

HARVARD LAW RECORD

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Review Adopts Changes

By Louis J. Hoffman

In a series of votes taken in a well-attended, four-hour meeting of the board of editors Monday night, the *Harvard Law Review* changed its selection procedures. The new system reduces the importance of

Organizers of the 1L petition against grades-based law review selection were angered this week following a snafu over the timing of distribution of first-year grades. See story, page 7.

grades in the choice of editors and moves the writing competition from the 2L fall semester to the 1L spring semester.

The new selection system, which will be implemented for next year's 1L class, calls for the selection of one half of the *Review's* members using solely the writing competition. The other half of the editorial board will be chosen by a weighting system with 70% of the weight on grades and 30% on writing competition scores. The changes continue the trend of the past decade away from the use of grades in *Review* selection.

The *Review* voted to move the writing competition to the spring of the first year. The first round of the competition will be held in April, and the second round will take place immediately after June exams.

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Sandra Yamate

Players line up and await the ball at the opening tap of Saturday's basketball game between the HLS and Yale Law all-stars. But where did the teams stand at the end of the day's play? See story on page 14.

Legal Services Supporters Decry Proposed Cuts

By Miguel Rodriguez

In his 1985 budget President Reagan has proposed zero funding for the Legal Services Corporation (LSC) — a publicly chartered non-profit corporation. In response, proponents of the Legal Services Corporation are gearing up for another Congressional battle. Under the Legal Services Corporation Act of 1974 Congress possesses fiscal control of the Corporation through authorization and appropriation procedures.

President Reagan has been a staunch opponent of LSC since he served as governor of California. In

California, Reagan was aided by then-Chief of Staff Edwin Meese in his efforts to restrict the California Rural Legal Assistance program. The efforts to limit funding for legal services in California were unsuccessful. They culminated in political embarrassment as a panel of three out-of-state judges found all 135 of the Administration's charges against the California Rural Legal Assistance program entirely without merit.

Since taking office, Reagan has voiced concern over legal services to the poor but he asserts that funding for such services is not the

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Speeches Outline Human Rights Abuses

By Michael Malamut

A crowd of about 30 students gathered in the Graduate Student Lounge to listen to a speech, entitled, "United States Aid for Humanitarian Purposes in Central America: How is it Really Used?" on Thursday, Feb. 9. The speakers were Nina Shea, deputy director of the International League for Human Rights, and Dr. Richard Goldstein, clinical professor at New York Medical School.

The speech was another presentation in the continuing series of human rights events at HLS.

Shea spoke first and devoted her efforts to uncovering the government's maladministration of the medical system in El Salvador. She voiced a concern for the large number of civilian deaths and the activities of the "death squads" which many authorities believe receive the tacit support of the government.

She emphasized the difficulty of the collection of statistics on the killings and other abuses. Tutela Legal, an organization with its headquarters in the capital city of San Salvador, is the primary collector of such information. However, because it is difficult to communicate with the countryside, the organization must depend in large part on individual reports which it then verifies. Such a process leaves open the possibility of serious understatement of the number of abuses.

Government by Force

Shea claims that there is a government of force by the oligarchy, the military, the administration, and the paramilitary forces. She referred to what she called the "farcity" of the elections, where the forces of the left and even of the center are afraid to participate because of the possibility of violent reprisals.

She also focused on problems with medical provisions in a society under siege. She said she knew that on some occasions when people who had been wounded by death squads

were rushed to the hospital, gunmen entered the operating room and sprayed both patient and medical staff with bullets.

Shea reported that many Salvadoran doctors have left the country. The medical profession is sworn to be politically neutral and to treat all injured and ill people regardless of which side they are on. Yet, according to Shea, the government singles out for reprisals those doctors bold enough to treat rebels or even those who might be politically sympathetic to them.

Goldstein described the attacks on the medical profession as an institution by the government, and found particular fault with the closing of the national medical school because of the alleged leftist attitudes of the student body. As an investigator he discovered a complete breakdown in primary health care caused by both the civil war's disruption of the countryside and the persecution of primary health care providers (nurses, midwives, paramedics, etc.) for alleged leftist sympathies. Before his report, the U.S. government denied such a breakdown, and it has now stepped up aid efforts in the primary health care area through the Agency for International Development (A.I.D.).

Goldstein then narrated a slide

show which illustrated his tales of disaster. He displayed pictures of people displaced by the fighting (estimated at approximately one million inside and outside the country), and pointed out that as many as half of the 450 to 500 thousand in El Salvador are afraid to register with the government as refugees because the government suspects people of disloyalty based on what region of the country they are from. Also depicted were gruesome photographs of death squad dumping grounds and views of both guerillas and government forces.

Goldstein pointed out that for every dollar of American military aid, twenty cents winds up in guerilla hands. Although Congress specifically appropriated funds for registered and unregistered refugees, Goldstein contended that A.I.D. gives money only to those that are registered.

In spite of all these complaints, the United States maintains that El Salvador is improving its human rights stance.

HLS Assistant Dean Fred Snyder's office is trying to organize a follow-up briefing book with the help of student human rights groups and urges interested students to get in touch with the office.



More Women Profs Is WLA's Objective

By Mike Isbell

More than half a dozen members of the Women's Law Association are continuing their year-long efforts to convince the Appointments Committee to consider seriously several women who the WLA feels belong on the HLS faculty.

The WLA members have met with each member of the committee and have showered committee members with letters and petitions. The Appointments Committee is made up of Dean James Vorenberg and seven faculty members. Pro-

fessor Martha Field is the only woman on the committee.

WLA members express guarded optimism that offers of full-time employment will be made to at least one or two women who have visited here during the past two years. However, the WLA members say they have not perceived a major change in attitude or approach on the part of the faculty when it comes to altering the sexual composition of the faculty.

Moreover, WLA members who are 3Ls are frustrated that the school

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Project Spotlights Racial Violence

By Burlette Carter

Harvard Law recently announced the "Racially Motivated Violence Project." According to Harvard's Center for Criminal Justice, the project will attempt "to encourage intensive examination of the problem of racially motivated violence and to consider possible remedies to the problem." Through the project the Law School will also hire a black professor, Charles Jones of the University of Rutgers Law School, in a visiting capacity to teach a course on the subject of racially motivated violence. Jones already teaches a similar course at Rutgers.

Diane Eason, project coordinator, (HLS '83) says that one of the major problems for victims of racially motivated violence and for others who are concerned about it is that the term has not been defined. Said Eason, "Law enforcement agencies have no definition for 'racially motivated violence.' The lack of a definition has often been a stumbling block for those who seek to remedy the problem. If you have no standard to define it, you really have difficulty proving that it occurred."

The project has three major components. First, the Law School is presenting a Wednesday lecture series on racially motivated violence. Sponsored by the Center for Criminal Justice, the series features prominent experts on the topic. Second, students interested in conducting research on the topic may receive optional written work credit or may fulfill the third-year paper requirement through the project. Several members of the HLS faculty have agreed to supervise written work under the project. Third, the Law School will offer the course on the subject.

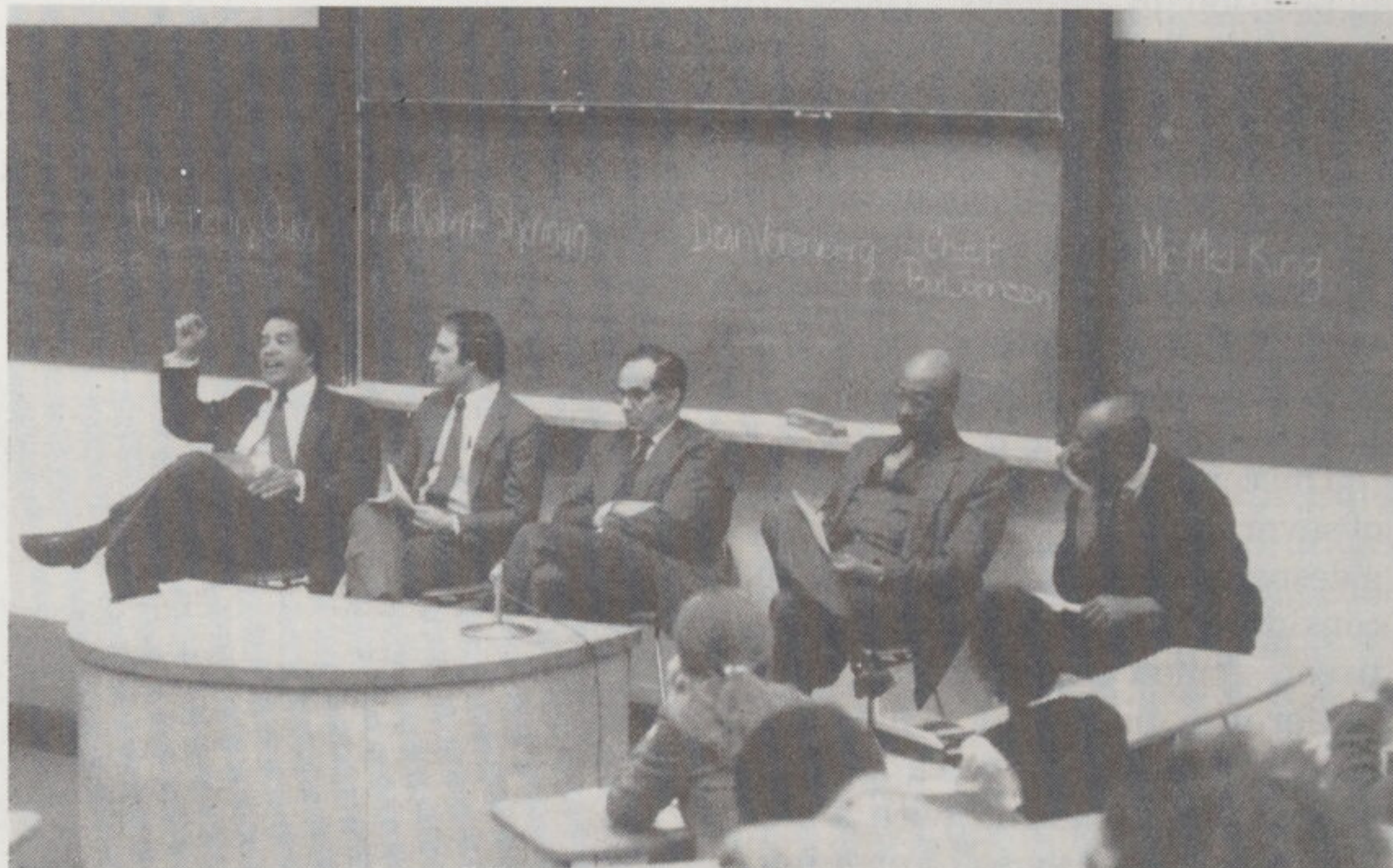
An offshoot of the project is a proposed national study of racial violence. A group of about eight students are currently working with Prof. Philip Heymann on this study which will attempt to draw on resources of other concerned groups across the country. The hope is that the national study will provide definitive information on the extent

