

HARVARD LAW RECORD

America's Oldest Law School Newspaper

VOL. 78, NO. 9

APRIL 27, 1984

25 CENTS

Wonder Speaks, Sings

By Gregory Klima

The importance of getting people's attention and then using that attention to make a better world was stressed in a rare lecture delivered in Sanders Theatre by Steveland Morris, better known to the world as musical genius Stevie Wonder.

The fourteen time Grammy winner appeared at the invitation of the Harvard Law School Forum.

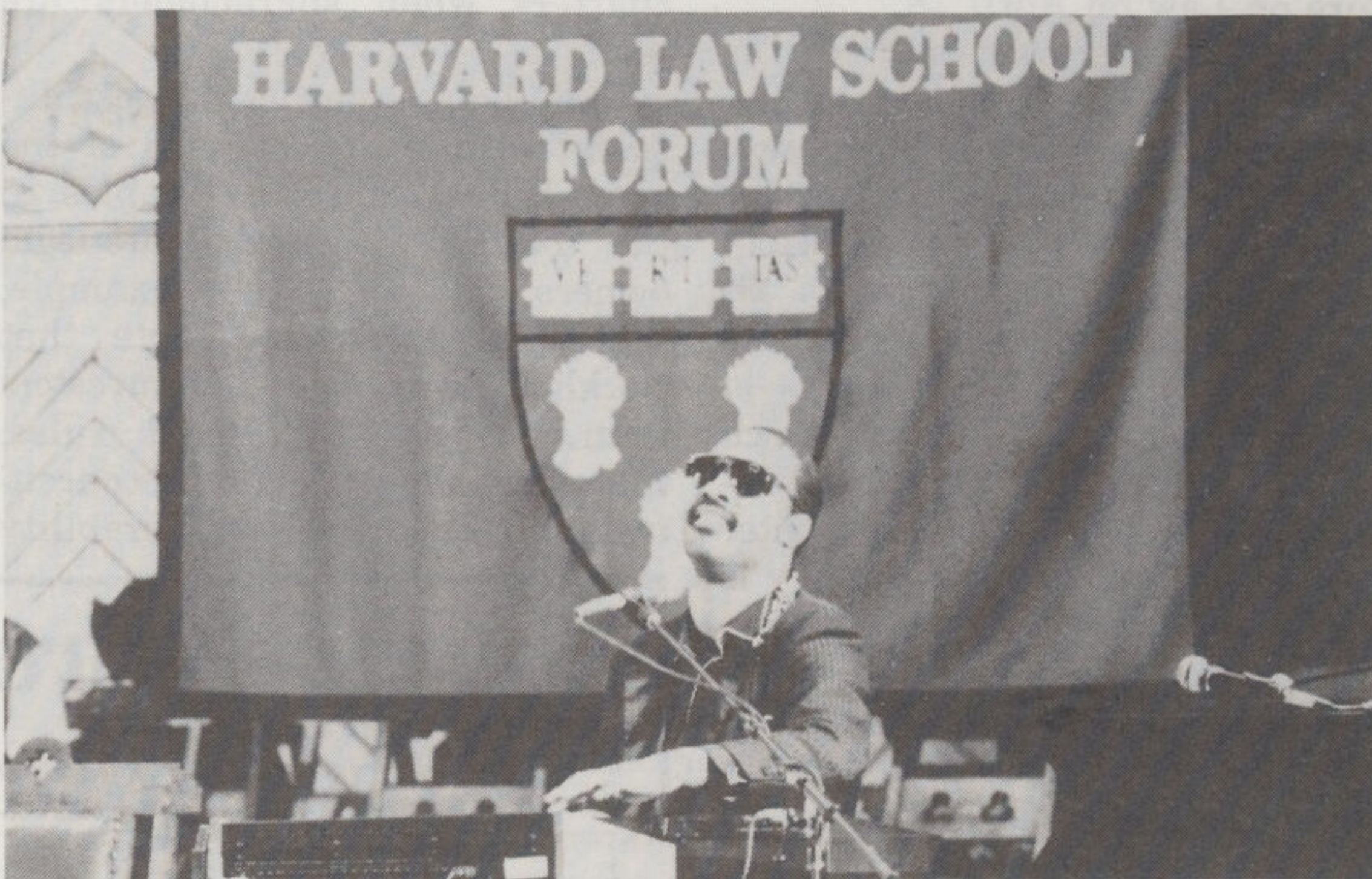
Addressing an audience consisting of mostly law students but scattered with undergraduates and budding entertainers, Wonder combined words and music to get his message across.

