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25 CENTS

Student Input On Appointments Proposed

By Mike Isbell

The Law School Council expects the faculty to consider several LSC proposals for greater student participation in the appointments and admissions processes at the next faculty meeting on March 14.

The LSC has also proposed that more students be permitted to attend faculty meetings and that council members be allowed to introduce motions at the meetings.

The proposals, which have been endorsed by the full council, grew out of several meetings between members of the LSC and the faculty panel for student liaison.

LSC President Kent Markus, 3L, said the proposals "are just the beginning of [LSC efforts to deal with] student participation and decision-making problems."

Briefly, the proposals the LSC has made to the faculty are these:

— The 15 elected members of the LSC will be non-voting participants at all faculty meetings. LSC members hope the faculty meetings will eventually become faculty/student meetings.

— Any LSC member may introduce a motion for consideration by the faculty, provided a faculty member seconds the motion. This would reinstate a rule that was discarded when the LSC was made a student council rather than a faculty/student committee.

— Students who are not members of the LSC may attend faculty meetings that are not held in closed

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Harvard Law Art Collection

The World Tree, commissioned for the Hark by Walter Gropius, has been witness to the weird, wonderful and wintry at HLS. See story, page 17.

'Politicized' Faculty Affects Tenure, Teaching, Research

By Miguel Rodriguez

This is the second part of a two-part series on political divisions in the faculty. — Ed.

Throughout its history, the HLS faculty has probably never been as divided as it is today. The debate between the 'left' and the 'right' has had a pronounced effect on the appointments and tenure procedures, the time faculty spend on legal scholarship, internal faculty relations and the student body.

Most professors agree that the appointments process in particular has become highly politicized and controversial. According to Prof. Charles Nesson, "The fear on the right is that people will be appointed to the faculty because they will add

to the political strength of the left and not because of any outstanding potential for scholarship."

By contrast, a faculty member on the right claimed that "CLS faculty members would find a place here if the only concern of the faculty was scholarship. But, what has happened now is many people will vote 'for' or 'against' thinking how that person will turn out to vote in the future."

"I object to the lobbying and the politicization of the appointments process," said Prof. Clark Byse. "Originally, we wanted to have a variety of the best here and therefore I have voted for all of them [the left], but they would not have voted for me, and I think that's terrible."

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Visitors Evaluate HLS Experience

By Burlette Carter

The Harvard Law School Visiting Committee concluded a three-day visit to the campus on Saturday, Mar. 3. During its stay the 38 member committee, chaired by Associate Justice Herbert Wilkins of the Massachusetts Supreme Judicial Court, heard reports from the Dean and HLS faculty members on the library, the appointments process, the clinical program, the Program on the Legal Profession, and financial and fundraising issues among other things. Some committee members, many of them Harvard Law graduates, also sat in on classes.

On the second day of its visit, the committee had lunch with a group of Harvard Law Students who, according to Dean of Students Mary Upton, were randomly chosen from a computer generated list.

Some students, however, expressed concern about whether the luncheon was merely cosmetic or whether the committee actually was interested in meeting students and hearing their views.

Student Input

Law School Council President Kent Markus, speaking generally about the committee's visit, said that he felt there was a great deal of room for broader student participation in the agendas. Markus and other student leaders also expressed their disappointment over an earlier February meeting with committee members: only four members of the committee were present at the meeting, although the student leaders who were invited were under the impression that the full committee would be present.

Elisabeth Wahlen, Assistant to the Dean, explained that many members of the committee are from out of town and attending the meeting prior to the official committee visit would have been difficult for them.

Markus and the Law School Council did, however, manage to meet with about 20 members of the committee during the official visit

and discuss student issues. Markus added that Judge Wilkins had made sure that each member of the committee received a copy of a letter which Markus had written to Wilkins, expressing viewpoints on faculty hiring, student participation, large classes, clinical programs and grades at the Law School.

Markus did say that despite the need for more student input, he felt that committee members listened to students and were concerned about the issues raised by them during the recent visit. Markus' views were supported by other student leaders who had spoken with committee members. However, Markus acknowledged that since

the committee serves only in an advisory capacity with no managerial functions, the impact of student comments on University and Law School policymaking might still be negligible, even if taken seriously by committee members.

The Law School Visiting Committee is one of many visiting committees created by Harvard's Board of Overseers for the purpose of inspecting and reporting upon the various schools and institutions within the University. In its advisory capacity, the committee will issue a report of the findings from its visit to the Board of Overseers later this year.



Alianza Ames Alternative Prompts Participant Protest

By Norman Bay

Can a woman who supported her husband through three years of law school claim part of his degree as property in a divorce proceeding? Is the production of nuclear weapons illegal under international law? Does the expansion of a ski resort and recreation area onto lands considered sacred by a Native American tribe violate the First Amendment guarantee of religious freedom and the American Indian Religious Freedom Act? Those are a few of the issues presented by the various Ames alternatives this year.

A record 180 first-year students have chosen to participate in the 11 different alternative cases sponsored by HLS organizations. Sam Sichko, 3L, chairperson of the Ames Alternative Committee for the Board of Student Advisers, attributes the increasing interest to better publicity and the broader legal and social issues that the alternatives present. The cases, he notes, "are strongly related to present legal problems that call upon a person's emotions." The research done by 1Ls while working on the alternatives, moreover, is often

compiled and used by the organizations sponsoring the case.

In an Environmental Law Society case, David Orentlicher, 1L, represents the Sierra Club in its attempt to prevent the government from spraying paraquat on marijuana crops in national forests. Researching an important issue of public interest appealed to Orentlicher. He wanted to avoid a "typical, mundane case that was a rehash of what we had done in class."

Orentlicher believes that the alternatives are more interesting but that students waste more time researching them. "The issues don't break down as easily," he said. "The advantage of regular Ames is that the cases have more structure and represent a more logical way to learn legal research."

Coin Toss

Orentlicher's team flipped a coin to choose sides in the case. "Most people wanted to work against the government and for the Sierra Club." For the losers of the coin flip, he observed, "You'll become a

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Law School Library Parallels Profession

By Justin Hughes

This is the first in a three-part series exploring the problems and future prospects of the HLS libraries.
— Ed.

In many ways, the HLS libraries are like a physical manifestation of the legal system — staid, imposing, ordered but not too orderly.

For many, the parallels to the legal system are too strong. The library, some would say, is labyrinthic and needlessly difficult to use. Like the 'Law', it is suffering from deterioration and the difficulty of keeping pace with a relentlessly modern world.

Yet the parallels also run in the other direction. The Law School's library, like the legal system, is undergoing great changes. Over the past few years, there has been a major turnover in the library's top administrators.

The present library administration is beginning to "computerize" Langdell, is making increasingly visible changes in the management of the collection, and is promising improvements in the quality of service to students and faculty.

The day-to-day administration of the law libraries is broken into five areas. Except for the international library (ILS), each area reflects a basic function in operating Langdell.

Five Departments

"Collection Development" selects and orders books, "Cataloguing" catalogs new books when they arrive, and "Collection Management" organizes and maintains the stacks. "Public Services" handles user ac-

cess to the collection, including the Treasure Room, the Circulation desk, and Reference Services.

Since Public Services has the most contact with students and faculty, it garners more complaints than any other area of the library. While the circulation and reference staff may fulfill their professional duties, students frequently complain about staff members as being discourteous,

night staff, like Tony, Kevin, and Herb are really nice people. Its just that the staff as a whole seems to care a lot less than many of them do as individuals."

Joan Howland, the assistant librarian in charge of Public Services, is sensitive to such criticism. In fact, she and Sandy Coleman initiated the user survey last fall that found such unhappiness with the circu-



Risé Peters

HLS librarians contend that efficiency in Langdell Library could be facilitated if students learned the difference between the Reference and Circulation desks.

unhelpful, and inattentive. There has been at least one incident of abusive language from a reference staff member toward a student.

On a fall survey of library users, the Reference and Circulation staff was cited as one of the five worst problems in the library. Deputy Librarian Sandra Coleman declines to say where it finished in the top five.

"Its really difficult to get any cooperation," said Chris E. Cleveland, 1L. "It's not that they're rude. They just don't do anything. You have to ask twice before they will help you."

As one student said, "Some of the

lation and reference services.

The survey was one of Howland's first changes as head of Public Services. She joined HLS this past August from her last position as reference librarian of the Stanford law library and many believe she was chosen precisely because of her emphasis on public relations. As she said, "Even before I got here I knew there was a severe public services problem. But I was also aware of the strengths of the department."

Howland places tremendous emphasis on improving relations between staff and students using the library. Recognizing that her previous work was in a smaller library with fewer users, Howland still thinks that service in Langdell is not what it should be: "I think Stanford students really liked their library; . . . they didn't think it was an administrative hassle." She added, "I will be disappointed in myself if there aren't drastic

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Few Confront Bar Exam Alone

By Kenneth Rutman

It isn't likely, but you may be that rare, gifted, super-confident individual who has breezed through law school without once having to consult Gilbert's, Emanuel's or a Nutshell. And you may have aced your LSATs, SATs and PSATs without help from Stanley Kaplan. But even if you've gotten this far without resorting to any commercial study aids or preparatory courses, chances are all that will change once you're confronted with the ultimate law test — the bar exam.