and the seriousness of racial violence in this country.

The Harvard community got a look at some of the project's work at the first panel discussion in the lecture series which took place on Feb. 8. The discussion entitled "Racially Motivated Violence — The

Combat Racial Violence.

Chief Johnson gave his own impressions of the Boston situation as he commented on the violence which occurred when Boston schools were ordered to desegregate in 1972. Said Johnson, "The busing order was a catalyst for the latent racism



Risé Peters

Henry Owens, Robert Sherman, Dean Vorenberg, Chief Paul Johnson and Mel King (l. to r.) participate in the first Racially Motivated Violence Project lecture.

Boston Experience" featured Paul Johnson, former officer in the Boston Police Department and current chief of the Harvard University Police; Former Boston mayoral candidate Mel King; Attorney Henry Owens of Owens and Associates; and Robert Sherman, director of the Lawyers Committee Project to

which had lain dormant for years. We spent the next four or five years escorting buses, watching schools. We had officers assigned to stand outside of schools just to make sure nothing happened."

Johnson told the audience that

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Women Discuss Split In Movement

By Burlette Carter

"I have not yet seen proof that the women's movement is interested in transforming feminism into a force representative of all women in society — women of color, poor women. We must begin from a position of honesty. Today, the 'women's movement' is a white, middle-class women's movement."

An audience of Harvard Law women listened quietly as Suzanne Lynn, an attorney with the ACLU's Reproductive Freedom Project opened the conference on "Women of Color and White Women in the Law."

The conference was the brainchild of several Harvard women who saw a desperate need to bridge what they considered to be a widening gap between women at Harvard Law. Said conference organizer Irma Tyler-Wood, 3L, "The idea came to me when I was speaking with a classmate about what was happening to women of color at the Law School. We weren't keeping in touch with each other. We weren't keeping in touch with white women." Tyler-Wood took her concerns to Dean of Students Mary Upton who offered the Law School's support for a conference to address those concerns.

The Same Mistake

At first the coordinating committee only included white women and black women. But all members of the group felt expansion was needed. Said Tyler-Wood, "We realized that if we didn't include other women of color we'd be making some of the same mistakes we were accusing other groups of making." Thus the coordinating committee eventually included Asian-American, black, latina, native American

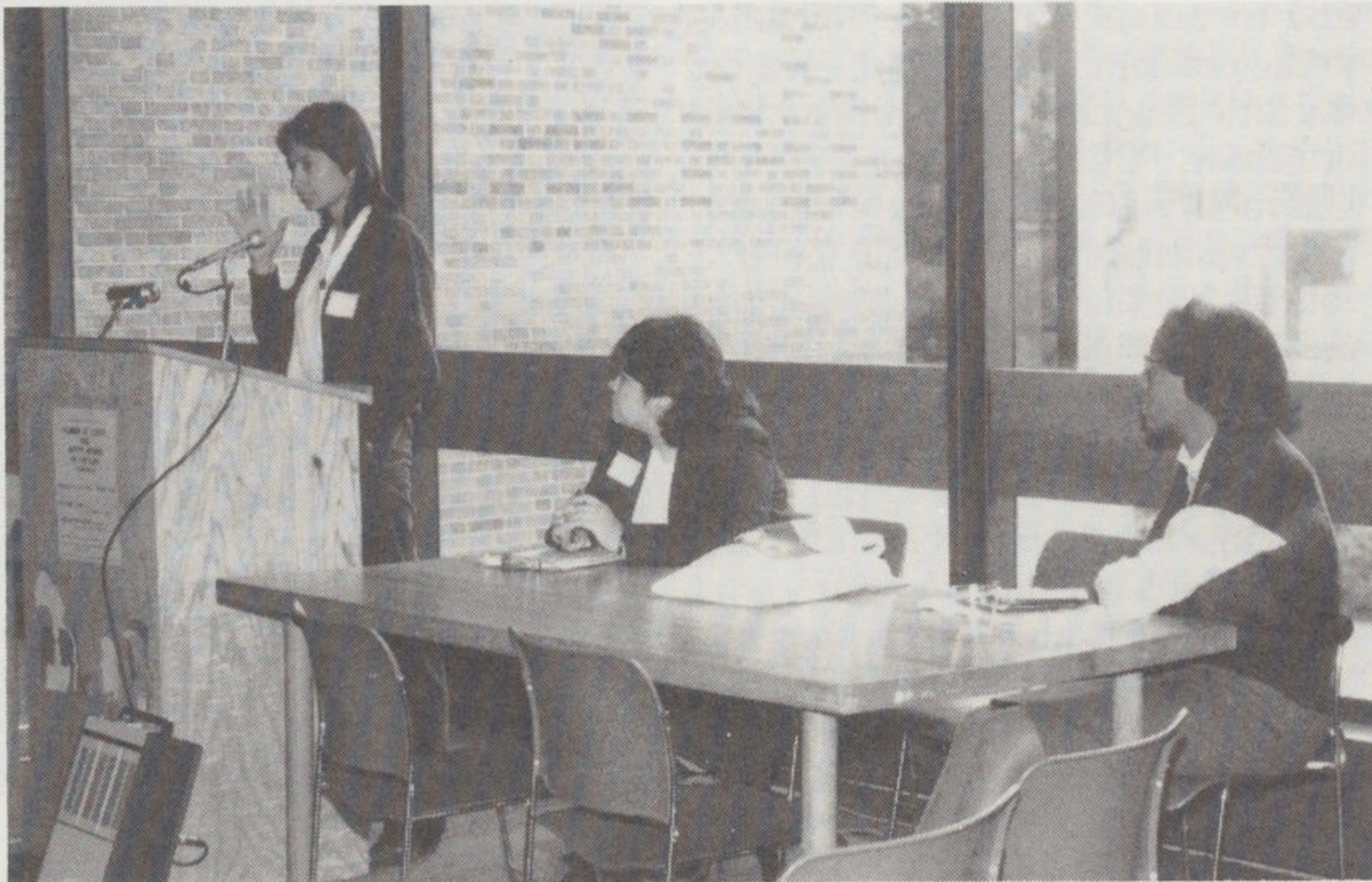
and white women. Such was the train of events which brought together HLS women to discuss the things they had in common as women and to discuss the differences in their experiences, outlooks and needs.

While Lynn asserted that she did not wish to "antagonize" any of her

experiences.

"All of our lives we [women] have been told that we were crazy for thinking the way we do." She argued that the emerging system legitimizes women's experiences.

On the final day of the conference, three accomplished women of color engaged in a panel discussion:



Risé Peters

Susan Williams (at the podium), Norma Cantu and Arkie Byrd (seated, l. to r.) at the "Women of Color and White Women in the Law" weekend conference.

listeners, she pulled no punches in what she warned was "a personal view" of the women's movement. That movement, she argued, has ignored key differences between the cultural experiences of white and non-white America and differences in the experiences of poor women in general.

Psychiatrist Ann Wilson Schaeff, author of *Women's Reality: An Emerging Female System in a White Male Society* told the audience that what she called the white male system "has dominated society and denied the reality of non-white-male

Norma Cantu, director of education for the Mexican-American Legal Defense and Education Fund, Susan Williams, a consultant on native American legal and legislative issues and an associate at Fried, Frank, Harris, Shriver and Kampelman, and Arkie Byrd, formerly an attorney at the Women's Legal Defense Fund in Washington, D.C. now in private practice.

The recurring theme, repeated by each speaker from her own perspective, was the significance to women of color of their cultural experiences and the impact of those experiences upon how they view the world and women's issues.

One issue which arose before the conference and during it was the absence of men. Although conference coordinators did not explicitly exclude men, (which would have been contrary to University policies) they did not invite them either. But organizers said that although the

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Edley: Ethical Investments Profitable

By Peter Lebold Cohen

Can investments be ethically sound without sacrificing profitability? Many cynics disillusioned with capitalism would probably say no. But Prof. Christopher Edley, Jr. maintains that "investing ethically does not create so many constraints that it hinders profitability."

Putting his money where his mouth is, Edley is now active as a trustee of Working Assets Money Fund, a money market mutual fund that claims "our goals are to seek

rights, labor or environmental laws or are otherwise thought to be socially undesirable.

