainly did not serve any useful purpose except perhaps to consume more hours of time at \$275 per hour plus the "50% multiplier."

In 1949 the Connecticut Supreme Court decided the same legal issue (*Dupont v. Liquor Control Commission*, 136 Conn. 286, 289)

in a zoning case where the law permitted 51% of neighbors within a specified radius of the liquor application site to refuse approval of the application and thus prevent issuance of the license. It was decided on due process grounds and required only two relatively short hearings in the trial court and the Supreme Court, not counting the hearings before the local zoning board and the Liquor Control Commission. I represented the successful applicant and charged a total fee of \$2,500 for everything, including expenses. I know inflation has taken hold since then, but by no stretch of the imagination would a fee of \$322,441, or anything near it, be justified today. Furthermore, neither Tribe's case (*Larkin v. Grendel's Den, Inc.*, 74 L. Ed. 2d 297) nor mine required any Harvard professor to argue it in the courts!

I think Tribe should stop reading telephone numbers or the figures in the federal budget and get down to earth. The fact that he is a Harvard professor does not make him special. He clearly knew when he entered the case his fee would be paid by the taxpayers and not his client, therefore the unconscionable fee request. If he is so imbued with upholding constitutional law, then he should be equally imbued with the spirit of *pro bono publico* instead of seeking to punish the innocent taxpayers with an outrageous fee in a simple case. He makes himself, Harvard and all lawyers look pretty bad. I trust the federal court will not toss dollars around like pennies, as it is often wont to do, when it decides the size of his fee.

Finally, he should have devoted the 600 hours he claims in this case to teaching his students and allowed some other counsel to chase after Grendel's liquor license. The result in the case would have been the same.

George A. Saden, '34
Bridgeport, Conn.

Letters Policy

The RECORD's policy on letters is simple. We read all of them. We do not usually acknowledge receipt of them. We print many of them, subject only to editorial discretion. We encourage letters on any subject, and particularly concerning subjects that have been covered in the RECORD. Short letters are more likely to be printed. In no event will we print individual letters longer than 700 words.

Letters should be typed and must be received by 4:00 P.M. on the Tuesday before the issue. Letters should be addressed to the RECORD rather than to third parties. In no event will the RECORD publish letters by writers who have not identified themselves to the RECORD. Organizations should identify the specific individual(s) responsible for approving the letter.

Not Second Class

To the Editor:

Nathaniel Taft's letter to the Editor entitled "Junk Mail Solution," in your Sept. 16 issue misses the mark rather badly on a couple of points. If his objection to bulk mail is intrusiveness, he should remember that a mail piece carries no compulsion to act or refrain from action. It is merely an offer to contract, open to free choice.

More significantly, mail provides quick, unambiguous information about consumer preferences leading to refinement in the production process. The result is more varied goods and services from which to choose, and the results are showing a remarkable increase in selling by mail, percentage in-

creases close to one and a half times the percentage increases in other types of selling.

Targeted mail order lays the foundation for what Robert B. Reich (JFK School of Government, Harvard) calls "flexible-system production" in his book, *The Next American Frontier*. It can provide a market for specialized goods lacking mass appeal or general goods at attractive prices by circumventing distribution through wholesale, jobber and retail outlets.

Finally, bulk mail does indeed help keep first class mail rates down. Bulk mailers must face, presort and sack mail by Zip Codes. It is handled on a "time available" basis. Since first-class mail receives priority handling and must be faced, cancelled, sorted and sacked by the post office, it costs more to process. In the judgment of no less an authority than Postmaster General Bolger, without bulk mail to help pay for the fixed costs of facilities, labor and equipment, first class rates would be substantially higher.

Walter Hiersteiner, '42
Executive Vice President,
Tension Envelope Corp.
Kansas City, Mo.

Noble Gesture

To the Editor:

Cut the B.S., folks. If you cannot distinguish the American invasion of Grenada from the Soviet invasion of Afghanistan, you have failed to learn two legal skills: mastery of the facts, and the ability to make reasoned distinctions. American soldiers were ecstatically welcomed by Grenadians, whose legitimate governors, other than the one who had invited the American troops to come, had been murdered. Our soldiers rescued American citizens from an uncertain fate. Our soldiers are leaving in a matter of months. Soviet soldiers, on the other hand, deposed a legitimate government. The welcome they received was a protracted guerrilla war fought by Afghans, to which they responded with chemical warfare. Tens of thousands of Soviet troops remain in Afghanistan years after they installed an unelected puppet regime with no popular support.