The world is more complicated now than in the days when a student could prepare for the bar by sitting in a lawyer's office and "reading the law." And the people who run bar review courses know that. As a result, it's a seller's market for the bar review courses — of which BarBri, SMH and Josephson are the major ones represented at Harvard.

The cost can run as much as \$760 (for Josephson's New York course, not including discounts). However, the price varies depending on which state's bar you study for, with New York's among the top. The prices for New York that BarBri, SMH and Josephson charge are roughly the same. "And just about everyone takes a course," says Mike Sundel, 3L, BarBri's head representative at HLS.

Classes are held four to six days a week for six to eight weeks, in doses of three to four hours per day. The format generally includes a

combination of live and videotaped lectures, delivered by professors and practicing attorneys, as well as written materials and practice exams.

Most bar review graduates apparently find the courses worth the time, money and effort. They seem to be a simpler way to go than trying to study on one's own. "I couldn't imagine trying to sift back through my notes," says Tom Gold, '83, who passed the Massachusetts bar after taking the BarBri course. Students find the materials particularly helpful because they provide a background in substantive state law, which isn't taught at Harvard.

Some Complaints

Yet there are some complaints. Gold thought the "quality of the lectures was uneven. Some were

terrible." He also found it frustrating that BarBri's format did not allow students to ask questions during the live lectures.

Camille Acevedo, '81, who took BarBri's course to help pass the Florida exam, thought it might well be possible to pass by getting the books and studying at home — "if you're a well-disciplined person." (Books designed to help study for the multistate portion of the bar are published by West, Barron's and Gilbert's, among others.)

"But a lot of people need the discipline of going to a course on a daily basis. It's just like buying all the Gilbert's [for law school courses] — there may be something you can do to make it a little easier." Perhaps not coincidentally, the publisher of Gilbert's outlines, Harcourt Brace Jovanovich, also runs the BarBri course, and Josephson is af-

Discussion Highlights 'Building Bridges' Series

By Michael Malamut

The Harvard chapter of the National Lawyers' Guild is hosting a series of workshops this semester on various forms of discrimination. The Guild series is entitled "Building Bridges."

The first workshop, on Feb. 23, focused on anti-Semitism and attracted over 50 participants, while the second, held earlier this week, dealt with homophobia and was attended by more than 75 people. The great majority of those in the workshops were students, but several members of the faculty took part in both discussions. Upcoming sessions on racism and sexism are scheduled for April 12 and April 26, respectively.

The idea for this year's workshops grew out of a Guild workshop held last year which brought together students concerned with racism.

The sessions have similar, although not identical, formats. They start with refreshments and a general gathering so that those in at-

tendance can socialize and get to know one another better. This is followed by a presentation, such as a film or short discussion.

Afterwards, the participants divide into small discussion groups of about a dozen people. These groups contain a mix of students from the general Law School community and the particular group on which the workshop is focused (Jews, gays, people of color and women, respectively, in each session) and is led by two "facilitators," one from each component.

Pressing Topics

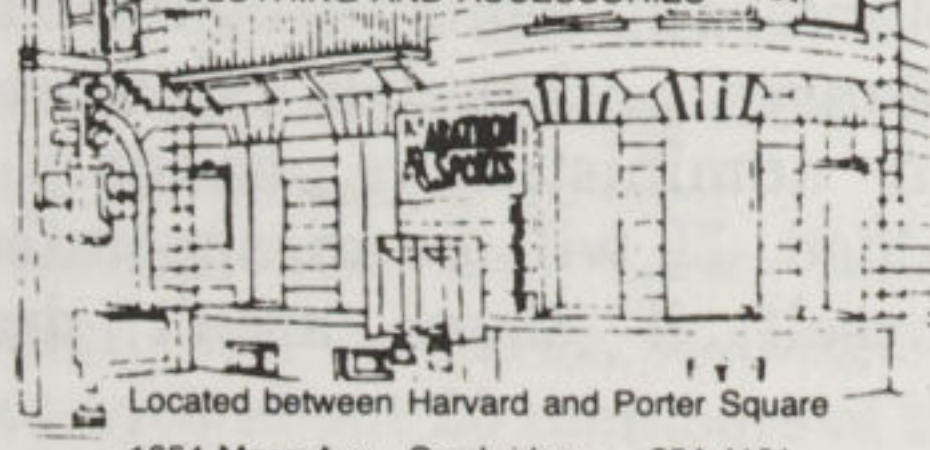
The series is run by the Guild through a coordinating committee chaired by Kim Wynn, 2L. Each specific workshop has a subcommittee to handle day-to-day tasks; the subcommittee is composed, to the extent possible, both of people who are and those who are not members of the group on which the workshop is focused.

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Student Reps Reap Major Rewards

filiated with CES/BRC, which publishes the Sum and Substance course outlines.

Since an overwhelming portion of law graduates takes a bar review course, the students who act as the companies' on-campus sales representatives are not faced with a particularly hard selling job. A representative's duties involve taking students' orders while sitting at tables in the Hark for one or two hours a week at designated times during the year. No overt competition between the companies goes on, at least at the sales level, and apparently students do little comparison shopping among the courses. "It's not really salesmanship — people will take [the course] anyway," says BarBri rep. Sundel. Agrees Josephson representative Jennifer Scott, 3L: "We're an information source; it's not a hard-core sales job."

In return, representatives take the bar review course for free. Sundel reports that BarBri reps will also receive cash bonuses, in an

amount to be determined later this year, depending on the amount by which this year's sales figures exceed last year's. "It's definitely a good deal," says BarBri representative Sheryl Silver, 3L, who calculates that she will be taking a bar review course worth \$750 in exchange for about 35 hours of work for BarBri over the last two years.

If a representative intends to work at a law firm that would pay for a review course anyway — and most of the large ones do — then the student is free to keep most or all of the course's value in cash. Such an arrangement appears to bother neither the students nor the law firms.

Are there any differences among the bar review courses? Spokespersons for the three major courses think so.

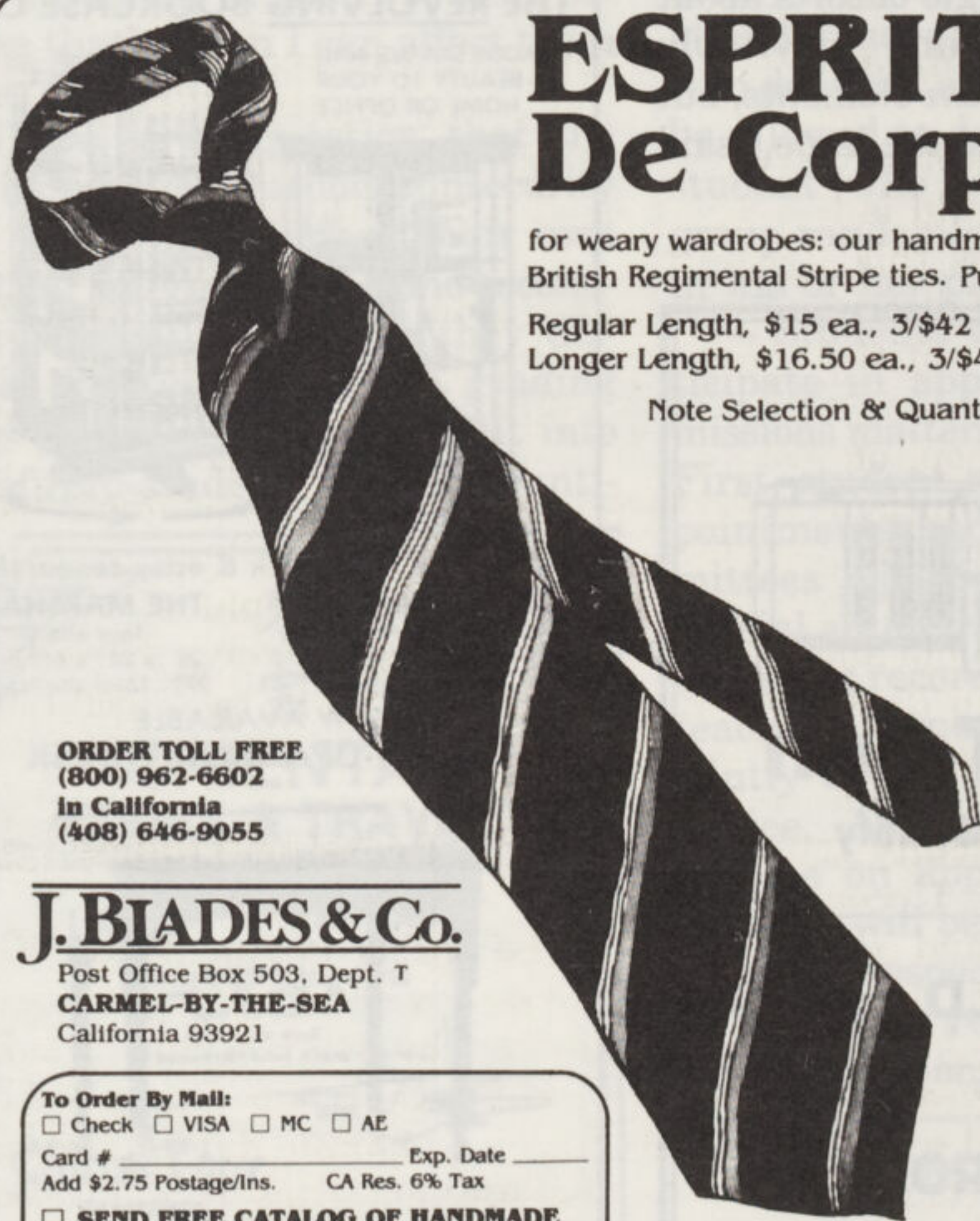
Most Harvard students take BarBri, and Brian McMillen, who works in BarBri's Boston office, thinks the general reasoning is that "everyone has taken BarBri and

passed; they must have a successful formula." In fact, Steve Rubin, BarBri's associate director, reports that 88 to 94% of the Harvard students who take the New York bar after taking a BarBri course pass, as compared with 80% of all New York candidates. McMillen also said the lecturers are "all topnotch attorneys, professors and communicators"; BarBri's brightest light may be Prof. Irving Younger.