Examples of the latter category might be those whose principal business is in the arms industry or which engage in large corporate mergers that soak up capital without increasing production or providing new jobs.

The staff of Working Assets keeps abreast of the ethical dimensions of the fund's investments by using information provided by watchdog groups like the Investor Respon-

Even in the case of South Africa, however, decisions should be made on a case by case basis, asserts Edley, adding "I am personally in favor of selective investment in South Africa — progressive companies should be considered."

He cites the Digital Equipment Corporation as an ethical investment in South Africa because "they pay blacks and whites equal wages, they house black families together and help undermine the social and political order there."

Although Working Assets only began accepting money in September 1983, it has thus far attracted over \$5 million in assets, and Edley states that he is "very encouraged by the market response." A big effort is being made to attract large institutional investors such as colleges and pension funds.

Jerome Dodson, president and trustee of the fund, recently stated

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Risé Peters

Prof. Christopher Edley

as high a level of current income as we can, while maintaining liquidity and safety of capital, and at the same time concerning ourselves with the social and economic impact of our investment."

According to Edley, the San Francisco based fund was set up by a nucleus of former staffers of former California governor Jerry Brown.

What distinguishes Working Assets from other money funds is that its investors can be confident that they will not be profiting from companies that systematically engage in practices that are repugnant to the politics and ethics of the investors, says Edley.

The trustees and management perform a "watchdog" function to avoid investments in companies that are flagrant violators of civil

sibility Research Center (I.R.R.C.), that monitor and report extensively on ethically questionable corporate practices and investments.

The other major method of attempting to harmonize the nature of investments with investors' wishes is to poll the investors about their opinions on relevant issues. This, Edley claims, will ensure that all trustee decisions will be "informed by investor opinion." He maintains that the fund will try to avoid making investments that would be objectionable to any significant minority of the investors.

While most companies are "presumptively eligible for investment", the burden of proof is shifted for investments in certain countries controlled by repressive regimes, such as South Africa.


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Importance Of Grades Reduced

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Critics of the changes claim that a spring competition will unduly interfere with the first year.

By a razor-thin margin, the *Review* staff also rejected a proposal to choose all editors through the writing competition, with no consideration given to grades. Many were surprised that such a dramatic change nearly passed.

Eighty-two of the 91 editors were present at one point during the lengthy meeting. For most of the meeting, 75 members participated.

Earlier Writing

The June writing competition plan passed for the 1985 year by a vote of 46-17. The debate centered on the timing over the summer of the second round and the date of implementation.

First, a proposal to hold the second round in August beginning this year failed by an overwhelming majority. A plan to conduct the second round as a summer take-home in July failed by a 37-42 vote. Next, a series of advisory votes indicated that the membership wished to have all editors join at the same time and to begin *Review* work in August before the second year. Then, the August plan failed when only 23 members supported it, and the June plan passed, to be implemented in 1985.

A motion that would have postponed the vote on the timing of the writing competition until after a student poll received only nine votes. The membership felt that the difficulty of reassembling so many members militated against delaying the decision. A second motion, to poll the student body to elicit reactions, was tabled after the plan passed.

When the *Review* membership turned to the choice of a selection method, it first considered an all-writing-competition plan. An amendment to cease choosing 3L editors based on grades was tabled. (Currently, the *Review* chooses four 3Ls using 2L grades and four more using a combination of grades from the first two years.) A motion to

refer the selection method decision back to the Selection Committee was opposed by about three fourths of the members.

Next, the members voted to consider the weighting system and the all-writing-competition system concurrently. Once both were on the table, two amendments suggesting a modified weighting system were rejected by voice votes. The first would have reversed the weighting factors, using 30% grades and 70% writing competition scores for half of the editors. The second amendment would have chosen all editors with a single method, giving writing competition twice the weight as grades.

In order to measure the degree of support for the alternative plans and to assist in the decision on vot-

ing procedure, the membership then took a nonbinding "straw poll." Thirty-eight members preferred the weighting plan, while 34 preferred the writing competition.

Surprise

The outcome of the straw vote surprised many members, who expected far less support for the all-writing-competition option. In a preliminary poll of the membership conducted several weeks ago by the *Review's* Selection Procedures Committee, 16% of the members listed that option as their first or second choice, while 40% found the plan "totally unacceptable." David Hayes, 3L, who chairs that committee, attributed the differences

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Got Something To Say?

Last week, every HLS student received a copy of a memorandum outlining various alternatives to the *Law Review's* current selection procedures, along with pro and con arguments on each alternative proposal. The memo came from Prof. Richard Stewart, who made it clear that he was writing on his own behalf, and not that of the faculty or the faculty's Ad Hoc Committee on *Law Review* Selection (which Stewart chairs). The Law School, not Stewart, picked up the copying bill.

Last semester, a group of faculty members sent an invitation to "the Harvard Law School Community" that encouraged its members to attend a rally at the Harkness Commons against the U.S. invasion of Grenada. Professor Duncan Kennedy, a sponsor of the invitation, said that at the time it was issued, HLS Dean James Vorenberg raised two issues with him.

First, the dean said that he had received inquiries and had doubts about the appropriateness of using HLS letterhead for the invitation.

Second, said Kennedy, although the invitation was being offered by faculty members to the HLS community regarding an event that was to take place on the school's premises, the dean stated that the inviters would have to pay for the duplication costs of the invitation out of personal funds, rather than discretionary or school funds.

When asked about official school policy on the use of HLS letterhead and copying funds, Dean Vorenberg stated, "On matters relating to the business of the school, I have no objection to someone using the school's letterhead and copying resources." Vorenberg felt that it was proper for the school to fund Stewart's memorandum, even though it was personal.

When asked if the policy implied that a student could have access to the same resources, the dean said, "if it didn't get out of hand, I'd have no objection."

BH/LH

Waffling Over Grades Angers 1Ls

By Mike Isbell

Organizers of the 1L petition drive against the current method of *Law Review* selection charged the HLS administration with insensitivity following the school's waffling over the date of distribution of first-year grades.

After announcing in the *HLS Adviser* last week that 1Ls would receive first semester grades today, Registrar Sue Robinson decided on Monday to move distribution up three days to Tuesday. On Tuesday morning, it was announced in first-year classes that grades would be handed out in Ames Courtroom beginning at 1 P.M. that afternoon.

Following the announcement, eight to 10 first-year students who supported the petition drive went to Dean James Vorenberg's office to protest the change. Vorenberg was out of his office Tuesday, but Prof. Lance Liebman met with the students to discuss their concerns. After talking with Liebman over the telephone, Vorenberg decided to abide by the *Adviser* notice and distribute first semester grades on Friday.

The news of the second change did not reach several 1Ls, who showed up in Ames Courtroom at 1 P.M. Tuesday expecting to get their grades. Instead, they were greeted by a sign which announced that grade distribution had been moved back to its original time. Liebman

and Robinson were on hand to talk to students about the situation.

The snafu was particularly troublesome to many 1Ls since the issue of grades has mobilized a majority of the first-year class in an offensive against the selection procedures of the *Harvard Law Review*. At press time, more than 70% of the first-year class had signed a petition in which students agreed to withhold their grades from the *Review* if the petition received the support of 75% of the 1L class.

1L Interpretations

"The administration knew about the petition," said Susan Keller, a first-year student who was active in organizing the petition effort. "[The change of dates for grade distribution] is being interpreted, true or not, as an intentional effort to undermine the petition."

According to Robinson, the decision was made to place a notice in the *Adviser* last week. At that time, the registrar's office had received nearly all grades from 1L professors. Lacking only a few grades and uncertain when all the grades would be in, Robinson decided to announce that grades would be handed out today, the last day of the week which Robinson had targeted earlier for grade distribution.

Robinson received the last set of 1L grades late last week. Workers in her office labored over the weekend to get 1L grades ready for distribution this week. Since the registrar's office was already receiving

many requests for transcripts, Robinson decided to hand out the grades earlier than was originally planned.

Several students, though, saw the change as a ploy to defuse the petition drive. One student who showed up in Ames Courtroom Tuesday told Liebman that he had been opposed from the start to the petition but decided to sign it that morning because he felt he had been "manipulated" by the administration.

Laura Glant, 1L, said many first-year students felt the decision to distribute grades on Tuesday demonstrated either a malicious or indifferent attitude on the part of the administration toward the petition drive.

Several supporters of the petition told the *RECORD* it was important that 1Ls have until Friday to decide whether they will sign the petition. "People are still thinking about this," said Dan Cantú-Hertzler, 1L.

"If grades had come out [on Tuesday], regardless of the administration's intentions, it would have frustrated the petition's success," Keller said.

Innocent

Liebman and Robinson told students who turned up in Ames Courtroom Tuesday that the decision to distribute grades earlier than planned did not represent a point of view on the petition but instead reflected the internal workings of the registrar's office.

Some students who came to Ames Courtroom to get their grades blamed the petition organizers for the foul-up. One student told Liebman the school should have gone ahead and distributed grades on Tuesday.

Liebman said he felt the decision to return to the Friday distribution date was the right one. "From what I've gathered, more people [in the first-year class] would vote for Friday than [Tuesday]," Liebman said.

Louis Hoffman assisted in the preparation of this story.

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Student-Faculty Forum Wednesday

By Mike Isbell

Minority hiring, curriculum development and student empowerment are the three issues on which members of the Third World Coalition hope students and faculty members will focus when the TWC hosts its second annual student-faculty forum next Wednesday in the Ames Courtroom.

Last year, about 400 students packed Langdell North Middle for the first TWC forum. A wide variety of student complaints were aired in the stormy two-hour session.