The crowd of over 800 greeted Wonder with a long standing ovation when he stepped onto the stage. After Wonder was introduced by Steve McKeever, 2L, the audience was back on its feet for yet another ovation.

At first it appeared that Wonder would proceed with the usual lecture format and take his place behind the oak podium. But after the applause, Wonder seated himself behind a synthesizer which was on-stage, much to the surprise of many in the audience who had been told by Forum members that he would not sing.

Without saying a word, Wonder began playing around with different rhythms until finally settling down into a syncopated pattern that had the crowd clapping along. He coaxed his audience into singing *Let's Join*

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Adam Eisgrau

During his April 19 Harvard Law Forum speech, entertainer Stevie Wonder used song to exhort students to better themselves and their world.

Chayes Pleads Nicaragua's Case in World Court

By Brad Hudson

On Wednesday, April 25, HLS Prof. Abram Chayes '49 appeared before the International Court of Justice on behalf of the government of Nicaragua. Nicaragua is suing the United States in the World Court in an attempt to halt the CIA's so-called covert actions against Nicaragua.

Chayes is a leading international law specialist. He served as the legal adviser to the State Department from 1961 to 1964.

In 1962, he helped lay the legal foundations for the naval quarantine of Cuba. The blockade was intended to force the withdrawal of Soviet missiles from that country.

The heart of Nicaragua's case is its request that the World Court

declare that the U.S. is under a "duty to cease and desist immediately" from all use of force against Nicaragua, all violations of Nicaragua's territorial integrity, and all support of any kind to any nation or group engaged in military or paramilitary acts against Nicaragua.

The Sandinistas, who control the current government of Nicaragua, came to power in July of 1979, when they led a revolution that overthrew the powerful Somoza family's long-entrenched dictatorship.

The Reagan administration has been consistently hostile to the Sandinista regime, emphasizing its ties to Cuba and the Soviet Union and its support of the rebel forces in El Salvador.

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Winter Compares Corporate Theories

By Louis J. Hoffman

The process of legal analogy is not as useful in analyzing corporate law issues as some legal scholars believe, according to the Hon. Ralph K. Winter, a judge on the U.S. Court of Appeals for the Second Circuit. Winter gave the John M. Olin Lecture on Law on April 18.

Winter's lecture was entitled "The Concept of Ownership: Legal Analogy and Economics in Corporate Law." This year's Olin Lecture was sponsored by the Harvard Society for Law and Public Policy.

The Second Circuit judge discussed two competing models of corporate analysis. The first, which he called "legal analogy," is a common type of legal reasoning. Winter said that the process of analogy is used in many areas of corporate law.

For example, some legal theorists analogize common stockholders to owners of the corporation. Others say that directors are like trustees. Lawyers often point out the similarities between corporate voting and representative democracy. Finally, some note that corporate charters, because they are issued by the state, are like regulatory licenses.

The second type of reasoning used in the corporate law area Winter described as "functional economics." This approach is most commonly practiced by "Chicago-school" law-and-economics practitioners. Functionalists analyze the real world economic relationships to see what they imply about legal rules.

According to Winter, both approaches have flaws. The process of legal analogy is not perfect because the analogies are not exact. Functionalism, on the other hand,

"leads us to determine the right questions to ask, but the correct answers are hardly obvious."