Narrative Style

Carol Skiba, an SMH spokesperson, says that a major difference between SMH and BarBri is the SMH written materials, developed by two law professors, which is presented in narrative style rather than outline form and "can stand alone, rather than having to be supplemented by lectures." Skiba says that 100% of the Harvard students who have taken the SMH course since 1981 have passed the bar. These students compose a smaller group, however, than those who take BarBri.

Dana Bonda, who works in Josephson's central office in Culver City, Cal., says that Josephson's strength is that it is headed by a full-time, active law professor — Michael Josephson, who teaches at Loyola (in California). Bonda also believes that the Josephson course offers the students more feedback than do other courses. Finally, Bonda said, among Josephson's lecturers is Harvard's own Arthur R. Miller.



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Right Seen As Impediment To Progress,

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One second-year student agreed with Prof. Byse: "The left can talk all it wants about the 'paranoia' of the right, but the right had enough guts and concern for the students to vote to bring the left here. The left, on the other hand, has put selfish political concerns first. All they seem to care about is whether a potential faculty appointment will vote with them."

Does the faculty vote in blocs? According to Prof. Clare Dalton, "If all of the issues are on the right then the left is always going to look like a bloc."

Bloc Voting

Prof. Duncan Kennedy agreed: "Certainly, compared to the way things were in 1970, the situation is much closer to bloc voting along a left/right continuum where the role the middle and the administration play is not dynamic but passive and reactive."

Another member of the HLS faculty had a different explanation: "The fact that bloc voting is going on indicates that it is less of an intellectual debate than the left would have the students and alumni believe."

Another source of disagreement stems from the amount of time the debate takes from professors' scholarly work. One faculty member who aligns with the right explained that "the left are much more interested in convincing students of their ideas, so they spend more time at the task than on scholarship. They derive enjoyment from the fray, spending the majority of their time on Law School politics."

Prof. Richard Parker disagreed: "While there is certainly energy put into debating issues around the school, I don't think the debate has been unusually acrimonious. Particularly when one way of thinking is entrenched, any disagreement is regarded as uncivil."

Asked whether faculty politics was an obstacle to his scholarly work, Prof. Charles Fried responded, "Nothing interferes with my ability to prepare for class or to do research."

Faculty relations have been strained as a result of the tension and controversy surrounding the debate. "It's a struggle of sorts about ideas and values and inevitably there are *ad hominem* elements, but they are not basic to the issue," said Parker.

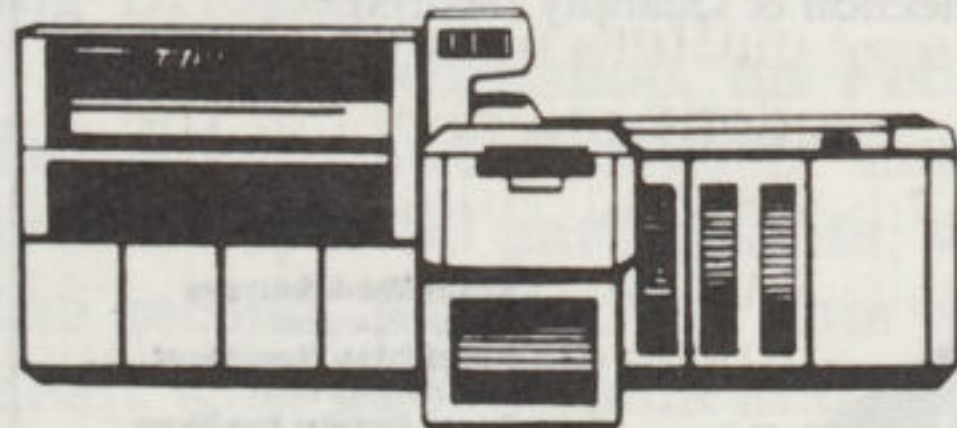
Kennedy added, "I have rarely felt that I was being attacked *ad hominem*. Some people hate being categorized; for other people the emergence of a self-conscious left faction has been exciting and indeed a liberating experience."

More Views Healthy

"There are some people who enjoy controversy and welcome the categorization — there are others who don't," offered Prof. Detlev Vagts. "By itself, it doesn't bother me to know that there is another point of view. We'd be unhealthy to have none."

Most students and faculty agree that faculty differences have affected the student body over a wide range of issues. According to Prof. Todd Rakoff, "Students are increasingly interested on where professors stand. The plus is that it allows you to raise big issues more easily — nobody thinks it's crazy to correct a technical legal issue with

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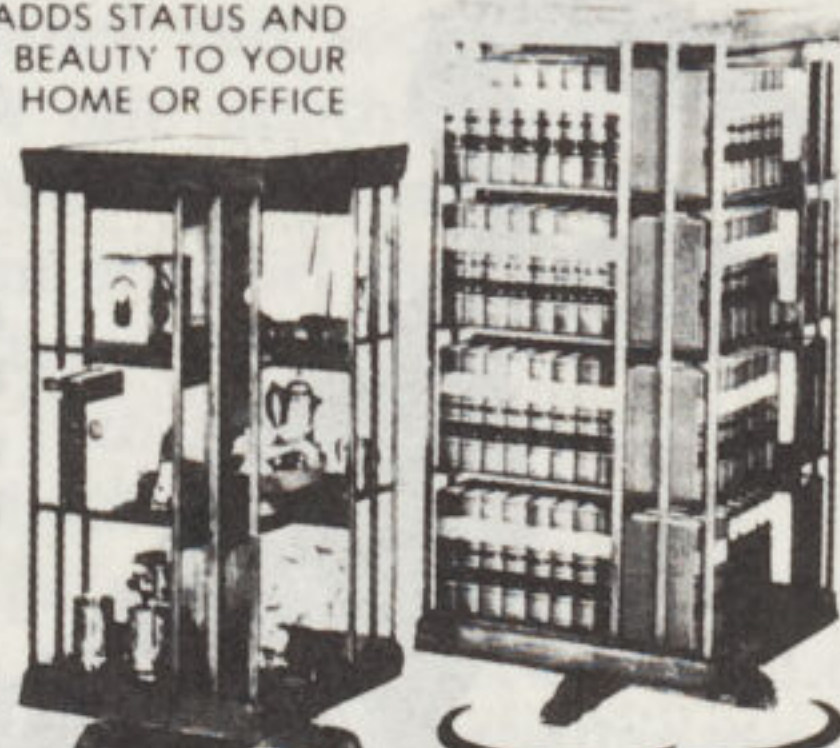
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Left Criticized For Manipulative Message

the broad question of, say, the appropriate form of society. The minuses are first, sometimes you really want to concentrate on the technical issue, and second, it takes effort to make sure people who disagree with you still know that they are accepted in the classroom. Overall, the pluses outweigh the minuses."

Commenting on first-year exposure to the CLS debate, Karin Venable, 1L, stated that "CLS faculty are very good to deal with on an individual level because they seem to be sincerely interested in students in general. The problem I do have is that in class you get a lot of policy discussion and it's hard to talk policy when you don't have much substantive law underneath it."

Student Manipulation?

Are student concerns being manipulated by members of the faculty in order to gain support for left or right views?

Byse answered, "A member of CLS told me: 'I want to teach them [the students] in the first year because that's when I can affect them most.'"

"There is no question that the left has exploited student insecurity and anxiety to further their own political interests," said one second-year student. "The way they distorted last year's vote on grading class participation, turning it into a 'left/pro-student' vs. 'right/anti-

student' issue, when it was really no such thing, showed how far they will go."

Kennedy, a vocal member of the left, said, "Most of us were quite popular teachers from the beginning. Students were willing to go along with our fumbling experiments and a small number of students made big contributions to our scholarly work. Starting with that small student group we did our best to train a second generation of CLS who found jobs at other law schools all around the country."

Prof. Parker asserted: "The notion that the left has the power to make the students angry is ridiculous. The level of paranoia on the right is

greatly based on ignorance and supposition."