The legality of the American invasion has been questioned. Those who question it would be the first to support civil disobedience against an unjust law. The principle of non-intervention is an essential norm in international politics, but following it blindly may lead to unjust results. How many Jews had to die in Germany before a foreign overthrow of Hitler would have been justified? And yet, if the world community is to inculcate some sort of respect for abiding by the rules, it must condemn every violation of the law,

Letters to the Editor of the Record

no matter how blameless or even praiseworthy it may be. Socrates must take the hemlock. So I read the U.N. vote against the United States as an analogue to the punishment of Ray Krebbs for pulling the plug on Mickey Trotter. The act must be condemned, to deter others, but only moral midgets fail to see the gradations of culpability.

I hope the posturing recently on display at the Law School is solely hortatory in nature. There's no denying that we, as a nation, have been quick to the trigger, and frequent warnings against military adventurism are salutary. But if the overblown rhetoric about Grenada emanating from my alma mater represents candid opinion of the merits of the matter, then I am saddened that so many lawyers and lawyers-in-training have so little reflective moral judgment, for what we did in Grenada was noble.

Len Levenson, '79
Milwaukee, Wisconsin

Critic Critics

To the Editor:

We usually read with great enjoyment and anticipation your reviews of cultural events at our fine law school. We have long looked to the RECORD as a source of accurate and reliable reporting, and we often plan our evenings with your drama reviews in mind.

However, we were shocked and dismayed by Michael Malamut's scathing attack on Tony Sutin's performance in "Judicial Revue," (RECORD, Nov. 18). We quote:

The songs and skits were loosely strung together by a series of mock newscasts, delivered by Tony Sutin, 3L. Although Sutin had some funny one-liners, many of the connections he drew in order to introduce subsequent numbers were so strained as to sound ludicrous. These lines failed to help pace the production.

Mr. Sutin is a *fine* actor and a *fine* human being and a credit to Harvard Law School. Those of us who regarded "Judicial Revue" as more than a farce and, in fact, a *sensitive* and *profound* commentary on the human struggle were struck by the poignancy of Mr. Sutin's portrayal of the "down and out" newscaster. Yes, Mr. Sutin was handicapped by the paucity of his lines, but in the tradition of the great actors (Olivier, Burton and Travolta) he transformed this limited role into a powerful performance — one worthy of a "Tony Award."

Our high regard for Mr. Malamut's opinions on the cultural scene remains, and we will continue to rely upon his reviews. We are convinced that his failure to do justice

to Mr. Sutin's stunning performance must have been a result of lack of space. We can only hope that your hostile review (which totally missed the point of the performance) will not discourage Mr. Sutin from taking roles in future law school productions.

Susan Gilles, S.J.D.
Kent Markus, 3L
Liz O'Kelly, 3L
Carol J. Darling

Who, Me?

To the Editor:

I have noted with interest the recent letters to the editor criticizing for excess editorializing my article on the HLS protest of the Grenada invasion, RECORD, Nov. 4. More particularly, the letters from Eric Shube, 3L, RECORD, Nov. 18, and Richard Bernstein, '80, RECORD, Dec. 2, insinuate that the story was written from a pro-left, anti-invasion perspective.

As a matter of fact, I have some small degree of notoriety on campus for my slightly right-of-center (some would say conservative) political stance, as I am the president of the HLS Ripon Society, a moderate Republican research and lobbying organization.

While I do not wholeheartedly support the invasion of Grenada, I agree with many of the reasons advanced by the government for its actions. Pending a full investigation of the administration's decision, I certainly would not condemn the intervention.

I may have bent over backward to overcome my personal biases. I am, however, pleased that my personal views not only did not come through in the article, but also that some readers thought that I was writing from a nearly opposite point of view.

Michael Malamut, 2L

Misunderstanding

To the Editor:

I am quoted in the RECORD (Nov. 18, p. 13) as saying that the two amendments to the resolution calling for the Law Review to divest from companies doing business in South Africa were *intended* to delay consideration of the original resolution. There must have been some misunderstanding.