TWC members trust that this year's forum will foster greater communication between students and the faculty. Some TWC members said they hoped the air of hostility which characterized last year's meeting could be avoided this year.

"I would like it to be a constructive forum in terms of suggestions and ideas," said Juanita Hernandez, 2L, a TWC member. "I do want all the issues to be laid on the table."

Poster Campaign

Posters appearing on bulletin boards throughout the Law School are intended to center student attention on the particular issues stressed by the TWC. One poster which appeared this week asked, "Why? Over 80% of HLS Grads Go Corporate." An earlier poster bore this message: "True or False? Reagan Adm. More Diverse Than HLS Faculty." Still another asked whether it is true that what gets taught at HLS depends on who gets hired.

According to TWC member Doug Woo, 2L, the organization has several purposes in mind in sponsoring the forum. First, the TWC hopes to inform members of the HLS community about issues of student concern. Second, TWC members hope to focus attention on issues of particular interest to the TWC.

"The third reason for the forum," Woo said, "is that the concept of a forum where students, faculty, the entire law school community get together and talk about issues of importance is a good thing."

"We made the commitment last

year to hold another forum. We will continue to hold these forums as long as this is the only mechanism for students and faculty to communicate."

Different Conceptions

TWC members contend that communication between students and faculty is essential. One student participant in last year's forum said she was struck by the "incredible gulf" between students and faculty at the Law School.

"I think the students and faculty have two different conceptions of what the Law School is supposed to be," said Kim Hawkins, a second-year student who is active in the TWC. "The faculty's interest is in maintaining a certain standard of academic excellence, setting the pace in the legal world and maintaining this institution, which is essentially a conservative one."

"The students think of this as an educational institution which is to teach us things that will help us to be better attorneys. There are a lot of students here who will be doing things after they graduate that the graduates of the Law School of 20 years ago don't do, and this institution here hasn't really changed."

An issue of continuing interest to the TWC is the racial makeup of the faculty. TWC members hope the forum will highlight the organization's concerns in this area.

According to Hernandez, reliance on the traditional criteria for membership on the HLS faculty — "membership on law review at a prestigious law school, clerkship for the Supreme Court, publication of

a mega-article" — impedes the creation of a racially diverse faculty. "[These criteria] don't make for the kind of people minority people can relate to," she said.

Hawkins said the forum is designed to convince the faculty that "the Third World student body is a valuable resource to draw on," while Hernandez said the TWC's grievances against HLS policies reflect general discontent among the student body as a whole.

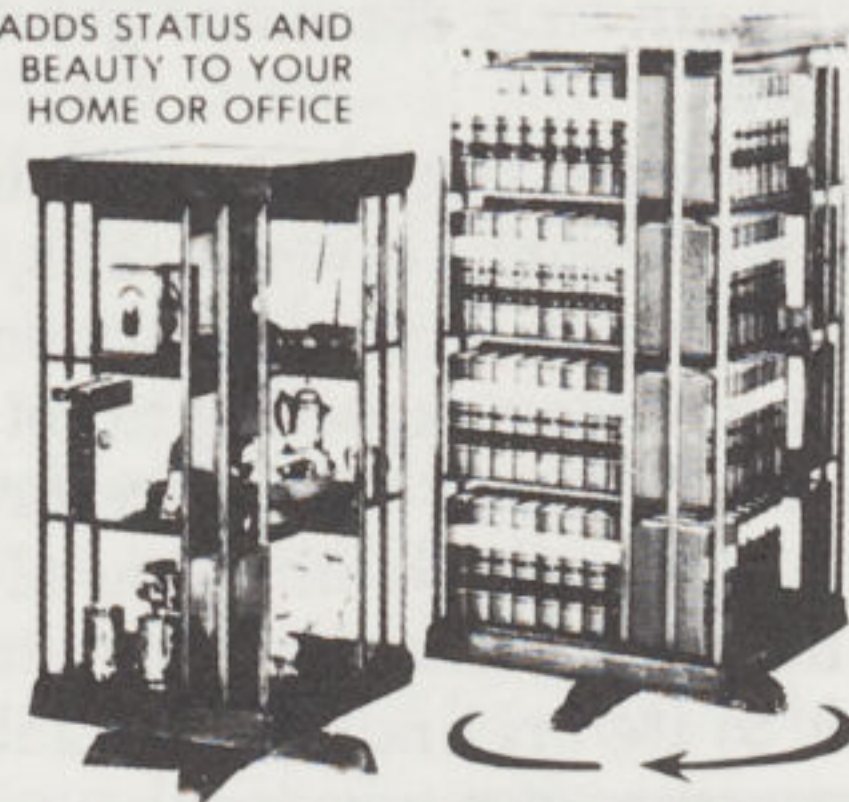
Cheap Shots

Hawkins said the TWC's posters are designed to help students come to the forum with specific questions in mind. Last year, she said, there were complaints from some faculty members that students took "cheap shots" at faculty members. "A lot of the responses I heard also indicated a low level of respect [on the part of the faculty] for the student body," Hawkins said.

The forum is scheduled to run from 2-4 P.M.

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Williston Competition Winners Named

By Michael Malamut

This year's Williston Competition, a negotiation and drafting contest for 1Ls, was held from Jan. 28 to Feb. 2. The problem was based on the Eastern and Continental Airlines labor renegotiations, in which union members faced the threat of bankruptcy on the part of their employers. The main issues in the Williston event were salary reduction, family benefits, pilot travel benefits, and the possibility of employee representatives on the airline's Board of Directors.

The competition started out with a talk by Prof. David Herwitz, who gave hints as to interesting negotiation strategies. This year 120 1Ls participated, the largest number in the past five years. Fully 29 of the 30 negotiating groups completed their contracts.

Each negotiation group was made up of two students representing management and two representing the pilots' union. Each pair of students was matched randomly with another pair in order to form the negotiating groups. The organizers of this year's competition noticed a major increase in the use of word processing, a sign of the dawn of the computer age.

The winners of the prize for best overall contract, each of whom receives fifty dollars, were Ralph Berman, Lorin Reisner, Sarah Rey-

nolds and Steven Van Meter. The runners-up for best overall contract were David Bono, Doug Braunstein, Leslie Callahan and David Feinberg.

Mark Raffman and Jeffrey Shapiro wrangled their way into the

the more interesting contracts, and the Williston Committee, consisting of Michael Solow, 3L, Harvey Kaish, 2L, and Louise Ober, 2L, selected the ultimate winners. In the past, professors had been asked to choose the winners after BSA had deter-



Adam Eisgrau

Williston winners: Lorin Reisner, Ralph Berman, Jeff Shapiro, Norman Bay, John Nakahata and Mark Raffman (l. to r.). Not pictured: Sarah Reynolds, Steve van Meter. Framed: Samuel Williston.

best contract from the management point of view, while Norman Bay and John Nakahata negotiated the best terms for the union side. The winners for best contract for a particular side are each awarded twenty-five dollars.

This year's contest was judged solely by members of the Board of Student Advisors, which organized the contest. Various members of BSA selected what they felt were

mined the top two contracts. This year, however, the members of BSA felt that they were better equipped to do the final judging since they had, after all, designed the project.

This was the thirty-third running of the Williston Competition. Named in honor of Samuel Williston, the turn-of-the century Harvard Law School professor who wrote the first modern treatise on contracts, the contest aims at instilling a knowledge of negotiation strategy and practice in HLS students.



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Getting Together

The general lack of communication and mutual understanding at HLS became forcefully apparent during this week's snafu over the distribution of grades to 1Ls. Such unfortunate incidents might be avoided if students and faculty had more opportunities to communicate with each other. Next week, for the second straight year, the Third World Coalition's student-faculty forum will provide such an opportunity. At present, the forum is about the only organized mechanism for communication between students and faculty members.

There is little excuse for the enforced low level of student input at Harvard. Nonetheless, students who stay away from the forum deserve a lot of what they'll be getting. After all, the forum has been scheduled during the Wednesday afternoon time slot during which there are no classes.

Faculty members who stay away deserve worse. Professors affect the lives and careers of HLS students; they ought to be willing to set aside a couple of hours of their time to listen to the concerns of the people who help pay their salaries.

Much concern was expressed by faculty members last year that the first TWC forum was dominated by students who took cheap shots at professors and fanned the flame of student unrest. The TWC says it wants this year's forum to be constructive rather than confrontational, and it hopes to convince students through its poster campaign to come to the forum with specific questions rather than general outrage in mind. Beyond that, however, it is worth remembering that the institutionalized silence at HLS was not created by students. It is understandable if, at the only opportunity to be heard, students sound a bit shrill.

That the atmosphere at Harvard is alienating to many students is a given. Students and faculty members owe a responsibility to each other to talk and listen to one another. As long as the TWC forum, however imperfect it may be, is the only opportunity for communication, everyone should be there.



HARVARD LAW RECORD

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Fenno

Fenno was excited. He was on his way to have lunch with Lefty, a friend from the Law School whom he hadn't seen in a couple of months.

Lunch with Lefty always required special preparations, including appropriate attire. Fenno had chosen his Gary Hart T-shirt and pinned on two buttons. One said "U.S. out of Grenada" and the other demanded "Desegregate Harvard."

When Fenno arrived at the dimly lit, Bohemian looking cafe in Harvard Square, he found Lefty already seated, sipping a glass of white wine. "Long time no see, Lefty," boomed Fenno. "You must be keeping busy trying to get the U.S. out of Grenada."

Lefty looked uncomfortable, and glanced around the room as if afraid that someone might have overheard. "You really don't keep up, do you?" replied Lefty. "Everyone is concentrating on South African divestiture now."