Commenting on the effect upon student academics, Vagts said, "The faculty divisions have spilled over into the student body where they tend to produce kinds of suspicions and tensions that I judge to be counterproductive intellectually."

Rakoff observed: "It is clearly true that things are very wide open as to what are fair questions to ask about the law."

"In my opinion," Kennedy declared, "it is a fight as well as a learning process and if it ever stops being a fight, short of radical social transformation, I won't be in it anymore."

LSC Appointment Plans Subject To 'Tough Fight'

(Continued from Page 1)

session by submitting to current procedures which admit five randomly selected students who ask to attend in advance. An LSC member who does not attend a meeting will be allowed to designate a non-LSC student (who is not included in the group randomly selected) to attend in his or her place.

— Students will eventually participate in appointments and admissions matters in one of two ways. First, student members of the Appointments and Admissions Committees will be required to meet special standards (such as a strong academic record or prior university teaching experience) established jointly by the LSC and each committee. Alternatively, LSC committees on appointments and admissions will be formally integrated into the respective processes (by, for instance, requiring candidates for positions on the faculty to meet

with and be evaluated by student committees).

Markus said he expects all the proposals to get serious consideration from the faculty but admits that the proposals to include students in the appointments process will involve "a tough fight." Markus said several faculty members had already told him they think it is inappropriate for students to participate in the selection of new faculty members. A poll of faculty members who attended the Third World Coalition's open forum two weeks ago found that those professors overwhelmingly disapproved of direct student participation on the Appointments Committee.

"I think there will be significant support for the proposals to include more students in faculty meetings," Markus said. "I would be surprised if it weren't a close vote."

Markus said the LSC decided to propose direct student participation in the admissions and appointments processes since such participation is, in the council's view, the only way for students to affect these matters. "Admissions policy is made as admissions decisions are made," he said. "The same is true with regard to appointments."

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Library Priority: Improved Services

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changes, a good deal of improvement, in a year."

Library administrators — Howland, Coleman, and Head Librarian Harry S. Martin — are quick to absolve any particular person for the present state of reference and circulation.

Coleman and many members of the faculty see the attitude of library staff as a reflection of an earlier belief about the purpose of the library. According to this view, the

library saw itself as a repository and guardian of the world's law literature. Making that literature available to anyone, especially students, was a secondary concern.

Prof. Andrew Kaufman was chairman of the faculty's Library Committee from 1977 to 1982. He agrees that in the past those concerned with the library emphasized collecting and preserving books as "the educational mission of the library" but he is hesitant to endorse any single theory to explain the

public services problem. He pointed out that if this vision of a library unconcerned with students ever existed, it was founded on the simple fact that you can't create easy access to books unless you have the books. Good public service is not much help, he pointed out, "if your books are in dust."

Kaufman thinks it is difficult for a group like the faculty's Library Committee to address service problems: "I think it's very hard for the Library Committee to handle something like this . . . It's always easier to get a handle on the concrete problems."

Nonetheless, improvements in service to students has been one of the concerns of student members of the Library Committee. They have met at least once this year with Librarian Martin to seek changes. Martin says he asked the students to give him time, but both he and Howland vow changes — either in attitudes of the present staff or in new staff members.

The problems, according to Martin, stem not just from past attitudes. He also sees insufficient research training for first-year students as one factor causing service problems as well as the awkward physical set-up of Langdell that requires "a lot of running around the staff has to do."

The difficulties with making the circulation and reference staffs "public relations-oriented" should not mask the quality of staff mem-

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Student Confusion Part Of Past Problem

bers as library professionals. According to Coleman, at least 12 staff members at the library have some combination of law degrees, graduate degrees in library management, and graduate degrees in other disciplines. The Reference desk is staffed by these "library professionals" while the Circulation desk personnel have not, for the most part, had extensive professional training.

In fact, the failure of students to recognize the difference in the professional skills of the staff only aggravates problems. Most HLS

students don't seem to know the difference between the Circulation and Reference desks beyond Circulation being where the reserve books are and where you go to check out a book. Students often become unhappy because Circulation people can't answer questions that Reference staff can.

"Reference people can answer the difficult research questions," said Howland, "On basic directional questions — like where to find certain series — there is a definite overlap between the two desks." She added that she hopes to improve

the Circulation staff's knowledge of the library. "Basic information is needed in Circulation. . . . We are trying to ensure that people at the Circulation desk can help on more directional questions."

Howland sees a two-stage approach to improving both public relations and the ability of staff members to help with questions. "First you have to tell them [the staff] what our expectations are." The second step is the implementation and enforcement of those expectations. "I think my expectations have been adequately expressed to the staff," she said, "It is now time to put those expectations into action."

Howland also has hopes for other improvements. This past fall she sat in on a Legal Methods section to see what research needs and training first-year students have. She hopes to eventually work with BSA members in involving staff more in orientation tours of the library.

Some students feel there has already been a noticeable change in the staff attitudes. One student commented that he had seen the Circulation people "doing less reading of *Punch* in the past few weeks." Another thought that some of the night staff were noticeably more receptive to questions.

To others, the promise of improved service should be taken with a grain of salt. Martin, however, gives a basic reasoning for believing that more emphasis will be put on public services in the future. He characterizes Harvard libraries in the past as being "collection-driven libraries." With the information explosion and the budgetary constraints libraries face, a new emphasis will be mandatory. "Because our collection encompasses a smaller percentage of the universe . . . if someone's really doing research, you can no longer assume you've covered the waterfront by going through the card catalog . . . People will be more dependent on the library staff. In that sense, services will be more important."

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A Changing Harvard

For some time now, HLS alumni have been reading regularly in the pages of the RECORD stories detailing the depth of student unhappiness and alienation here. As the tone of some of our letters to the editor during that time has indicated, many graduates of the Law School are at a loss to comprehend all that is happening. It seems many practicing Harvard-educated attorneys fear something is deeply wrong at HLS.

Something has changed at Harvard. Since HLS launched its ambitious affirmative action program for student admissions at the close of the 1960s, the composition of the student body and the educational experience here have changed radically. Students who are not white men now compose a large part of each entering class. People with unorthodox lifestyles are more visible at HLS than they were in the past. One can even peruse the latest school yearbook without drowning in a sea of ivy. And those who come from traditional backgrounds are affected by having a diverse group of friends and classmates.

Harvard alumni should be proud of the Law School's efforts to make the legal profession more reflective of society as a whole. However, greater representation of groups that were excluded in the past necessarily means the nature of the Law School will change. Third World students, for instance, want to see a change in the faculty's color scheme. Members of previously excluded groups — who have seen law used as a tool of oppression as well as a vehicle for positive social change — might come to Harvard with less respect for the legal profession than their predecessors had. Perhaps it is more than understandable that these students and their classmates are sometimes a bit recalcitrant when white men use their positions of authority to oversee the flow of discussion in the classroom.

It is unfortunate that some of our most vocal alumni feel compelled to embrace tradition rather than to give these new members of the HLS community the benefit of the doubt. One could hope that if students talk long enough, these alumni — and their tradition-loving cohorts on the HLS faculty — will find that it is in their interest and the interest of Harvard itself to support efforts to achieve a more representative faculty as well as a more diverse student body.



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Fenno

Fenno was so excited about spending spring break in Ft. Lauderdale that he wanted to practice vacationing. He headed to Blodgett Pool with two inner tubes — one for him, one for his cooler of beer.

In the locker room, he offered a beer to the man next to him. The man declined politely, but introduced himself: "I'm Yenno. Harvard Business School."

"I'm Fenno," said Fenno. "I'm at the law school."

"The weak subsidiary," said Yenno with a knowing look.

"Subsidiary?" asked Fenno.

"The Harvard Law Subsidiary of Harvard, Inc. Not well-managed. It's not meeting demand. Six thousand applicants, only 784 acceptances in the last fiscal year."

"Maybe the law school wants to keep standards high," said Fenno.

"High standards can be maintained without losing market share to Stanford and Yale. When Roscoe Pound was CEO from 1915 to '36, he doubled the enrollment of 730 while retaining the snob appeal that's always been an integral part of the marketing strategy."

"In 1875 when most American law schools didn't require students to have *high school* diplomas, HLS required applicants to be college graduates or to pass a college-level exam. President Eliot said, 'An institution which has any legal prestige . . . will make a money profit by raising its standard.'

"It can also profit by expanding, as HLS has done with its LL.M. program and Program of Instruction for Lawyers. Both are of questionable educational value; both license more lawyers to put HLS on their resumes."

"How come you know all this?" Fenno asked.

"I always research firms thoroughly before I bid for them. I'm going to capture control of HLS, Ltd. and turn it into HLS, Unltd. I'm going to sell franchises."

"Franchises? You mean Harvard Law School without Harvard Square?"

"What is Harvard Square anyway?" said Yenno. "A bunch of street performers whose permits should be revoked, truant punk rockers, an instant astrologer, pipe-smoking preps who were hicks when they arrived here as freshmen, a solicitor for wheelchair basketball, and leafleters for crash courses in Spanish, all crowded around a huge construction crater for an interminable subway project which MIT sophomores could have completed in a semester as a prank. I think HLS in Manhattan is a great idea."