I thought I said — or at least I meant to say — that the particular amendment calling for the Review to divest from all morally reprehensible companies doing business in any morally reprehensible country would

have the *effect* of deferring the South Africa question for a long, long time. This would be a bad thing. Barbara Fischbein-Berenson's amendment that would divest the Review from companies honoring the boycott of Israel was offered on its own merits and was not intended to delay anything.

I think the difference is important. The problem with the sort of debate we currently have over questions like divestment is not the intentions of particular people. Instead, it is a way of thinking and talking ("the law review is not a political organization," "the law school is not a political place") that portrays the status quo as natural or necessary and suppresses the role of human choice in creating the organizations in which we work and live.

Stephen Presser, 3L

The author regrets the implication that Barbara Fischbein-Berenson intended to stall Hoffman's resolution. He meant only that her amendment in effect countered the original proposal.

Also, Ernie Sargeant, not Prof. Lewis Sargentich, is on the board of trustees of the Review. Sargeant manages the Review's endowment fund, which accumulates in years of surplus and is occasionally used as a reserve loan fund to cover cash shortfalls. — Ed.

Truth Marches On

To the Editor:

A Yale Law professor of some stature has recently given his opinion that America's actions in the Grenada incident were legal. I note the unqualified opinions of three Harvard Law professors, as well as the signatures of some 42 others, in opposition. Finally on the editorial page (RECORD, Nov. 4), whimsically entitled "Think Like Lawyers," appears a three liner by Professor Kennedy which is, needless to say, absolutely compelling. Can there be as many as one Harvard Law professor with the temerity to voice even a modest dissent? Somehow I seem to hear ever so faintly the distant strains of the "March of the Wooden Soldiers."

Now as to those of you who participated in the recent shout-down of the Secretary of Defense, my congratulations! You have discovered a most innovative and unique method of refutation, such being without question a vast improvement over the time-honored trial by combat. Certainly a great future awaits you both in the courts and out in the practice.

John W. Munro, '29
Fayetteville, N.Y.

Peres: No Negotiations With PLO

(Continued from Page 1)

"The most burning issue is to bring peace to the area. It is not a matter of negotiating between two charity organizations. War is a real danger. The more that countries [in the Middle East] acquire modern technology, the more immediate the danger."

According to Peres, there are two culprits in Lebanon — Syria and the Palestine Liberation Organization.

"The first thing all of us have to do is contain the Syrians," Peres said. "Only an independent Lebanon can suggest a new ray of hope for the Lebanese people."

Peres said he was skeptical of the possibility of obtaining Syrian withdrawal through negotiations with Damascus.

With regard to the PLO, Peres said it was the organization's establishment of a stronghold in Lebanon in 1976 which led to the current crisis. Peres characterized the PLO of today as a leaderless organization with little support in the Arab world.

Peres said part of any settlement of the Lebanese problem must involve the establishment of "an all-Lebanese government which will represent all of the Lebanese people and control all Lebanese territory."

Christian Dilemma

Peres said the Lebanese Christians, who no longer constitute a majority in Lebanon, are faced with a choice — either give back part of the land controlled by the Christians to those who represent the majority of Lebanese citizens, or form a coalition that will rightly represent all of Lebanon.

Peres broke no new ground on the Palestinian issue, reiterating his call for negotiations with residents of the Left Bank and Gaza and with Jordan.

"I do believe there is a Palestinian problem," Peres said. "It should be solved in a fair manner to the Palestinians and to ourselves."

Peres said Israel should continue to refuse to negotiate with the PLO.

"The PLO and its leader have never been and can never become a powerful entity for negotiations. [PLO leader Yassir] Arafat has tried to keep his organization together and has failed. He was alone in Beirut; he remained alone in Tripoli. Apart from cables of support no one lifted a finger to help him."

According to Peres, Israel's strategic frontier extends past its national frontier. Peres said Israel

"I am not a peacenik," Peres said. "We have to, we can and we must maintain our military posture. In war you have to win. Peace must be achieved by compromise."

A cornerstone of Israeli foreign policy must be protection of Israel's special relationship with the U.S., Peres said.

Peres expressed regret for the deaths of 10 Americans in Lebanon during the weekend prior to his visit



Peter Lebold Cohen

PLO leader Yassir Arafat has little support in the Arab world, Peres tells reporters following his speech this week in Ames Courtroom.

could not tolerate a Palestinian state within its strategic frontier.