Lawyers still have to "fashion positive rules," according to Winter. For example, what rules will deter managers from "take the money and run" opportunities? Should the law freely permit changes in corporate charters when shareholders are likely to be passive?

The two approaches suggest different legal rules in each of the areas Winter chose as examples. In the "common stockholders are legal owners" analogy, for example, functional economists note that stockholders are more like investors than owners. The legal rules, therefore, simply ought to concentrate on ensuring transferability

and divisibility.

The Chicago School rejects the "directors as trustees" analogy, focusing on the role of directors in managing the corporation. Therefore, legal rules imposing a rigorous duty of care will restrict the managers' choices of investments.

Functionalists believe that market forces will adequately deal with conflicts of interest. Corporate opportunity doctrine, according to this school of thought, restricts managers from seeking out profit for both themselves and for the corporation, while insider trading rules prevent a harmless form of compensation.

In the area of corporate governance, functionalists argue that
(Continued on Page 22)

Students Brave Cold, Rain to Run Boston Marathon

By Burlette Carter

Of all the things that one could do in the Boston area — a trip to a Red Sox game or a nice, slow walk along the Charles — why would anyone, particularly a student at Harvard Law School, freely choose to run a 26 mile, 385 yard race?

"I've been running for about seven years now and I just look at running a marathon as the ultimate goal . . . and Boston was the ultimate challenge. In New York the race is bigger, but Boston . . . it's the *mystique*," says Reginald Johnson, 2L.

Third-year students Jay Bratt and Donald Elliott nod their heads in agreement. Then with a slight tone of apology, Johnson adds, "I'll admit

you have to be somewhat of a masochist to go out there — not just to run the course, but [to do] the training that's involved."

If Johnson's admission is correct there are quite a few such people at Harvard Law School. At least fifteen students ran in the Boston marathon from start to finish. Some ran as official entrants — others did not.

The group includes Jay Bratt, 3L; John Davis, 2L; Don Elliott, 3L; Fred Galves, 1L; Steve Grygiel, 1L; Kevin Gaut, 3L; Ed Hannah, LL.M.; John Hewko, 2L; Clay Horner, LL.M.; Reginald Johnson, 2L; Tom Kellenberg, 1L; Mike Kendall, 3L; Brad Okun, 2L; Michael Pontrelli, 2L; and Robert Thomas, 2L. Bratt and Thomas finished in 2:52:46 and 2:59 respectively.

There were others who did not quite finish — but who gave it their best shot. Still others trained for weeks, but the pouring rain and 40-degree temperatures greeting these runners on marathon morning led them to cancel their plans. Nora Dannehy, 1L, ran the race last year

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Published ten times each semester by the Harvard Law School Record Corporation, 23 Everett St., Cambridge, Mass. 02138-9984. Telephone (617) 495-4418. Subscription price: \$8.00 year mailed; \$10.00 year mailed outside U.S.; students \$4.00 year distributed at the Law School. Individual copies including back issues: 50 cents at the Law School, \$1.00 mailed. Second-class postage paid at Boston, Mass.

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POSTMASTER: Send address changes to Harvard Law Record (ISSN 0017-8101), 23 Everett St., Cambridge, Mass. 02138-9984.

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PLO Visit Spurs Protest

By Michael Malamut

Over 100 students turned out on Thursday night, April 19, for a talk by three Palestinian nationalists sponsored by the Black Law Students Association. Approximately half of the audience was there in order to attend a hastily organized protest of the speeches because of the speaker's support for the Palestinian Liberation Organization.

The speakers were Dr. Anan Jabara, a sociologist and director of the Palestinian Aid Society in America; Noel Saleh, a lawyer in private practice in Detroit; and Dr. Ryad Mansour, deputy permanent representative of the PLO to the United Nations.

The protesters, carrying signs reading "Palestinians Yes, PLO No!" and "PLO's Targets — Democracy, Israel, Jews," sang *Hatikvah*, (which means hope), the Israeli national anthem. The leaders urged the crowd not to interrupt the speakers during the event. Both the protesters and the organizers handed out information and leaflets to those entering Pound 200 to hear the speeches.