Fenno and Yenno walked out to the pool. The lanes were marked, "Slow," "Medium," and "Fast." Yenno dove into the Fast lane. Fenno climbed into his inner tube and drifted away with his beer cooler in the Slow lane.

He drank a Regal Lager and decided to buy a franchise. "Harvard Law School in Ft. Lauderdale is a great idea," he murmured.

Letters to the Editor of the Record

Ticket Out

To the Editor:

I was upset by the uniformly hostile views of "working class" students reported in the front page story of your February 10 issue. Paul DiDonato, 2L, says he "is now in the real belly of the beast . . . and I should use it and turn it against itself." Verna Bigger, 2L, has learned that "Harvard is nothing."

In 1967 when I received a job offer with a Wall Street law firm for \$9,500 it was more money than my father earned to support a family of five. Now that I am a rich lawyer, I can tell you that rich is better. I owe much of that success to Harvard Law School. With maturity these "working class" students will realize that Harvard Law School was their ticket out of neighborhoods where people stand and cheer while women get raped on barroom tables.

Alan C. Rothfeld, '68
New York, N.Y.

Reynolds Rap

To the Editor:

Professor Wolfman believes the Harvard Society for Law and Public Policy "forfeited its claim to respectability" by asking Assistant Attorney General Reynolds to be its after dinner speaker at a recent conference. I cannot concur.

I have both worked and disagreed with Mr. Reynolds, and I can testify that of all of the arguments likely to reach him, appeals to political expediency are sure to fail. In his conduct of the regular business of the Civil Rights Division he has unswervingly

espoused the principle of strict governmental color-blindness. Whether or not one shares this principle, Mr. Reynolds is a man of principle. In the *Bob Jones* case the ultimate issue was the authority of the IRS to invoke its revenue collecting authority in order to frame social policy, and this is a matter on which reasonable people can differ without properly being suspect of harboring racist views. Indeed, Mr. Reynolds informs me that Professor Laurence Tribe, who joined Professor Wolfman in a brief opposing the government in an earlier stage of the case, has recently written Attorney General Smith, warmly complimenting the Department of Justice for its presentation of its position on the merits in the *Bob Jones* case.

Charles Fried,
Carter Professor of
General Jurisprudence

Insulting

To the Editor:

While we are not unmoved by the plight of big business as described by Professor Charles Fried ["The Trouble With Lawyers," *New York Times*, Feb. 12], we are confused by his description of public interest lawyers and insulted by his condescension toward the poor and their legal needs. According to Professor Fried, the trouble with lawyers is that they currently overcharge big business, which can ill afford it. According to us, the troubles with Professor Fried's view are that it perpetuates a legal system which protects and legitimates the current social and political order and that it considers inefficiency the only possible problem with that order.

Fried vacillates between contending that public interest lawyers make as "great [a] contribution to the majesty of the law" as their corporate counterparts and recommending that such lawyers "go into politics — where they belong." His indecision is understandable. He is forced to acknowledge that political power is exercised through the legal system by Wall Street lawyers who seek to play a role in "the major economic determinants of the society." Fried would limit this exercise of political power to the rich, however, realizing that its extension to the currently powerless could eventually lead to such horrors as "the redistribution of wealth, the destruction of capitalism, the protection of the environment, alternative energy resources, what have you."

The most insulting portion of the essay deals with the needs of the poor for "nurse-practitioners" rather than lawyers. While business needs the finest lawyers to deal with government regulation, the poor need only social workers or confidants to deal with the hassles of the welfare bureaucracy. Per-

haps the Wall Street lawyers and legal academicians Fried knows do not fit his bill of the "savvy, independent, well-spoken person" needed to help the poor, but the description does fit many public interest lawyers and law students we know.

Could it be that the real reason Fried wants social workers, rather than lawyers, to fill this role is that he is concerned that lawyers would go beyond a case-by-case consideration of the problems of the poor to systemic revision, beginning with equal access to legal services for the poor? To Fried, such an open system would be "wasteful and inefficient." To us, such a system would be fair. If the current legal system cannot handle the problems of both the rich and the poor, let us simplify the system to facilitate access by all, or let the rich step aside for awhile. Perhaps the privileged would even voluntarily relinquish some control of the legal system, just to free themselves of the greed of Fried's lawyers.

Stephanie Pollack, 2L
Diana Stone, 2L
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Mary Ellen Roy, 3L
Alyson Brooke Gal, 2L
Carolyn Stafford, 2L
Helen Irvin, 3L
Patricia R. O'Brien, 3L

More Pessimistic

To the Editor:

As I was quoted briefly in the February 17 article, "More Women Profs Is WLA's Objective," I would like to elaborate my personal views on why there are not more women on the faculty, views which are more pessimistic than the general tenor of the article may have indicated.

I think the basic barriers are ego, politics, and latent sexism. The current members of the faculty have such a strong ego commitment to their own resumes that they cannot accept that anyone with different experiences from theirs could possibly be an intellectual peer, capable of contributing to scholarly discussions amongst the faculty and in the classroom. Further, the high esteem in which they hold themselves, and to a lesser extent, each other, blinds the current faculty to the reality that because of their narrow base of experiences, they can only expose us to a very limited perspective on the law. Surely this faculty is capable of evaluating non-academic credentials, e.g., excellence in

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.

(Continued on Page 12)

Letters to the Editor of the Record

(Continued from Page 11)

practice. Yet our professors timidly restrict their consideration to women who have already received the stamp of approval of a Supreme Court clerkship or tenure at another elite law school. The faculty, in its institutional myopia, thus forfeits what might and ought to be Harvard's role as a leader among law schools in bringing new female talent into law teaching.

The faculty's renowned political factionalism compounds the problem. Not only must a woman have all the traditional certifications, but her political views must appeal to two-thirds of the faculty. What result? Two years ago, the faculty voted not to offer a tenured position to a visiting woman professor previously tenured by the University of Chicago Law School and subsequently by Yale. She was reputed to be a political conservative. Currently, on the other end of the political spectrum, Catherine MacKinnon is supposed to be under consideration. A ground-breaking legal theorist in the areas of feminist jurisprudence and gender discrimination, and not surprisingly, a radical feminist, MacKinnon has visited HLS twice — during winter term last year and winter term two years before that. The Appointments Committee has yet to assess MacKinnon's qualifications. This political overlay on the accreditation system in which white males almost exclusively make the decisions leaves the HLS faculty in the distinguished company of the Atlanta law firm of King & Spalding in asserting their right to invite as colleagues only those with whom they feel comfortable, regardless of obvious qualifications or discriminatory impact.

I no longer believe that the faculty is making a good faith effort to increase the number of women on the faculty. In the almost three years that I have been paying tuition to this august institution, the faculty has not seen fit to make a single offer of a tenured or tenure-track position to a woman. To my knowledge, there will be no new women on the faculty in any status next year at the invitation of this year's Appointments Committee. (Two new women will be visiting as a result of invitations issued last year.) In discussions with members of the committee over the past two years, I have been repeatedly assured of their good intentions, and there always seems to be someone on the horizon about whom they are enthusiastic — someone who for reasons beyond the committee's control will be unable to visit until the following year or the year after that. There seems to be an unspoken assumption that only one or two women will actually be invited to join the faculty, an assumption which apparently legitimates, in the minds of the faculty, this endless game of comparison shopping. Never have I heard asserted even a long range goal of a female presence on the faculty proportional to our percentage of the population (52%) or even our representation in the student body (roughly a third).

I am sure that the members of the faculty see themselves as protecting the intellectual integrity of the institution. I, however, see their procrastination in adding more women to the permanent faculty as depriving all HLS students of a broad-based legal education, just as the absence of more people of color on the faculty deprives us all. Imagine a reverse image of this law school, in which

two-thirds of the student body and all but five members of the faculty were women. I ask each member of the faculty to imagine yourself a student in that environment and ask yourself honestly whether you would feel comfortable there, whether you would believe that you were receiving a balanced and neutral perspective on the law, whether you would feel that what you were being taught was preparing you for your life as a lawyer.

There is something missing from a faculty as one-sided in its sexual and racial composition as is the current faculty of HLS. That lack of knowledge, experience, perspective and talent detracts from the opportunities we all seek — to become the best lawyers and the most perceptive thinkers that we can be.