Peres's plan for negotiations with Jordan and Palestinian representatives from the West Bank is embodied in a four-point package:

- Jordan should agree to negotiate without preconditions.
- Israel ought to negotiate with Jordan on the basis of United Nations Resolutions 242 and 338.
- Although both Jordan and Israel have refused to embrace President Reagan's Mideast peace plan, the president's initiative should be on the table for discussion.

• Negotiations on autonomy should be reopened. Israel should not feel bound to positions adopted by any previous government.

Peres said his concept of autonomy involved true Arab control over occupied territory.

to HLS. "These Americans were in the noble service of trying to achieve peace," he said.

"Right now relations between the United States and Israel are at a new height. There is a general feeling that Moscow is not as active as it used to be. There is a sense of disappointment in the American administration as a result of the Arab reaction [to the Reagan proposals for peace in the Middle East].

Reliable Ally

"[The administration's Middle East envoy] Phillip Habib negotiated in good faith with the Syrians, again with a disappointing result. The Egyptians are, at least for the time being, keeping themselves aloof [from American efforts to bring

(Continued on Page 14)

Inquiries Looks at Adversary System

(Continued from Page 2)

The last speaker was Dalton, who said that the Bok report's emphasis on incremental reform of the system trivialized the problem. Dalton suggested that the ideal goal would not be small changes in parts of the system but a re-evaluation of the entire legal system with an eye toward a new structure which would take into consideration differences in wealth and power.

Dalton criticized the Bok analysis, contending that it reflected a naivete about the extent of social consensus in the country and a blindness to the effects of the power of dominant groups in society. Noting that access to the legal system was listed by Bok as one of many other problems, Dalton argued that access was *the* problem and should be given primary attention.

Dalton also suggested that Bok painted too rosy a picture of Harvard Law School's present role in changing the legal system and in legal education, arguing that Harvard is currently less a part of the solution than it is a part of the problem. While she said that Profs. Elizabeth Bartholet and Gary Bellow were certainly deserving of the credit given them in Bok's report for their work in the provision of legal services to the less advantaged, she emphasized that the relevance and importance of their work is in fact, a seriously contested issue

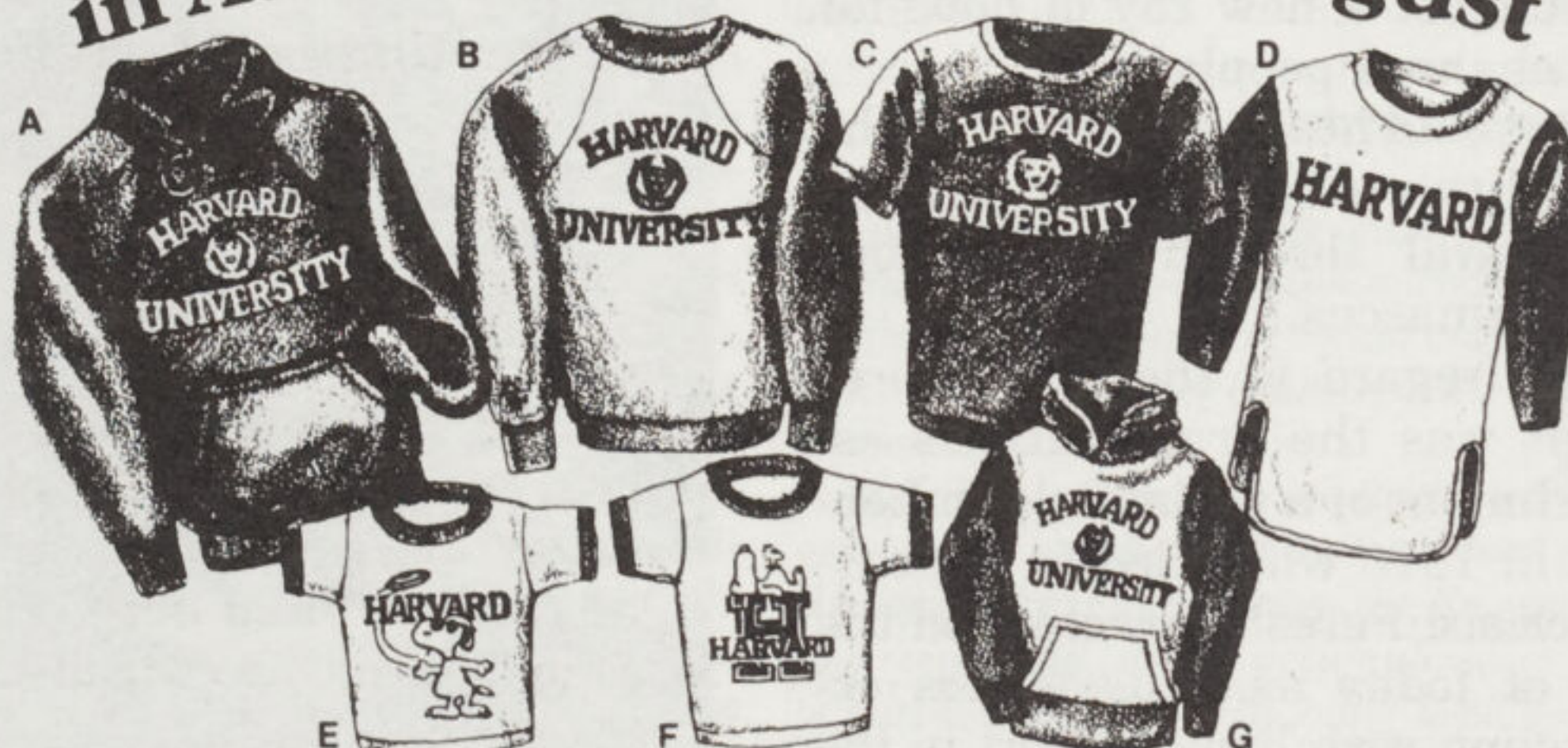
among faculty members. Said Dalton, "We have to acknowledge that their work is on the fringes of a curriculum which still stresses and protects the wealthy and the powerful."