"So much for the international scene," thought Fenno. He decided to take a domestic tack. "Do you think Hart has much of a shot in New Hampshire?"

Lefty shook his head. "How could anybody be worrying about Hart?" he asked. "We're putting in a big push for McGovern now."

"Strike two," muttered Fenno. "Well then," he said, "are there big plans this spring to get more women and people of color on the faculty?"

"You're oversimplifying the issue," replied Lefty. "What we want is real diversity on the faculty, not just token hiring. An Ivy League, Law Review, Supreme Court clerk type of professor who happens to be black is much less diverse than a middle class, publicly educated, backbencher type who happens to be white."

Fenno was confused. "Let me get this straight," he said. "Integration is out and true diversity is in. Hart is out and McGovern is in until he drops out. Grenada is out, although the U.S. is still in, and South Africa is in, until the U.S. gets out."

"Exactly," said Lefty.

"What about moving the *Review's* writing competition to the spring of the 1L year?"

"Bad — too much pressure in the 1L year."

"Then it should stay in the fall?"

"Nope — that makes those who write their way on second-class citizens."

"Then the competition should be dropped?"

"And place even more emphasis on grades?"

"Then," puzzled Fenno, "the *Review* . . ."

". . . is simply out," said Lefty. "Oh, just one more thing," he added. "Sign this petition protesting against Fenno. He's planning to write a column poking fun at leftist students."

Fenno couldn't take any more. He didn't know what was in, and everything that he thought was in was out — including himself. He bolted from the table, flashing a "peace" sign at Lefty. "Boycott Nestlé," he called out as he fled from the cafe.



Letters to the Editor of the Record

Distortions

To the Editor:

When Hasan Abdul Rahman, a leading PLO propagandist notorious for his attempts to foster anti-Jewish sentiment in the United States, appeared at HLS last spring, students in the audience booed and jeered in response to his provocative statements. When Caspar Weinberger appeared last fall, some students booed and jeered in order to prevent him from having an opportunity to make provocative statements. Therein lies an important distinction which escapes Glenn Morris, who presents the odd view that freedom of speech includes a right to a silent or friendly audience. (Letter, RECORD, Feb. 10, 1984.)

Morris' letter is replete with distortions. Morris, who helped to organize the appearance of Rahman last spring and that of another PLO representative two years ago, knows that "shouting, catcalls and other disruptions by zionists" did *not* prevent Rahman from delivering any part of his prepared speech. Rahman's speech was interrupted, but no one side was entirely to blame. As the RECORD correctly reported on May 6, 1983, Rahman's speech was interrupted by "the outbursts of (both) PLO sympathizers and opponents. . . ." With each outburst Rahman strayed farther from his prepared text. By the time he was through, he had accused Zionists of plotting with Hitler for the Holocaust, had called Israelis "old Nazis," and had accused American Jews of being disloyal to the United States. I am proud that my fellow students did not remain silent, as Morris would have liked, for silence would have implied agreement and would have encouraged Rahman to further efforts.

That bipartisan audience reaction caused Rahman to depart from his moderate prepared speech and to engage in gutter ac-

cusations obviously was not to Morris' liking. After all, Rahman's spontaneous remarks revealed not only how vulgar PLO propaganda can get, but also the intellectual dishonesty of the PLO's American supporters. In the future, if Morris wants to present a sanitized version of what's left of the PLO, he should keep speakers of Rahman's caliber as far away as possible from intelligent, well-informed and unintimidated audiences.

The tragedy of the Palestinian refugees is that for over a generation their plight has been manipulated by those who espouse hatred and violence instead of understanding and compromise. It is sad to see that some people still cling to the fantasy that the future of the Palestinian refugees lies in the never ending struggle to destroy Israel. Israel will not be destroyed and the sooner people like Morris and Rahman accept that fact, the sooner justice will come to the Middle East. I hope that the opportunities for compromise have not been lost forever; if so, the hatred and violence of Morris' PLO friends are to blame.

William A. Jacobson, 3L

Is Harvard Segregated?

To the Editor:

The banners and slogans are out again. The Third World Coalition is calling on those in charge of faculty hiring to "Desegregate Harvard," which of course suggests that Harvard, or at least its faculty, is "segregated." A great battlecry of the civil rights struggle has been invoked to rally public indignation. And we, as the public, rush in, expecting to find an enormous social abomination akin to that which was declared unconstitutional in *Brown v. Board of Education*. Surely, we think, the Third World Coalition has found that blacks are being excluded from classrooms merely on the basis of skin pigmentation. Or perhaps blacks are being kept in separate classrooms from whites. We recognize segregation as a great moral evil, so we rush in ready to do battle.

But when we arrive, somehow we feel a little cheated, because we find that the "segregation" so vehemently decried is this: Those making hiring decisions, faced with an extremely complex social conundrum, have decided not to make the color of a person's skin a matter of overriding importance in faculty appointments. Reasonable people can disagree about the wisdom of that decision, but to characterize it as an instance of "segregation" amounts to an irresponsible use of a grave and powerful part of our vocabulary.

It is a dangerous thing indeed to cheapen our moral invectives — those cries of public outrage that both signal our concern about ethical abominations and serve as the only tools we have for awakening the outrage of others. An overwillingness to use one of our most forceful moral invectives — segregation — leaves us in the end with a less powerful phrase and makes the public less willing to rise up in indignation at the sound of the word. The little boy who cried "Wolf!" learned a similar lesson eventually, but I would hope the Third World Coalition would not make the same mistake the little boy did.

Ed Fletcher, 3L

The Meaning of The Dream

To the Editor:

Let me expose my naïveté at the outset: I consider myself very fortunate to attend HLS. As a Black child, I was raised in a predominantly Black neighborhood in "that other section of Washington, D.C." As the result of hard work, much luck, and the unsurpassed sacrifices of loving parents, I was able to complete four years in New Haven before coming to HLS. It is, therefore, with great displeasure and anger that I mull "Working Class Students Find Adjustment Difficult" in the Feb. 10 issue of the RECORD.

So, Muhammad Kenyatta is "prejudiced towards" working class Blacks and Puerto Ricans because these are the people with whom he "tend[s] to be culturally comfortable." Is this really anything more than a celebration of a different form of sterile cultural homogeneity? I always thought that the Dream of Dr. King was that *all* God's children would be united in a community of peace — Ivy-educated Blacks, impoverished Jews, Haitian exiles, homosexuals, working class Irish-Americans, wealthy Southern whites, et cetera. Mr. Kenyatta's myopic world view betrays not only the civil rights movement in which he claims a role, but also the millions of powerless and struggling minority peoples who will never have the opportunities which will flow to him by virtue of his affiliation with HLS.

In *The Souls of Black Folk*, W.E.B. DuBois spoke of the "race message" which Afro-Americans possess and which we must disseminate throughout this land. Rather than rail against the cultural homogeneity of HLS, wouldn't it serve all better if we actively interjected — into the classroom, the law firm, the board room — those unique cultural "messages" which we *all* possess.

Ronald R. Ross, 2L

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 2:00 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.

Letters to the Editor of the Record

Reagan And America's Cup

To the Editor:

The Rudin letter in the last issue entirely missed the boat. Four years ago America was riding the crest of an unprecedented wave of optimism and accomplishment. A reawakened sense of patriotism swelled our breasts, and our nation commanded the respect and admiration of the entire world. America was truly Number One!

Today things are different. Our boys are getting kicked around by every tinpot regime with six pairs of ice skates, and America is subject to the taunts, sneers and snubs of the entire international community. Gloom, anger and a malaise of the spirit have replaced the glorious and righteous fervor that inspired an entire nation to chant: "USA! USA! USA!"

Before deciding whom to vote for in the upcoming presidential election, ask yourselves a simple question: Is our hockey team better than it was four years ago?

It is time for a change. Let's make America great again! (Coming in the next issue: Reagan and the loss of the America's Cup.)

Thomas J. Vollbrecht, 1L

Needlessly Uncharitable

To the Editor:

The Feb. 10 issue of the RECORD contained a letter signed by 45 members of the faculty, staff and student body expressing "disgust" at the "gross" insensitivity of your newspaper in reporting Prof. Ferguson's tragic death. I thought the letter needlessly uncharitable.

I agree that the RECORD could have found a more appropriate means of recording the profound impact of Prof. Ferguson's loss upon the people of this school. I have little doubt that whoever made the decision to relegate the story to secondary status on the front page now regrets it. But I don't regard the RECORD's error as "inexcusable," nor does it move me to resort to invective. Everyone feels bad enough about Prof. Ferguson's death as it is.

The prevailing level of acrimony at HLS disturbs me. We are too quickly moved to moral outrage, to self-righteousness, to shrill name-calling. In our school's atmosphere of abiding rancor people grow alienated and guilt-ridden, and tend to lose sight of their own shortcomings. We are capable of better.

As you suggested in your editorial of the same issue, there is much to be done here

in the coming year. But we can pursue change and criticize others without relentlessly and unfairly impugning the motives and character of those with whom we disagree. Let us resolve to be a little sweeter to one another. I feel certain that Clyde Ferguson would have wanted it that way.

John Davis, 2L

Discourteous Characterization

To the Editor:

I am writing to correct one of the many inaccuracies in Glenn Morris's letter in the Feb. 10 issue of the RECORD. The speech of Shimon Peres, head of Israel's Labor Party, was co-sponsored by the Law School Forum and the Harvard Jewish Law Students Association, not the "zionist law students" as Morris maintains. His misleading characterization is incredibly discourteous to the Jewish Law Students Association. Morris would certainly not appreciate it if someone were to refer to his former organization as the "indian law students" (with a small "i"). Morris's inaccuracy merely indicates the deceptiveness and folly of those who attempt to claim that they are anti-Zionist but not anti-Jewish. In fact, Israel has always been

and will always be crucial and important to all Jews; Zionism and Judaism are inextricably linked.