Ellen Weintraub, 3L

Sports Answers

1. A. Bartlett Giamatti
2. Bowie Kuhn
3. Earl Weaver
4. Bill Veck
5. George Will
6. Rod Kanehl
7. Tug McGraw
8. Bill Lee
9. Stanley Coveleski
10. Mickey Rivers



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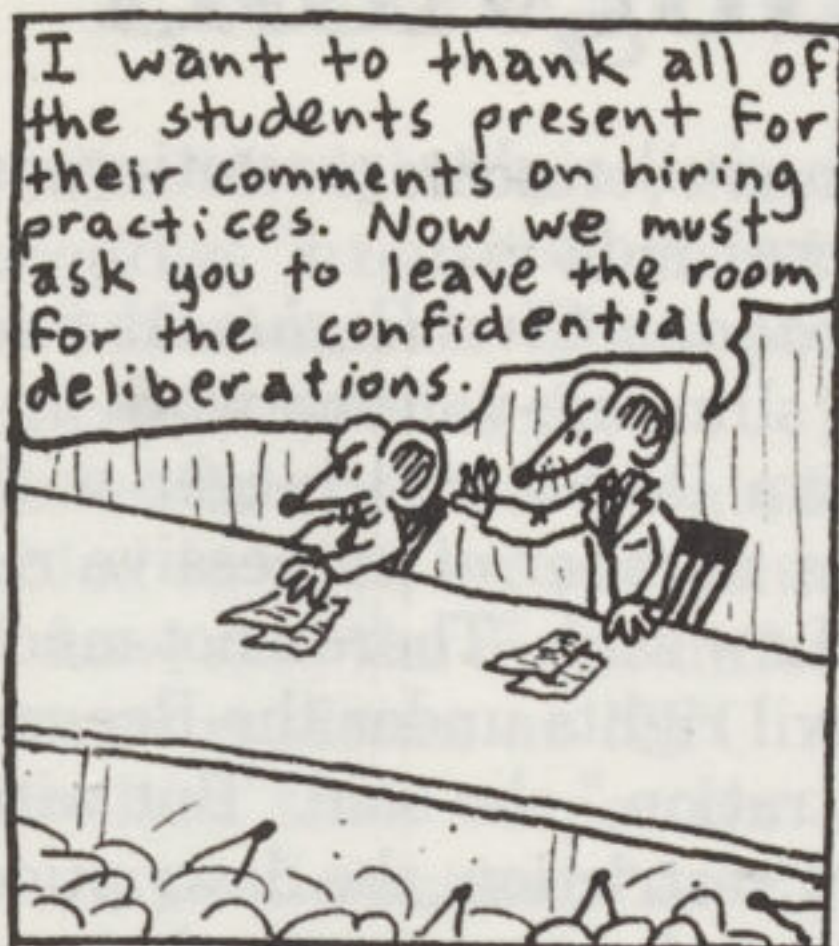
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Rat Race



Sports Quiz

Note: It may not be spring yet, but because at least one young man's fancy has already turned to baseball, this week's sports quiz asks you to identify the observers who mused about the timeless sport, as follows...

1. "It is designed to break your heart. The game begins in the spring, when everything else begins again, and it blossoms in the summer, filling the afternoons and evenings, and then as soon as the chill rains come, it stops and leaves you

to face the fall alone."

2. "Baseball is beautiful... the supreme performing art. It combines in perfect harmony the magnificent features of ballet, drama, art, and ingenuity."
3. "You can't sit on a lead and run a few plays into the line and just kill the clock. You've got to throw the ball over the goddamn plate and give the other man a chance. That's why baseball is the greatest game of them all."
4. "Baseball is the most unchanging thing

in our society — an island of stability in an unstable world, an island of sanity in an insane world."

5. "Baseball, like Pericles' Athens (or any other good society), is simultaneously democratic and aristocratic: Anyone can enjoy it, but the more you apply yourself, the more you enjoy it."
- ... and the players who offered the first-hand reflections below.

6. "Baseball is a lot like life. The line drives are caught, the squibbers go for base hits. It's an unfair game."
7. "The reason I love baseball so much is because when I come into a game in the bottom of the ninth, bases loaded, no one out and a one-run lead... it takes people off my mind."
8. "With ballplayers, it's either baseball or sex. It's all physical stuff. But then, we are physical animals; we try to limit our intellectual abilities because it hurts our performance."
9. "It's tomorrow that counts. So you worry all the time. It never ends. Lord, baseball is a worrying thing."
10. "Ain't no sense in worrying about things you got control over, 'cause if you got control over them, ain't no sense worrying. And there ain't no sense worrying about things you got no control over, 'cause if you got no control over them, ain't no sense worrying."

(Answers on Page 12)

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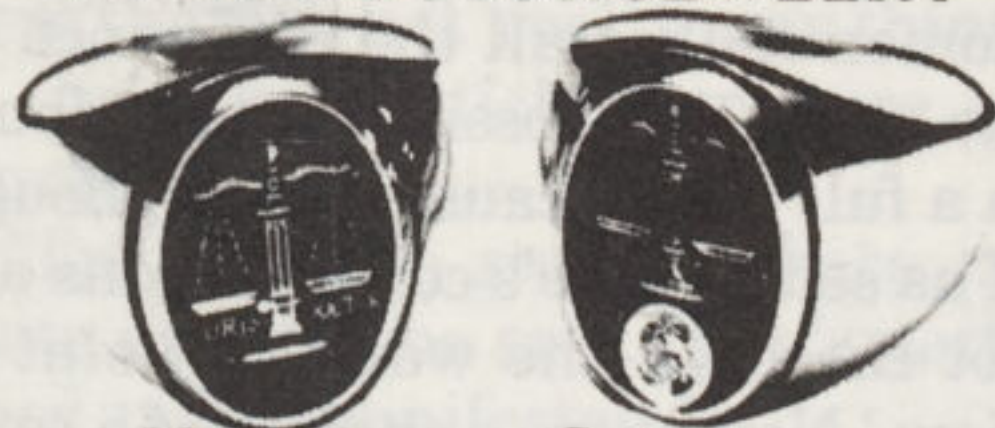
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School's Nature Intrigues Visiting Prof

By Michael Medina
and Susan Smith

As usual, some of the most interesting people around Harvard Law School this semester are teaching here as visiting professors. And as is also usual, a talk with these visitors can uncover some interesting insights into life at HLS.

According to Prof. Sylvia Law, both the strength and weakness of HLS is the "inward-turning" nature of the HLS community. "Both the students and the faculty here are very concerned with the self-identity of the Law School," she commented. "People here seem to devote a larger proportion of their energy to struggles within the institution."

A visiting professor this spring, Law is teaching two three-unit courses — Families, Work and Welfare, and Health Law. Although she has considered herself a New Yorker since 1963, she is currently living in Cambridge with her husband, Barry Ensminger, a fellow at the Kennedy School of Government's Health Policy Program, and her son Benjamin Ensminger Law, who she describes as "a scholar in the first grade" at a local elementary school.

Well-Travelled

Law was born in St. Paul, Minn. in 1942 and grew up in Montana. She attended Antioch College in Yellow Springs, Ohio, and graduated in 1964 with a degree in philosophy. In 1968 she received her J.D. from NYU Law School.

Following graduation from law school, Law taught at the London School of Economics and Political Science for a year. "I worked very hard in law school, and I was tired," she explained. "I wanted to go to Europe while I was still young enough to hitch-hike and stay in youth hostels." She added with a laugh: "Of course, now I know that I'm still young enough, but I didn't know that then."

Following her return to the United States, Law worked as "a welfare test-case lawyer" at the Co-

lumbia University Center for Social Welfare Policy and Law. In 1970 she became the staff director for the Penn Health Law Project. In 1973 she began teaching at NYU where she is currently a tenured professor. The courses she teaches there are Federal Courts, Health Law, Insurance, Torts, Welfare Law,



Adam Eisgrau

Visiting Prof. Sylvia Law

and Women and the Law.

Law has worked on several Supreme Court cases. Among the better known cases she mentioned were *Goldberg v. Kelly* and *Akron Center for Reproductive Health v. City of Akron* (in which her side won), and *Maher v. Roe* and *Harris v. McRae* (in which her side lost). She has also published three books, *Blue Cross: What Went Wrong* (1976), *Pain and Profit: The Politics of Malpractice* (1978), (both geared more towards the lay reader) and *Political and Civil Rights in the United States* (1979).

Two Volume Treatise

Political and Civil Rights is a two-volume treatise/casebook offering a comprehensive coverage of statutory and constitutional law as well as civil rights law established by lower courts and the Supreme Court. Law described the volume as primarily

useful to civil rights practitioners and federal judges.

Political and Civil Rights started out as a slim one-volume work but has grown larger and larger with each of a number of successive revisions, Law said. "There's not much left of civil rights under the Reagan administration," she said. "But with each new restriction, the description of what is left becomes much more convoluted and complex. Unfortunately, I think we have abandoned political and civil rights in the United States."

Law said that although she would consider a long-term teaching position at HLS and finds many aspects of Harvard and Cambridge attractive, both she and her family love the energy and diversity of New York. She said that probably the most difficult change in coming to Harvard would be adjusting to the inwardly focused nature of HLS.

World Outside HLS

"I find the faculty and whole Harvard Law School community very interesting," she said. "But there's a whole other world out there. I place a high positive value on law school being related to work outside of the law school. I'm sure the relative absence of relation to larger issues in the outside world would bother me."

Law also noted that conditions for female professors are better at NYU. "When I began at NYU, I was one of two non-tenured women. Now I'm one of six tenured women, with another half-dozen coming up through the tenure process. Being one of several established tenured women makes all the difference in the world. It's possible to contribute in a full way because there's enough of us so that one's contributions are not cased as 'the woman's point of view.' Now there's enough of a community to say what you think . . . without the perception that one's view is somehow illegitimate . . . I think the situation for women at Harvard will also improve as more women come up through the tenure process."