Muhammed Kenyatta, 3L, opened the meeting by indicating the ties between Blacks and Palestinians, his interest in justice and liberation for Palestine and his concern for the "one sided" stance of the United

States on the situation in the Middle East.

Jabara, the first speaker, concentrated on the situation of the Palestinians, whom she divided into three groups — those living in Israel proper, those living in the occupied territories, and those living elsewhere. Each group has problems

grants to Israel, the deportation of Palestinian leaders and activists, which she claimed was keeping down the natural population increase in the occupied territories, and the economic integration of the occupied territories with Israel, which she felt was making the Palestinians both dependent on Israel



Ruben Perlmutter

Ryad Mansour, Deputy Permanent Representative of the PLO to the UN, speaks at the BLSA-sponsored event.

particular to it as well as certain common concerns.

She claimed that Israel was trying to "create new facts" by ending the separate existence of the Palestinians as a people. She emphasized the Israeli settlements on the West Bank, which she said were indirectly subsidized by United States

and its chief source of cheap labor.

She stated that Israeli actions, such as collective punishment and confiscation of land, are means the Israeli government is using to try eventually to drive Palestinians out of the occupied territories and to incorporate them within Israel.

The second speaker, Saleh, said that the PLO was primarily a political and not a military threat to Israel. He stated that nowhere is the Palestinian situation more difficult right now than in the Israeli occupied area of Lebanon, citing the destruction of an infrastructure of PLO organizations which provided basic services to the local Palestinians in refugee camps.

Saleh claimed that it was Israel's goal to break down the Palestinians' desire to maintain their separate identity. He commented that Israel is making Southern Lebanon economically dependent on Israel in order to devastate the economy so that jobs for Palestinians would disappear. This dependence also creates a link to Israel which Saleh



Adam Eisgrau

Protesters assess information on PLO activities.

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Three Receive HFIPIL Fellowships

Three third-year Harvard Law students have received fellowships funded by other students and recent alumni to work in public interest law after they graduate. The fellowships are funded entirely by the contributions of over 220 classmates and recent alumni. Each contributor pledged one percent of next year's income to the Harvard Fellowship in Public Interest Law (HFIPIL).

These awards mark the third and most successful year of HFIPIL. Based on projected record contributions of approximately \$50,000, HFIPIL has awarded two full grants and one partial grant. Grant recipients are Charles Bliss, Maria Dalterio and Muhammad Kenyatta. In addition, the grant to Dalterio has been matched by the hiring organization with a full-time job for Alex Feldvebel, also a 3L.

Bliss will work as the sole staff attorney with the Mississippi ACLU. Besides managing a caseload, Bliss will coordinate and assist volunteer cooperating attorneys who provide legal services. He will work on legislation and litigation on a variety of civil rights issues, with special emphasis on capital pun-

ishment and conditions in prisons and mental hospitals.

Dalterio received a grant to work with the El Paso Legal Assistance Society. She will focus on improving housing conditions in one of the poorest counties in the U.S. Besides handling traditional housing cases such as evictions, Dalterio will work with community groups and seek federal funding for housing rehabilitation grants.

The El Paso group has matched Dalterio's grant with a full-time staff attorney position for Feldvebel. He will represent clients with employment-related problems such as unemployment compensation claims, employment discrimination charges, and minimum wage violation cases.

HFIPIL awarded a third grant to Kenyatta, who will be Legal and Policy Analyst for the Boston Project of the Massachusetts Advocacy Center. The Center is a fourteen-year old organization that has received national recognition for its advocacy efforts on behalf of children in the areas of education, health care and juvenile justice.

The Boston Project seeks to de-

velop programs to reduce racial conflict and institutionalize parental involvement in neighborhood schools throughout the Boston school system.

Kenyatta will work to facilitate implementation of Judge Arthur Garrity's order in the Boston school desegregation case and to assist on Board of Education plans to develop school-based management. He will help organize neighborhood-level parents' councils, train parents as child-rights advocates, and help assure parental participation in contract negotiations between teachers and the Board.