David N. Schultz, 3L

Bloody Lucky

To the Editor:

Bloody lucky thing for the Law School that my donation was already in the mail before I read your issue of December 2, 1983 ("Hecklers Interrupt Weinberger Speech").

It will be a long, long time before I consider any further gifts unless and until I am persuaded that *all* speakers, of whatever political bent, can and will be guaranteed a forum free from the inexcusable rudeness shown Caspar Weinberger.

Philip H. Harris, '43 ('46)
Rolling Hills Estates, Calif.

Next
RECORD
March 2

Sports Quiz

Note: February 14 has come and gone, and this week's sports quiz relating to marriages made on the sports pages is offered as a belated Valentine to the faithful.

1. She was chosen Woman Athlete of the Year six times by the Associated Press and was voted Woman Athlete of the Half-Century in a 1950 A.P. poll, while he was a classic professional wrestling villain billed as "The Weeping Greek from Cripple Creek." Name this dynamic duo who met at a golf tournament in 1938 and wed on Dec. 23rd of that year in St. Louis.
2. She captured her fifth French Open title last year, thus marking the unprecedented tenth year in which she has won a Grand Slam singles event, while he has been a member of the British Davis Cup team. Name this tennis twosome who were joined in wedlock in Fort Lauderdale on April 17, 1979.
3. At the 1970 World Gymnastics Championships in Yugoslavia, she became the first gymnast from the U.S. to ever win a medal at the World Championships with her second-place finish on the balance beam, while he was the first player drafted

by the N.F.L. in 1961. Name these mis-sized mates who met while he played for the Rams and were married in Los Angeles on Jan. 20, 1973 after he had completed a season at running back with the Washington Redskins.

4. A player on the women's professional circuit, she wrote a book entitled *Love Match* as a wedding present, while he won five consecutive Wimbledon singles championships at the height of his stellar playing career. Name this cosmopolitan couple who tied the knot on July 24, 1980 in Bucharest.
5. After joining the L.P.G.A. tour in 1977, she recorded five consecutive tournament victories en route to amassing the most official money ever won by a rookie, while he broke into the majors as a third baseman with the Cincinnati Reds in 1974 and finished sixth in the National League with a batting average of .304 as a first baseman for the Houston Astros last season. Name this presently productive pair who wed on Oct. 25, 1982 in Pelham, Ga.



(Answers on Page 18)

HARVARD LAW RECORD

Fund Avoids Unethical Investments

(Continued from Page 5)

that the fund has thus far outperformed other money market funds, and that he hopes eventually to attract up to a billion dollars in assets.

This raises a question of whether the fund might someday run out of financially sound and profitable ethical investments. Edley did not exclude the possibility that someday conflicts between profitability and

ethics could arise. If that did happen, it would then be appropriate to consider such hard choices as that between companies which employ many workers but are big polluters and those which automate and drastically reduce the numbers of jobs.

However, Edley claimed "it is an empirical question that we will not have to confront for a long time. Two hundred to four hundred mil-

lion dollars is still peanuts compared with worldwide investment opportunities. I think any such 'crowding effect' is very far away."

Edley points out that investors with fiduciary duties such as universities have special obligations to protect their investments in a way that an individual investor does not, and must therefore be cautious.

Nonetheless, he concludes that "the most important step in the process is the first one of identifying a potential ethical and economic conflict and saying 'it's worth discussing.'"

For now, at least, it seems that there is no conflict between investors wearing their hearts and their pocketbooks on the same side.



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HLS Roundballers Thrash Yale

By Ernie Cicconi

The men in crimson (and green, and blue, and other assorted colors) faced formidable odds. Not only were the opponents taller but they were also natty dressers, sporting white basketball jerseys with "Yale" emblazoned on the front. And numbers, too. Appearances notwithstanding, the Harvard Law School basketball all-stars dominated the court, soundly thrashing their counterparts from New Haven, 88-66, on Feb. 11.

The Saturday afternoon game was organized by Steve Mayer, 3L, who

was approached by one of the Yale players last summer with the idea. Mayer contacted Glenn Fine, 2L, and the two decided to ask four players from each of the top three A-league intramural basketball teams to play. Everyone accepted. Interest among the Harvard administration was not as enthusiastic, however, as Dean of Students Mary Upton's office could not be persuaded to provide any funding and the Harvard Athletic Department would not supply uniforms of any sort.

"You expect a lot of red tape," Mayer said, "but it's incredible. . . .

I found that the bureaucrats seemed to be working adversely to the needs of the students." Mayer explained that it took an inordinate amount of time and effort to ensure the use of Briggs Cage and a scoreboard, and that the game was not sanctioned by the University in any way. Yale Law School provided uniforms for its representatives, as well as money for renting cars to the game.

Outcome in Doubt

As with the mechanics of getting the game organized, the outcome of the game itself was in doubt from the outset. The Harvard squad started off playing tentatively and somewhat erratically, having practiced together on only one occasion. The Yale team appeared to have engaged in a like amount of preparation, but nonetheless jumped out to an early lead. The HLS five struggled back and it was a whole new ballgame with 11:42 left to play in the first 20-minute half. The score: 14-14. The outcome: still in doubt.

Fine, who served as team captain, and Jeff Orridge, 1L, began the game at the guard spots while 2L Ken McNeil and 3Ls Scott Flood and Jim Herald started in the frontcourt. Defense proved to be their forte, as big defensive plays kept the score close. McNeil in particular was an imposing force, blocking shots and clogging up the middle. Flood, playing Dr. J. to Herald's Moses, snared rebounds and errant Eli passes.

HLS Moves Ahead

Meanwhile, Tony "Toney" Tolbert, 1L, and Charlie "Cheeks" Bliss, 3L, were inserted at the guard positions and provided the impetus to put HLS ahead. Pressuring the Yale ballhandlers, Tolbert and Bliss each stole the ball and scored on layups to turn a 17-16 deficit into a 20-17 lead. For good measure, Bliss tallied again off of another steal and the hometown favorites were sitting on a five-point cushion.

With five minutes left in the half, Yale came within three — 31-28 —

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PUBLICATION

Proceedings of the symposium will be published in the *Harvard Journal of Law & Public Policy*.

INFORMATION

For information about the symposium or the Society, contact: The Harvard Society for Law & Public Policy, Harvard Law School, Cambridge, MA 02138, (617) 495-3105, Mr. Kaj Ahlburg, Vice-President, (617) 498-4813; or Mr. Eugene Meyer, Executive Director, The Federalist Society, (202) 822-8138.

All interested persons are invited to attend. Travel scholarships and lodging will be available for students.



J. MADISON

THE SOCIETY

The Harvard Society for Law & Public Policy is one of the founding chapters of the Federalist Society for Law & Public Policy Studies, an organization of conservative and libertarian law students, lawyers, and professors represented at almost 100 campuses across the nation. We provide a reasoned alternative to the radical and "progressive" ideologies that have come to dominate to an increasing extent intellectual life at Harvard Law School. The Society is dedicated to understanding and preserving the principles upon which the United States was founded: that government exists to preserve individual liberty, that the rule of law and the separation of government powers are essential to a well ordered republic, and that it is the province and duty of judges to say what the law is, and not what they believe it should be.

Team Gets Little Official Support

the closest they would come for the rest of the afternoon. Two fast breaks resulted in five quick points as Orridge converted two drives and a free throw in one 20-second span. Two Bliss baskets, sandwiched around a Flood foul shot, concluded the first half scoring with the HLS quintet ahead, 44-32. Both Bliss and Flood had contributed eight points thus far which, together with six points from Orridge, accounted for half of the HLS scoring. Herald's five points led seven other players in the balanced scoring attack.

Silent Second Half

The crowd, vocal in the first half, was noticeably silent at the start of the second. (I think she was having a tough time finding a water fountain.) As for the teams, both were plagued by foul trouble. Herald and McNeil each picked up their fourth personal foul less than three minutes into the half, and Yale's two scoring threats suffered similar fates. The Yalies had been relying primarily on a one-two punch of second-year students Steven Maizes and Patrick Cooper, who had scored 12 and seven points in the first half, respectively. But while HLS had the extra horses in the likes of 1L Bob Turner, 2L Peter Lallas, and 3Ls Mayer and Ray McGuire, Yale lacked the depth with which to relieve its big men. Cooper collected his fifth personal and fouled out at the 9:40 mark, and the game was as good as over. Maizes continued

to shine, though, even contributing the only dunk of the game at the eight-minute mark.

Undaunted, the HLS hoopsters kept the Bulldog attack at bay. McNeil, Flood, and Herald controlled the offensive boards, often getting two or three opportunities to score. They were spared the effort, however, whenever Fine drove the lane for two. After a Yale timeout with 5:34 to play and the score 72-60, HLS relied on the sure ball handling of Fine and Jeffery Larry, 2L, to maintain the spread. Yale took another timeout two minutes and twenty seconds later with the score 76-64, but this too proved futile as Flood unleashed two running one-handers — the second off of a behind-the-back pass from Orridge, via Larry — to put the game out of even Maizes's reach, 80-64.