The discussion turned out to be more of a rehashing of old, too-well-known problems rather than a substantive consideration of alternatives or solutions. If any of the panelists had in mind particular

changes in the system and particular changes in legal education, none stepped forward to voice those opinions directly.

One might suggest that the remarks left unsaid were far more important than those opinions which were voiced. As usual, everyone agreed that there was something terribly wrong with the legal system. As usual, no one suggested how to fix it.

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Peres

(Continued from Page 13)

parties in the region together].

"With the demonstrations in Europe and the unquietness in South America, one must admit that Israel is at least a reliable ally in the Middle East.

"It is for the interest of all of us who are interested in peace for the United States to maintain a strong posture. We cannot have peace without the Arabs, and the Arabs cannot have peace without us. We need the Americans to bring us together. The difference between America and Soviet Russia is that the United States proposes peace for all sides."

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Leftism Possible in the Workplace?

(Continued from Page 1)

much from the ideal Marxist model. "The Soviet Union is closer to a bureaucratic dictatorship than a worker state . . . and has a horrible way of dealing with centralization and decentralization," he said.

Ironically, Kennedy criticized liberalism and orthodox Marxism in the same light. As a critical legal studies radical, Kennedy feels that the "large, highly-articulated, pyramidal concept of liberalism" should be broken up. Likewise, Kennedy rejects abstract Marxist tenets that typically depict "doctrine flowing from a coherent core."

Kennedy also compared the strategies of the liberal and the radical in fostering leftism in the corporate workplace.

Creation vs. Consumption

According to Kennedy, establishing radical workplace politics is dependent upon an ability to work within the space between "making people mad and getting fired." The radical's task of subverting the job "creates left culture," while the liberal "consumes the left culture." Kennedy characterized the liberal as "compliant and kiss-ass" in the workplace, and as nothing more than a leftist outside the workplace.

Within this framework, Kennedy believes many liberals "forget to push for leftism," and instead become "craftsmen" who are superb legal performers in the "corporate digestive tract" and thus merely nocturnal progressives.

Selling Out?

Horwitz picked up on Kennedy's discussion, questioning working in a corporate firm without viewing oneself as a "sell-out." While Horwitz believes it is possible to maintain political autonomy in a corporate setting (he confessed he did not feel this was possible three years ago), he warned against several dangers in the big-firm workplace. Among these, he included the pos-

sibility of drowning feelings of self-loathing by "escalating craft to the ultimate form of worship," and turning out "the cleanly honed argument." The result is "people who have grown old before their time . . ." — people whose "juices have stopped flowing."

Other problems stem from the incompatibility of the big-time law practice with female attorneys. "Women typically are placed on an inferior track . . . and [they're] in suspended animation while they have a family."