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Panel Depicts Electoral Mirage

By Susan Smith

On March 25, the U.S. backed government of El Salvador held an election for that nation's presidency. A runoff between the two top finishers, Jose Napoleon Duarte of the Christian Democratic Party (43% of the vote) and Roberto d'Aubuisson of the ARENA party (29%) is scheduled for May 6.

Three Bostonians who observed this election firsthand, former Boston mayoral candidate Mel King and area attorneys Marvin Putnam and Patrick DeTemple, visited the HLS campus Feb. 19, to discuss their impressions of the election process and of the Salvadoran people.

Asserting that the U.S. press had slanted the story of last month's elections in El Salvador, King, DeTemple, and Putnam described the major story as being the foulups at the polls, not the guerilla activity as reported in the U.S. media.

"The El Salvador we saw is a tense place," acknowledged Putnam. "Sometimes the military checks your pass, sometimes they search you. They even go door-to-door asking for contributions. . . . Sometimes they take family members out in the backyards and shoot them; sometimes they take people away and put them in jails; sometimes they take people away and they're never heard from again."

It was in this context, explained Putnam, "in which the government proposed to the people the following:

'We're going to have a national ceremony in which you will officially record what your political views are. To help run the ceremony, we're going to use a modern machine which does not make mistakes. . . . This machine has a record of your number and your name, and will

lot of what we saw. Here's an election. It's colorful, there are images represented. It's only when you come closer and take into account the fact of arbitrary power and state terrorism — it's only then that the mirage falls away and you see a very different landscape."



Paul Cramer

Patrick DeTemple discusses his observation of recent Salvadoran presidential elections.

keep a record of whether you voted, and your identity card will have a record of whether you voted. The law says that within the first ten days after the election, anyone [could challenge] you to prove whether you voted."

"The upshot of this is what one observer referred to as the 'electoral mirage,' with thousands of people, seemingly eager to vote, crowding around the polling places," continued Putnam. "The image of a 'mirage' is something that captures a

Putnam noted there were several such mirages, beginning with a "constitutional mirage." The rights guaranteed by the new constitution of El Salvador have been suspended by the state of siege.

There is also a "legal mirage," which Putnam termed, "the juridical equivalent of the neutron bomb," because the legal system "protects property, but not people."

Finally, there is the "military mirage," that the battle is between the armed forces of the right and of the left. The people, however, are not afraid of being caught in the crossfire of these two factions, argued Putnam; they are afraid of the people they see every day, walking the streets, carrying submachine guns.

"What all this adds up to," concluded Putnam, "is that the image of a democratic election is also a mirage. . . . The mirage broke down for those of us who were there, . . .

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Sander Surveys Boston Eateries

By Greg Klima

Believe it or not, there is more to cuisine at HLS than Nick's and the Three Aces. The alternatives were presented by Prof. Frank Sander in his speech, "A Personalized Tour of Boston Eateries," the final lecture in the Elihu Root lecture series sponsored by the Board of Student Advisers.

Sander concentrated on ethnic and international foods in his lecture, rather than on what he called "businessmen's food," meaning basic steak and potatoes. Sander stated that those foods were not of interest to him.

Sander also prefaced his remarks by saying that he was not going to focus on bargain restaurants, although he did include several restaurants that he felt were exceptional buys.

One way to get a good bargain on a meal is to go to a finer restaurant for lunch, he said. During lunchtime, many restaurants have specials which feature the same high quality food, but cost half the price, informed Sander.

Other ways to find out about good restaurants are to consult the Boston After Dark edition of the *Phoenix*, the Calendar magazine in the Thursday edition of the *Boston Globe*, and *Boston* magazine. Sander also recommended looking at the Boston Restaurant Discount Guide to locate bargains on meals.

During the first part of the lecture, Sander went through a handout which he circulated to those in attendance. The handout listed some of his recommended restaurants and classified them by their location.