From then on it was only a matter of how much and how stylish, as Herald deftly sank a sky hook and Orridge again assisted his fellow Amherst alumnus with a wily ma-

neuver. Orridge then decided to keep one for himself, banking it in on the run. A Turner 20-foot jumper that swished at the buzzer provided the homecourt heroes with their biggest lead of the game. Flood finished the game with 20 points, while Herald pumped in 14 and Fine 12; Maizes led all scorers with 25, and Cooper managed to notch 12 before leaving the game. Of the final outcome there was no doubt: HLS 88, YLS 66.

Bragging Rights

Bragging rights belonged to HLS, and a return match at New Haven is planned for the near future. The Dormitory and Student Affairs Council voted last Monday to allocate \$100 to the HLS all-stars for transportation to the away game. Mayer looks forward to "promoting a friendly rivalry," and his teammates are in accord. They may lack attire, but there's no doubt that they will not come up short in desire.



Racial Violence

(Continued from Page 3)

the key to curbing racially motivated violence is community involvement. "Over the years we have developed some sophisticated answers to some of these problems. One is community action. Where the neighborhood is behind its residents law enforcement officials are pressured to vigorously investigate."

However, King noted that a dif-

ferent kind of "community action" has polarized Boston, where communities have resorted to violence to protect their own. Said King, "it doesn't serve to hear people who are white in order to justify their own racism say 'Well, we can't go into Roxbury. The fact is that people in Roxbury have reacted in the only way they could to assure their own access — to make it known that any time one of their own is attacked they will retaliate.'"

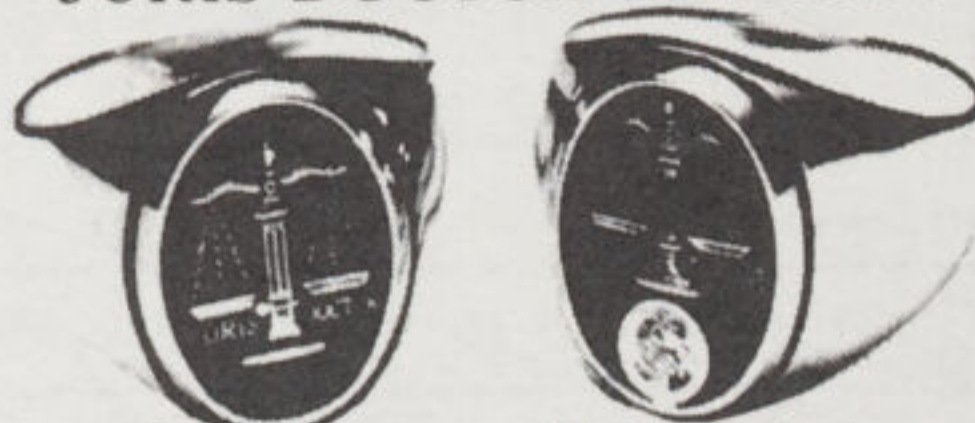
The project was developed through the joint efforts of Dean James Vorenberg, HLS faculty and students. Having done a great deal of work in the area of criminal justice, Vorenberg had a special interest in the project and upon being approached by students with the idea gave them much support. According to Eason, the dean and faculty supporters have been behind the project 100%.



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Women Criticize Selection Criteria

(Continued from Page 2)

has not made a single full-time offer to a woman as a result of recruiting efforts made while these 3Ls were students here. Five women currently teach at HLS on a full-time basis.

"I think [the faculty] has made some efforts to find women and to allow them to visit here," said Mary Ellen Roy, 3L, chairperson of the WLA. "But since they haven't hired a single woman since I was a 1L, it's obvious to me that increasing the number of women on the faculty is not a priority to them."

"The reason there aren't more women on the faculty is that the faculty has not accepted that there is an independent virtue in having more women on the faculty," according to Ellen Weintraub, 3L, vice-chairperson of the WLA and a member of the organization's committee on faculty hiring. "They are willing to hire women who look just like them — editor of the *Law Review*, Supreme Court clerk, etc. Their commitment to hiring women doesn't go past that."

Three Messages

Chai Feldblum, a second-year student who heads the WLA's committee on faculty hiring, said WLA members approached the Appointments Committee with three messages — (1) to let faculty members know that the WLA is watching the faculty's hiring policies; (2) to talk about individual candidates in whom the WLA was particularly interested; and (3) to discuss the criteria used by the faculty when it considers new candidates.

According to Feldblum, "Everyone on the committee got the [first message]."

At least one male member of the Appointments Committee, however, expressed doubts as to the ability of women to handle a class of 150 students, Feldblum said.

As for the second message, WLA members compiled a list of candidates they would like to see the faculty consider. The list included women like Catharine McKinnon,

a feminist scholar who teaches at the University of Minnesota Law School, and Judith C. Areen, a Georgetown law professor whose field of expertise is administrative law.

WLA members particularly emphasized the wide student support for women who had visited here in the past.

One visiting professor mentioned by the WLA was Zipporah Wiseman, a tenured professor at Northeastern who taught Commercial Transactions at HLS last fall.

Enthusiastic Petitioners

The WLA provided Appointments Committee members with copies of a petition signed by students enrolled in Wiseman's course requesting the committee to extend a permanent offer to Wiseman. In the column on the petition reserved for comments, one 3L termed Wiseman "probably the best professor I've had in three years here." A second-year student asked, "Who else gets three quarters of class to come to a Saturday morning makeup?"

WLA members said they believe the Appointments Committee is taking Wiseman seriously as a candidate although they doubt the committee would have done so without the WLA's efforts on her behalf.

Roy said the WLA believes the faculty is also giving serious consideration to several other women who have visited here this year. They include Wendy Williams, a Georgetown professor whose Gender and the Law course in the winter term produced another strongly supported petition drive; Linda Green, the school's first visiting professor who is a minority woman; and Sylvia Law, who is currently teaching Family, Work and Welfare Law.

Roy said that although there is apparently some opposition among faculty members to extending an offer to McKinnon, faculty members have told the WLA that McKinnon is still in the running for a permanent offer.

Above all, though, WLA members hope to convince faculty members that the criteria used by HLS in evaluating potential faculty members are unfair and unlikely to produce many more women candidates.

Roy thinks part of the problem is the faculty's insistence that women meet the traditional criteria of law review membership at one of three or four schools and a prestigious clerkship.

"Harvard did not even admit women until the 1950s and then for 15 years women were only admitted in small numbers," Roy said. "Only in the past 15 years has Harvard had sex-blind admissions. The fact that there aren't women with the credentials is in large part Harvard's fault. Harvard has purposefully kept women from achieving the type of credentials that one has had to have to get on the faculty. I think it's past time that they remedy that."

Feldblum said that while she believes scholarship is critical to doing well as a law professor, she doesn't feel the faculty considers other credentials such as successful clinical or teaching experience.

Different Priorities

"You get a lot of people saying, 'Isn't it too bad women haven't made it like men,' without an understanding that women often have many priorities in their lives," Feldblum said. "Many women don't go for the traditional credentials [like law review] because they don't want them. They bought into the white male system a lot less. There are many ways to measure someone's creativity and intelligence besides law review or clerkship for the Supreme Court. If you don't look at these people you have carved away some of the people I feel are the most feminist."

"I don't doubt the sincerity and concern I have heard from people on the committee," Feldblum said. "I would like to see more self-reflection which would create a more intense commitment."



Review Opts For Weighted Selection

(Continued from Page 6)

from the preliminary poll to recently changed opinions in response to student opinion and internal discussions. In particular, he cited a position paper circulated among the membership by Mark Wooster, 3L, a grades editor and one of the leading proponents of the all-writing-competition plan.

After a lengthy discussion of the advantages of the alternatives on the table, the members agreed to take two votes pitting each plan against the current system. If both plans received a majority, a third vote would decide between them. A motion to vote by secret ballot narrowly failed, 34-35.

Fairer Measure

Proponents of the status quo argued that employers and judges would use only grades, reducing the importance of *Review* membership. They also claimed that the competition adds pressure to 1Ls and that grades are a fairer measure than the writing competition, because the former measure uses an average of six professors' evaluations while the latter is a single student-graded evaluation.

Those who favored change noted that all methods produce approximately equal anxiety, that change would be responsive to the community, and that a small group of students would no longer be doubly certified, once by receiving high grades and again by selection to *Law Review*. The weighting plan would give a reasonable chance of selection to a larger group than the current plan, which selects only those four students from each section with the highest grades.

Exactly half of the *Review* mem-

bers voting preferred to choose all editors through the writing competition rather than to keep the current method. The tie vote was broken by *Review* President Scott Nelson, 3L, who preferred the current system. Approximately three quarters of the members then voted to change to the weighting system.

After the meeting, Wooster commented, "I was actually quite surprised at the results of my memo. I think the weighting system won because people began to question the use of just grades to select some editors, but some were not willing to make the really big change to an all writing competition. This sounded like a compromise."

After the new plan was chosen, the *Review* membership voted on several floor motions. The first would have implemented the plan immediately. That motion was rejected because many members were concerned that there was insufficient time to administer an April first round, especially if the membership desired to conduct a student poll.

The second floor motion would have removed from the table for further consideration the motion to choose 3L editors on bases other than grades. The suggestion was

rejected on the ground that the time was 11:05 P.M. The sponsor of the resolution, Beth Shapiro, 3L, a member of the *Review's* Selection Procedures Committee, stated that "even though we did not vote to change the selection method of those who join as 3Ls, I suspect that the method will be changed before this plan is implemented in 1985."

A final motion to conduct a poll soliciting student opinion was lifted off the table and passed by a 38-26 vote.

According to Hayes, final details of the plan are not yet worked out, but his Committee will be refining them over the course of the semester.