Accepting Self-Loathing

This phenomenon dovetails with current workaholic trends and the partnership competition, both of which detract from family life. "By accepting the 60-hour work week, you are accepting self-loathing . . . and degrading yourself."

All this said and done, Horwitz said he was unsure about the op-

timism he was preaching, and reminded the audience that most corporate institutions perpetuate the "unjust distribution of wealth and power."

He concluded by stating that even small acts of rebellion may enable one to maintain self-respect and increase the flexibility within the system.

Student criticism revolved around Horwitz's and Kennedy's perceived failure to evaluate the relative worth of different types of work because of their critical legal studies oriented first priority of choosing jobs that rate high in potential for systemic subversion.

Kennedy responded by flipping this criticism around and stating that long-term social change lies not in supporting the established small number of progressive jobs, but in creating resistance "within the belly of the corporate beast."



Sports Quiz

Note: As the snows descend upon us, the final sports quiz of the fall semester asks you to identify famous athletes who acquired reputations for being flakes.

1. Arguably the most voluble player on St. Louis's "Gashouse Gang," this tall right-hander won 120 games for the Cardinals between 1932 and 1936 and led the National League in strikeouts for the first four of those seasons. Name this Hall of Famer who came out of retirement after six years to start one game for the St. Louis Browns in 1947.
2. A winner at Wimbledon in 1939 in the men's singles, men's doubles and mixed doubles, this man lost his most publicized tennis match in straight sets of 4-6, 3-6, 3-6 inside the Houston Astrodome in 1973. Name this bespectacled barnstormer who has been seen lobbing balls while dressed as Little Bo Peep.
3. A mediocre third baseman and lifetime .251 hitter, this Houston Astros captain belted over 20 home runs three times in his 11-year playing career but is better remembered for his natural ability to

make his teammates vomit. Name this current major league manager who used to chew baseball cards in the hope of absorbing some of his heroes' skills.

4. The recipient of the Calder Memorial Trophy as the NHL's outstanding rookie for the 1967-'68 season, this Niagara Falls, Ontario native played eight games for the Philadelphia Blazers after signing a 10-year pact with that WHA club for a reported \$2.3 million in 1972. Name this flamboyant star who is currently trying to put his life together after a debilitating bout with alcohol and drugs.
5. This 17-year major league veteran from Waterbury, Conn. put in his best years with the Red Sox and managed to wind up his playing days with the California Angels in 1967 with a career batting average of .272. Name this slick outfielder who, while in the midst of a 40-game stint with the Mets in 1963, hit his 100th career home run and ran backwards around the bases to celebrate.

(Answers on Page 5)



The Law Giveth . . .

(Continued from Page 8)

Milbauer successfully counters this by her lively treatment of the history and circumstances of many of the cases, including the sad, courageous human stories behind them.

Conversations with members of Congress, lawyers, doctors, judges, religious leaders and spokespersons on both sides of the issue are included to illustrate the medical, scientific, religious, social and economic issues which have become inextricably bound up with the legal issues.

The book thus constantly stresses that the legal arguments and decisions concern the lives, choices and rights of all women.

The significance of the abortion controversy to everyone concerned with individual freedom, and the right to make our own choices about private matters which deeply affect our lives, is echoed in the words of the authors: "No matter how remote the issue of abortion may seem to be in your life, the related issues and rights affected by the decisions in these cases touch your most in-

timate relationships and decisions: marriage; divorce; your relationship with your doctor; your decision relating to contraception and sterilization; and the right to practice your religion and to refrain from having to practice the religion of others. . . . If this book does nothing else it should demonstrate to the reader how fragile the rights of individuals are and how zealously they must be protected."



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Brandeis

(Continued from Page 3)

wanted to do everything he could to advance that goal."

On domestic issues, Brandeis was an outspoken advocate of states' rights. "Brandeis was a great believer in state legislation to respond to local problems," Paper said. "He thought it was wrong for a court thousands of miles away in Washington, D.C. to tell these states how to solve their problems. A lot of his statements sound similar to the statements President Reagan makes today."

Unusual Relationship

On a personal level, Brandeis had an "unusual relationship" with his wife, according to Paper. "She was 10 years his junior. They were married about 50 years. There were very few things he would do without Alice. She took control of his schedule. She would tell him when to take his walks or when to take naps. It was very important to her that Brandeis not overtax himself and he appreciated his wife's efforts."