On the handout, Sander provided the name of the restaurant, a short description, and its address and phone number. He also designated some of the restaurants as "Special Favorites," "Good Buys," "Fairly Expensive" (around \$20 per person exclusive of liquor and wine), "Expensive" (around \$30 per person), and "Very Expensive" (around \$45 per person).

Sander recommended four Harvard Square establishments. The first, the Blue Parrot, featured not-

able crepes and fruit frappes in a casual setting.

Another, Roka, was unique in serving Japanese food in the Square. Sander especially enjoyed the restaurant's pleasant setting and the authentic flavor of its food.

For oriental food prepared Taiwanese-style, Sander recommended Wei Ta. Yenching was his preference for Chinese food prepared by methods from the People's Republic of China.

Other restaurants in Cambridge met with Sander's special approval. The Averof near Porter Square was classified as a "Good Buy." Sander particularly recommended their buffet lunch, which he called a "tremendous bargain" at around \$4.00, including a make-your-own Greek salad.

Sander singled out two French restaurants in Cambridge. The first, Panache, was classified as one of

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Prof Finds Cambridge Palatable

the finest restaurants in Boston. Although Sander ranked the place as "Expensive," he also stated that it was the best value in gourmet food.

The Peacock was Sander's second French choice. This "Good Buy" establishment features reasonable prices and the "best buy" for one's dollars.

Other "Good Buys" in Cambridge were Little Osaka, providing high quality Japanese food at reasonable prices, and the Peasant Stock, a "fun place" with "interesting food."

For light foods in the area, Sander liked Formaggio and Stuff-its in the Garage. His clear winner for the best pastries in town was the Blacksmith Shop, with its outdoor seating area.

Sander also recommended Skewers for Middle Eastern sandwiches and Warburton's for their hot spinach pie.

As for downtown Boston and the Back Bay, Sander raved about Another Season. He called it one of his favorite restaurants, stating that the food was of high quality and always reliable.

Another restaurant Sander urged everyone to try was Durgin Park. He was quick to point out that the original location near Faneuil Hall was the one to go to; the new branch

in Copley Place did not meet with his approval.

The Bangkok was Sander's choice for spicy Thai food, and the Genji was his recommendation for Japanese food. His award for best barbecued spareribs went to the Hoodoo Barbecue in the Rathskeller. Sander ranked it as a "Good Buy," but warned that the setting is very casual and is not the kind of place to



Ruben Perlmutter

which one would take one's parents.

In the second part of the lecture, Sander chose his favorites by category. His favorite vegetarian restaurant was Five Seasons in Jamaica Plain.

For seafood, Sander liked the Union Oyster House for its no-nonsense low prices and high quality food. He also recommended the

Mass. Bay Co., which he enjoyed in spite of the fact the restaurant is located in a hotel.

For fancier seafood dinners, Sander suggested the Boston standbys of Anthony's Pier 4 and Jimmy's Harbor Side.