Effect on 1Ls

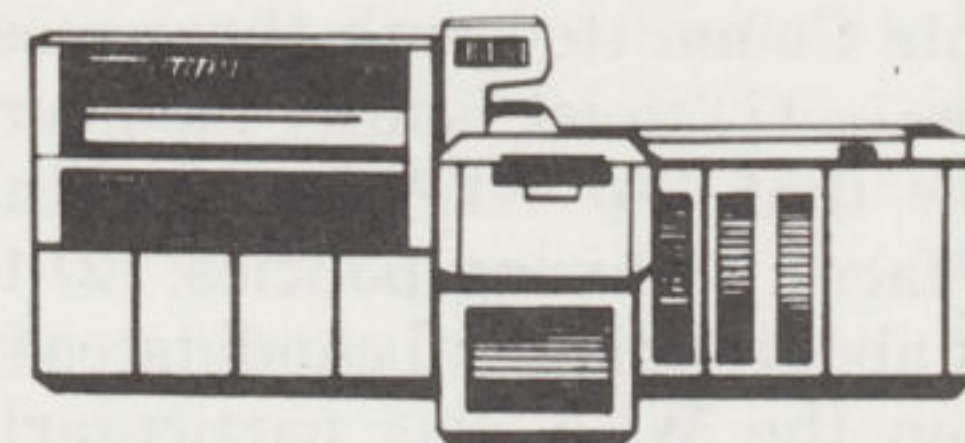
Several observers suggested that the changes may have an adverse impact on the first year. HLS Dean James Vorenberg stated that he wanted to wait to see the plan in writing, but that he was worried about the impact of the first round taking place in April. He suggested that the plan could add to the amount of work and the sense of pressure in the first year.

Susan Keller, one of the 1L organizers of the anti-grades petition

Sports Quiz

1. Mildred "Babe" Didrikson and George Zaharias
2. Chris Evert and John Lloyd
3. Cathy Rigby and Tommy Mason
4. Mariana Simionescu and Bjorn Borg
5. Nancy Lopez and Ray Knight

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1Ls Wary Of New Review Process

drive (see RECORD, Feb. 10), stated that she was worried about the timing of both the first and the second rounds. "If the *Review* took 1L views into account, they'd know that [the June second round] was just impossible."

Wooster stated that an all-writing-competition plan necessitated a spring competition if "we are to have a high-quality *Review* with members who truly know each other."

Associate Dean Lance Liebman added, "Speaking personally as a spring first-year teacher, I have real doubts about the educational value of adding this much additional competition to that semester."

Prof. Richard Stewart, who chairs the faculty's Ad Hoc Committee on *Law Review* Selection, also indicated a concern about the impact on the first year. "A new exam at an already pressured time may increase anxiety because of the extra evaluation process."

Hayes said the *Review* had considered the effect on the community in choosing editors. "The move to reduce the weight of grades is the membership's direct response to the adverse effects of the old selection policy."

"While it is true that the changes were motivated significantly by the institutional needs of the *Review* — it is more important to realize that the membership was deeply concerned about the effect of the *Review* on the Law School community. For example, the 1L petition was mentioned very frequently during the debate."

Hayes also noted that the Weiler plan, proposed by Stewart's committee, also proposed a spring writing competition. Stewart said the Weiler plan never put the timing issue "in concrete form."

Neither the dean, Stewart, nor Liebman were willing to speculate on the possible responses of the faculty.

Continuing Trend

Over the past decade, the *Review* has been moving away from the use of grades in the selection process. According to a memorandum "written on [his own] behalf" and circulated by Stewart, *Review* editors were chosen solely on grades until 1969. Since that time, the writing competition has increased in importance.

Wooster felt that the trend would continue. "I think that the result we got was good, for it did reduce the importance of grades. I do think that it is inevitable that the *Review* will some day completely eliminate the use of grades in the selection of its members. We made some very dramatic changes, and we almost made what could possibly have been the most dramatic change in the history of the *Review*."

Keller was "quite pleased that half of the *Review* thought that eliminating grades was a good idea, but disappointed that they came so

close without eliminating grades entirely." She felt that the weighting system "shows a willingness to deemphasize grades, but it still does not remove the problems with grades-based selection."

Keller also suggested that the weighting plan may actually make grades matter more, because more students would be "in the running" under the new system. Seventy percent of the 1Ls want *no* grades to be used, she said, and the *Review*'s plan is only marginally better than the status quo.

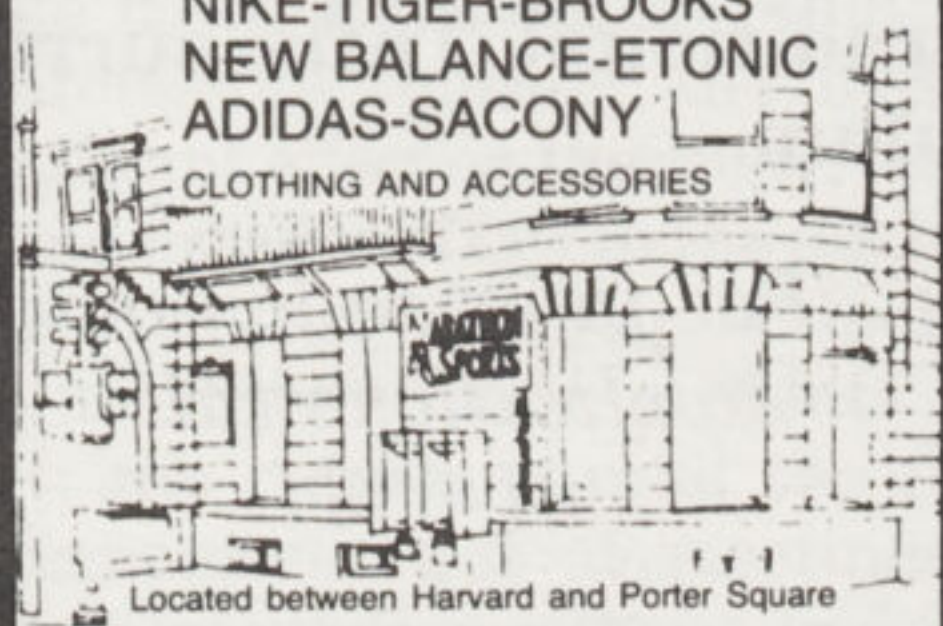
Keller was encouraged, however, over the vote to ask for student input. "I hope it indicates a willingness to listen to the views of significant percentages of 1Ls."

After the meeting, Hayes commented, "I felt it crucial to eliminate the gap [between when grades and writing competition editors join] entirely to really integrate both sorts of editors, in terms of training, camaraderie, and status, for the first time in the history of the *Review*. The Committee also wanted to finally decertify the grades process, whereby writing comp. editors are given a second chance to 'make it' *only after* they have been told by the *Review* that they are not good enough to join on grades. The membership has voted a plan that achieves all of the Selection Procedures Committee's goals, and that is thrilling."

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Women Discuss Color Issue

(Continued from Page 4)

absence of men was not an unintended result, it was not a statement that they were not interested in the views of men on issues which affect women. Said Juanita Hernandez, 2L, "There are so few times that women of color and white women get together to talk with each other. It's not that we were trying to exclude men from the issues. We just wanted this time to talk together."

One had to ask at the end of the conference if anything was accom-

plished. "At the very least, participants were aware of things they weren't aware of when they came," said one student. Urging conference participants not to be disturbed about the immensity of the problems discussed, Arkie Byrd said, "Remember that success in tackling these problems begins with just one small step; in just showing up here and evidencing a willingness to talk honestly, conference participants accomplished a great deal."

Prof Says Attacks On LSC Will Fail

(Continued from Page 1)

proper role of the federal government. The President has proposed that states use block grant funds which would remove the federal government's direct control over legal services to the poor. The President, however, has not proposed any additional funds for such a program.

Pro Bono

Additional services, President Reagan has suggested, could be provided on a *pro bono publico* or charitable basis. Legal services advocates and the American Bar Association, however, have generally opposed such a recommendation fearing the needs of the poor would not be met.

"There is no rational person who believes that voluntary contributions of lawyer time could ever even replace the current level of legal

services to the poor, let alone the five to 10 times as much that the poor are estimated to need," said Gerry Singen, former Vice President of the Legal Services Corporation and currently consultant to Harvard Law's Program on the Legal Profession.

Presently, the Legal Services Corporation provides no services directly but rather funds private non-profit organizations at state and local levels. According to Singen, "Without federal funding many of these organizations would simply go out of business."

When the Legal Services Corporation was created Congress's primary goal was to ensure that poor people have at least 'minimum access' to legal services. Some opponents claim that this goal has been subverted by zealous liberal, even radical, litigation concerning, for example, gay and women's rights actions.

Singen responded to the charge that the Legal Services Corporation engages in radical suits: "Ninety-nine percent of the cases handled by local legal services programs funded by the federal government involve individuals with typical problems. In fact, evictions, divorces and welfare benefits cases make up more than two thirds of all legal services cases and less than two tenths of one percent make up class action suits."

Ultimate Irony

"The ultimate irony of the attacks on legal services clients by attacking the cases brought in their behalf is that the clients win most of these cases. The real reason for the controversy is that the courts are upholding the law for the poor," lamented Singen.

Singen feels that Congress is committed to the Legal Services Corporation. He pointed out that each year the Reagan Administration seeks to eliminate the Corporation and each year the Administration's efforts fail. "The success of the Legal Services Corporation depends not in politics but in its high quality representation of its clients. Despite all the rhetoric, it is the fact that the Legal Service Corporation's program lawyers win most of their cases that has convinced the public and Congress that the program is worth continuing."



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