Duo Counsels Nigerian Government

She noted, however, that the same progress "has not occurred at NYU and Harvard for Black people. My heart goes out to them . . . [I]t must be hard to not feel isolated and disabled in such an environment."

Law said the major difference between students at NYU and HLS involves their respective levels of class participation. "At NYU," she said, "if I say 'think about this question for the next class,' at the



Adam Eisgrau

Visiting Prof. John Payton

next class several students will come back with comments that show they really have spent some time considering the question. I generally don't observe that kind of participation here . . . At NYU in upper-level seminars students seem to participate in discussions on a deeper level. Here you seem to get more 'off the top of the head' comments . . . It's been suggested to me that there is an ethos for students here that it's not 'cool' to say things . . . to take participation here seriously."

"I'm sure the students here are quite smart," she said, "but 'smarts' need to be manifested."

Visiting Team

HLS has teamed up visiting professors John Payton and Adebayo "Bayo" Ogunlesi to teach this semester's course on Developing

Countries and Transnational Investment. Payton and Ogunlesi, who met while they were students at the Law School, are accustomed to working together. As part of their respective full-time jobs, they are counseling the government of Nigeria in a project to market Nigerian-produced liquified natural gas (LNG) in Europe.

Ogunlesi, who was raised in Nigeria, received a B.A. from Oxford in politics, philosophy and economics in 1975. He then came to Harvard, which granted him his J.D. and M.B.A. degrees in 1979. "I was always interested in transnational investment projects," he said. "I talked with a lot of people in that area and concluded that a United States legal education would be good preparation — most people in that area are U.S.-trained lawyers."

After clerking for Judge J. Skelly Wright of the U.S. Court of Appeals for the D.C. Circuit in 1979-80, Ogunlesi served as law clerk to Justice Thurgood Marshall for a year. He took a few months off to travel, then became an associate with Cravath, Swaine and Moore in New York early in 1982.

Project Finance

Later that year, Cravath approved a leave of absence for Ogunlesi to work with First Boston International, Ltd., in New York, on the Nigerian LNG project. This temporary position evolved into a permanent one. Ogunlesi is now a vice president of project finance for First Boston, specializing in international project finance. He advises clients on how to structure and put together financing on large projects.

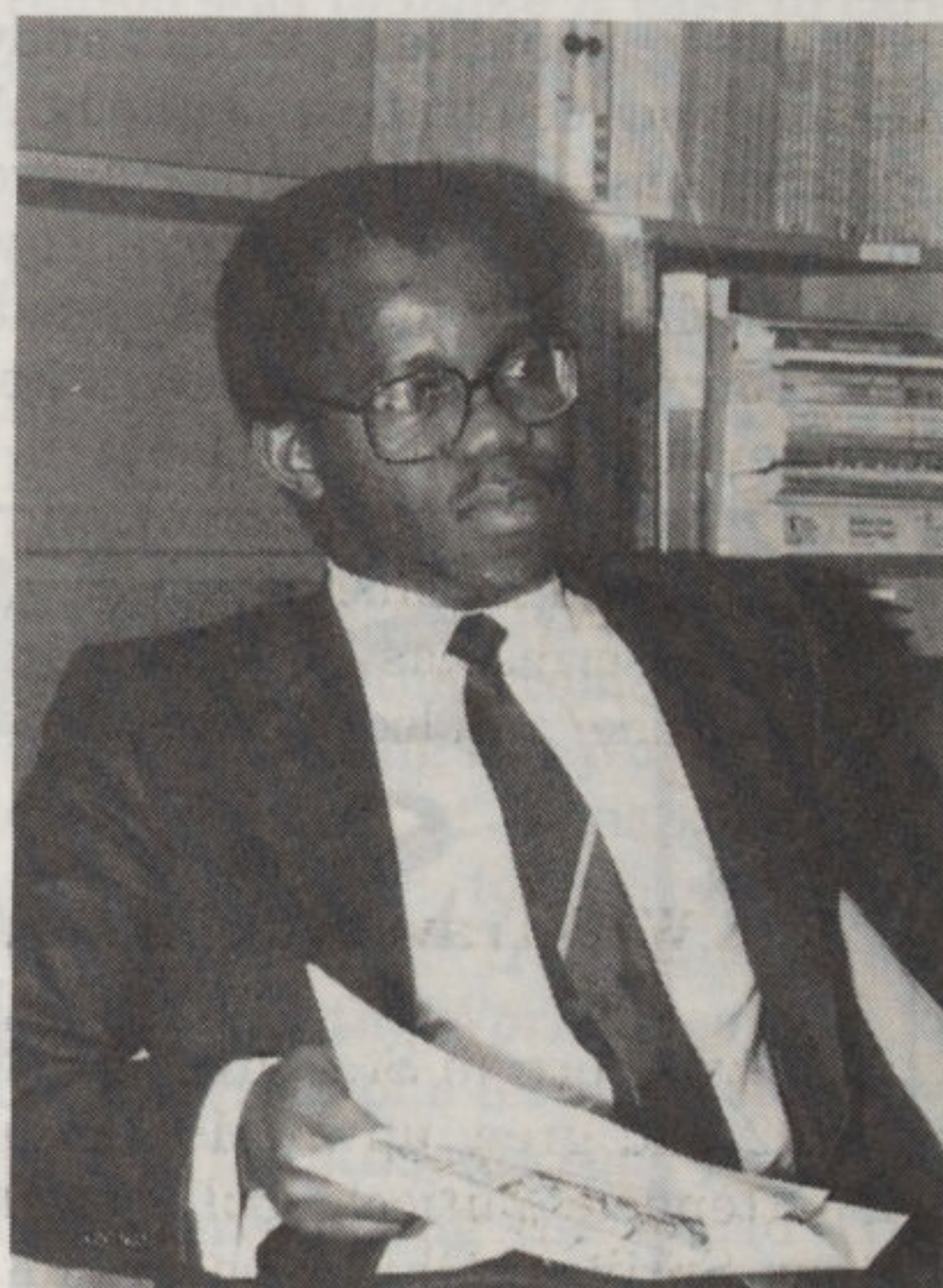
After growing up in Los Angeles and receiving his bachelor's degree in literature from Pomona College in 1973, Payton studied in Ghana for a year on a Watson Scholarship before attending the Law School. He received his J.D. from Harvard in 1977, then clerked for Judge Cecil F. Poole of the Northern District of California (now of the Ninth Circuit).

In 1978, he began his present

practice with the Washington, D.C. firm of Wilmer, Cutler and Pickering. Through this position he provides legal counsel to the Nigerian government regarding the LNG project, while Ogunlesi gives it financial advice.

While both men said they are enjoying their visit at the Law School this semester, they conceded that commuting from their respective cities, preparing for classes, teaching, and maintaining their other jobs have made time a problem.

"It's like working two full-time jobs," Payton explained. "It's especially difficult if you have to do a lot of traveling with your other jobs," added Ogunlesi. However, they put this travel time to good use. Asked when they got together



Adam Eisgrau

Visiting Prof. Adebayo Ogunlesi

to plan the classes, they pointed out that since their other jobs require them to "fly around together," they tend to plan the lessons on these trips.

While both Payton and Ogunlesi have offers from Harvard to teach full-time on a tenure track, it is "too soon to tell" whether either will accept the offer, said Payton. While the offer is appealing, they point out their strong interest in following the Nigerian project, which, though several years along, is still in its preliminary stages and is "too exciting" to leave at this time.

HLS Hosts Regional BALSA Conference

By Michael Medina

The National Black Law Students Association (BALSA) held its northeastern regional conference at HLS from March 1 through March 4. Highlights of the conference included election of regional officers, a number of workshops featuring prominent Black attorneys, a banquet featuring recent Boston mayoral candidate Mel King as keynote speaker, and the semi-finals of National BALSA's Frederick Douglass moot court competition.

Lisa White, 2L, was elected director of the Northeastern region on Saturday. Other officers elected were: associate director, John Cordeiros (Brooklyn); secretary, Lisa Evans (Northeastern); and treasurer, Franzetta Turner (Syracuse).

At the regional banquet Saturday night, King congratulated BALSA members for "taking the time and going through the rigors of law school education," but also added, "I'm sorry that we need you. I be-

lieve that we are in trouble when we have to call on you. As a community the fact that we've had to go for legal assistance means we have been unable to make the community work."

Saturday's program also featured two workshops. "Update '84: Black Lawyers Serving the Community" featured panelists Fern Fisher-Brandveen, '78, of the Community Lawyers Project of the National Conference of Black Lawyers in New York City; Charles Ogletree, '78, staff attorney for the Public Defenders Service of Washington, D.C.; and Fletcher Wiley, '74, managing partner of the firm of Budd and Wiley of Boston.

Ogletree, a former director of the national BALSA, told conference participants that, independent of public service jobs, Black lawyers can serve their communities as role models.

Fisher-Brandveen expressed some agreement but added, "You cannot convince me that Black attorneys

working in isolation up on Wall Street are serving the community."

A workshop on "Black Women in the Legal Profession" was also held Saturday. It featured: Shirley Wilcher, staff attorney for the National Women's Law Center, Washington, D.C.; Prof. Denise Carty-Bennia, of Northeastern University Law School; Pamoja Burrell, an associate at Brown, Rudnick, Freed & Gesmer of Boston; and Margaret Burnham, former Massachusetts state judge and now national director for the National Conference of Black Lawyers.

Carty-Bennia pointed out the ever-growing proportion of Black women admitted to law school to the exclusion of Black men. Black women in law school have to begin to say "Where are the Black men?" she asked. Why is a school with an affirmative action policy comfortable "checking off both boxes" (Black and female) while denying qualified Black males?

☛

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World Tree: Wondered About, Worshipped, Ignored

By Greg Klima

"The first time I saw it, I thought it was a TV antenna."

"I think it is a perfect emblem of the military-compound atmosphere of the Grad Center."

"I like it; it's unique."

"It destroys a perfectly good frisbee field."

"Does anyone know what it is?"

What are these people talking about? The World Tree, of course. The metal sculpture next to Harkness Commons has been mystifying and pleasing persons on the Harvard Law School campus for years. But the story of the World Tree and

what it represents seems to have faded from the common memory.

One person who has not forgotten the story of the World Tree is Bernice Loss, the curator of the HLS art collection and Langdell Library. Loss has kept a file on the World Tree, as she does for all art works around the Law School.

According to Loss, the creator of the World Tree is Richard Lippold. Lippold was commissioned to sculpt the World Tree by the Walter Gropius-led Architects Collaborative. In 1950, when Gropius was designing and overseeing the construction of the Hark, he prevailed on some of his Bauhaus-trained artist friends

to create works for the building. He then realized that no American artists had been commissioned to do a piece for the Hark. This was when Lippold was approached for his work.

Easily Cleaned

In a 1954 RECORD article, Lippold stated that the World Tree represented the "world concept." The circular rings in the sculpture represent the Earth. The projecting rods represent branches sprouting from the seed of the tree, which is the Earth. The sculpture was constructed to be enjoyed from all sides. It was also built to be impervious to attacks from students. This was one reason Lippold used welded stainless steel for the piece. Another reason was to make it easy to care for. Lippold recommended that if the World Tree ever needed to be cleaned, a little cleanser would do the job.

The World Tree did not always sit alone and ignored next to the Hark. During the winters, the area behind the Hark around the sculpture was blocked off and flooded. People could then come and skate on the ice, using the World Tree as a centerpiece. At Christmas time, students used to decorate the branches of the trees with ornaments. And the World Tree used to be the center of a fertility ceremony held by the students each year. The area surrounding the World Tree would be covered with ball bearings, representing seeds from the Tree, and students would dance around the Tree on top of them. In more recent years, the World Tree has served as a centerpiece for grade-burning celebrations. Lippold gave his approval to these alternative uses of his artwork.

Lippold also added that the bleak appearance of the leafless Tree could be relieved by planting flowers around the base of the Tree. He did object to the growing of ivy on it, though. Lippold felt there was already enough of that here at Harvard.

(Continued on Page 18)



HARVARD JEWISH LAW STUDENTS ASSOCIATION

HARVARD LAW SCHOOL
CAMBRIDGE, MASSACHUSETTS 02138

TO: ALL HLS ALUMNI

RE: THE HISTORY OF JEWS AT HARVARD LAW SCHOOL

The HJLSA is documenting the history of Jews at Harvard Law School. We need the help of all alumni to bring to light this fascinating history. All alumni are invited to attend a conference on April 29, 1984. The conference will immediately follow reunions, so if you're planning to come to campus anyway, why not extend your visit by a few hours! You'll have a chance to discuss your personal experiences with students and other alumni. You'll also be able to help form a Jewish Alumni Association. If you plan to attend, please return the coupon below.

For those alumni who can't attend, there is still a way to participate. All alumni are invited to fill out an information sheet which provides room for personal reminiscences. This sheet can be obtained by returning the coupon below.

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World Tree

(Continued from Page 17)

The World Tree is actually only one of four outdoor sculptures at HLS. Another piece rests on the terrace of Pound Hall. It is called "Pharillon Metal," created by Jim Wolfe. The sculpture is made of welded cordon steel. It is the most recent addition to the outdoor collection, being obtained on indefinite loan from the Fogg Museum in June of 1983.

Another piece was created by Loss. Her sculpture is entitled "Two Triangles and a Harp" and is situated between Griswold and Austin Halls. It is a wood sculpture protected by cuprinal. As Loss intended, the shape of the piece changes as one moves around it. The work was added to the outdoor collection in 1976, after there had been a series of floods in the basement of Griswold Hall. An outdoor pump needed to be installed, which was housed by a large cement block. In order to alleviate the ugliness of the cement block, Loss created "Two Triangles and a Harp."

The final artwork in the outdoor collection is actually three pieces, collectively known as "The Judgment." It is located in the courtyard of Griswold Hall. The artist is John Safer, a member of the HLS class of 1949. The piece was given to the Law School in 1979 by the class of 1949 in honor of their thirtieth reunion.

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Guild Strives To Create Awareness

(Continued from Page 4)

When asked why these particular topics were chosen, the organizers replied that, because it was limited in the number of workshops it could have, the Guild selected the topics that appeared most pressing to its membership. They did express some regret that no workshop was planned to cover class prejudice but hoped that a similar workshop on that topic might be organized for next year.

To those attending the two workshops that have already been held, the most rewarding part of the program was the small-group discussions where people voiced their concerns on an intimate level. The facilitators helped to maintain discussion on a low key, with a general rule that only events in the participants' lives or at the Law School were open to discussion. There was a deliberate decision to exclude politics and other general issues so that participants might feel more

of the visceral reaction that they experience in conflicts over whether a particular event can be viewed as prejudice or not.

A problem with the small discussion groups, organizers said, was that those who tend to come to such events are already fairly well attuned to the problems of prejudice. Yet the coordinators felt this difficulty was outweighed by the increased awareness of the whole campus as a result of the poster campaign advertising the workshops. They also said the discussions have proved more fruitful because the people actively wanted to participate and were thus more open to criticism and more easily persuaded to make their views known in the small groups.

Lots to Learn

Wynn said that even for those already aware of a problem of prejudice, there is much more that can be learned in what for many is their

first intense discussion of the effects of prejudice with members of the affected group.

Sophie Sparrow, 1L, a member of the coordinating committee, mentioned the positive impact of meeting with a small group of people for an intense conversation as a means of breaking down barriers at the school and creating a greater sense of community. She said the group meetings also helped people make friends through close contact with an intimate knowledge of some of the other participants' foremost concerns.

Wynn said that it was not the goal of the workshops to solve the issue of prejudice on the HLS campus, let alone in the world at large. The key element of the series, she said, was the creation of awareness among the participants and within the community at large that these problems exist. The hope is that action will eventually follow from this awareness.

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Protest Raises Fundamental Questions

(Continued from Page 2)

better advocate for your side if you understand the other side's perspective. If you're truly committed to your principles you won't be co-opted."

Greater Difficulty

Nevertheless, first-year students Fred Galves, Thomas Kellenberg and their teammates had greater difficulties with the La Alianza case, which involved Immigration and Naturalization Service workplace raids of Latino workers. "To argue the government side you have to justify racism," Galves maintains. "Hispanic Fourth and Fifth Amendment rights have to be bent for policy reasons. At that point the

real problem arose when I realized that I might have to argue a position I didn't believe in."

Kellenberg emphasized other concerns. "The BSA doesn't recognize the political and social character of the Ames moot court competition," he said. "It attempts to de-politicize what is in essence a political endeavor. Legal advocacy is political in that it advances the interests of certain groups or individuals over others."

As a matter of principle, Galves, Kellenberg and their teammates refused to argue the government position.

Sichko met with the Galves-Kellenberg team when he learned of its refusal. After several meetings, he reached a compromise. All four members of the team were allowed

to argue for the Latino workers, but two had to make an additional oral argument for the government in a later round.

The conviction of the Galves-Kellenberg team impressed Sichko. "They wanted to change the structure of Ames based on their belief that it's not right to argue against a position one morally disagrees with." In questioning the whole Ames program, Sichko believes the 1Ls raised the problems with the adversary system itself. "The proper experience or way to introduce people into appellate advocacy is a big question," he agrees. "It needs to be discussed. If they want more discussion, I agree with them 100%."

Mock Situation

Yet Sichko also thinks that there are important reasons for arguing the government position. "This is a mock situation," he stressed, "a learning experience." One might find, he suggested, that the government had strong ethical and legal arguments. By hearing its strongest possible argument, "you can judge your argument's strength and weaknesses." Sichko concluded, "Justice in the adversary system demands that competent and zealous attorneys on both sides present the argument to its fullest."

Galves and Kellenberg remain dissatisfied with the compromise and with the Ames competition. Kellenberg believes that the BSA has not resolved the problem but has hidden it. "The BSA directs Ames as if legal advocacy had no political or social character," he said. "Such an approach to the practice of law is naive and shallow."

"There is a very powerful although unarticulated message embodied in the Ames requirement for first-year students," Galves said. "It is that legal advocacy is divorced from political and ethical choice. That is to say, you learn that it really doesn't matter which side you argue for, as long as you argue that side skillfully. It's a trade-school mentality."

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