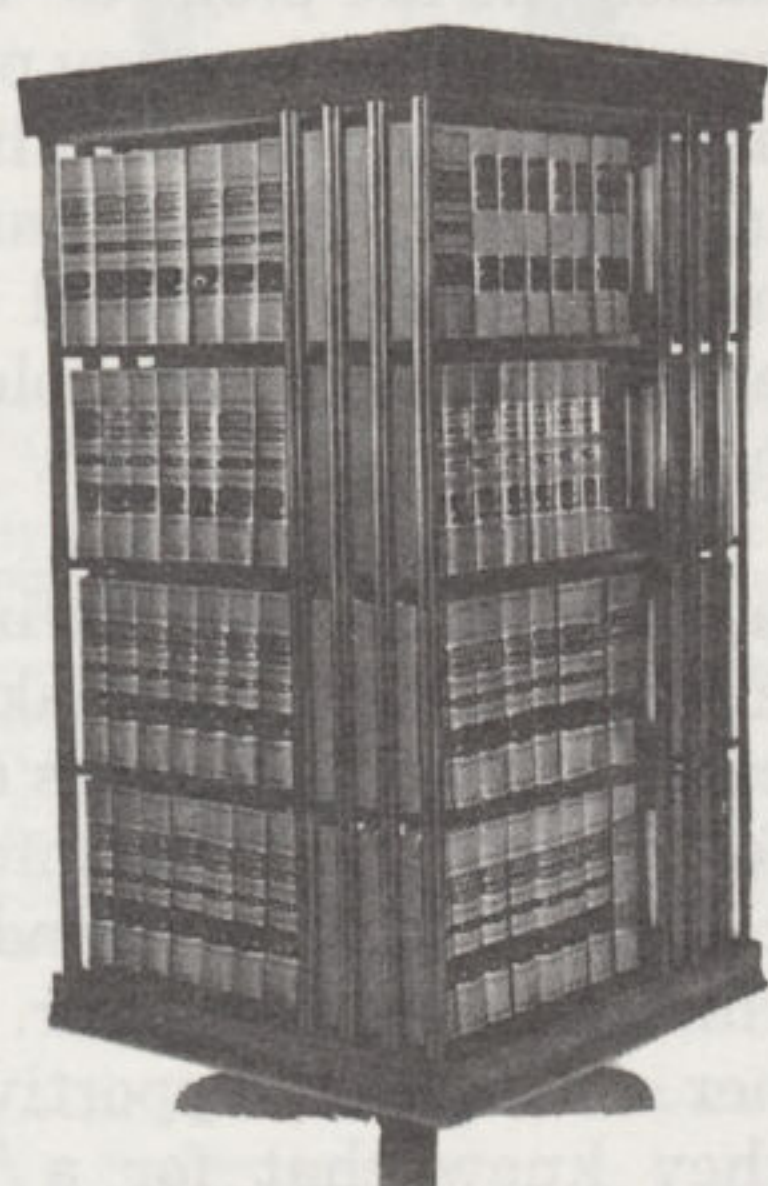
As for places to have your future law firm take you out to dinner, Sander recommended the Hotel Meridien, Julian's and Ashley's. If a firm wants to stay in Cambridge for dinner, he suggested Upstairs at the Pudding.

When your parents come into town to visit, Sander had some ideas of where to let them take you: Panache, Another Season, Allegro, Maison Robert, and Cafe Budapest.

Sander's award for Most Interesting New Place went to Restaurant Jaspar. He felt that the restaurant is improving and is a place to keep an eye on.

For Italian food, Sander told the audience that in spite of the ethnic authenticity of the North End, there are no consistently good restaurants there. Sander did, however, recommend Felicia's and Francesco's in the North End and Romagnoli's Table in the nearby Quincy Market.

After the lecture, members of the audience shared their personal favorites and hot tips on good restaurants.



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Pro Bono Work—Possible in Practice?

By Peter Lebold Cohen

In an attempt to address two dilemmas that will face law students upon graduation, HLS presented a special half-day program on Sat., April 14, entitled "Pro Bono Work in Law Firms: How to Make it a Reality," and "Law and Family: Your Life in the Balance." The program featured two panels of practitioners.

Panelists who discussed pro bono work agreed that the private bar should help make up for the loss of public legal services funding under the Reagan administration.

David Tatel, a partner at Hogan and Hartson, indicated that firm structure affects young associates' freedom to engage in pro bono work.

Barbara Arnwine, executive director of the Boston Committee on Civil Rights said help from private practitioners in her public interest practice is crucial because of her organization's tiny staff and heavy work load.

Stuart Rossman, '78, an associate with Gaston, Snow and Ely Bartlett, and chairperson of the Young Lawyers section of the Boston Bar Association, told students that pursuing pro bono work and logging enough billable hours to make the partners happy can be precarious

but that early exposure to pro bono can provide valuable courtroom experience that enhances partnership chances.

Charles Palmer, currently a partner at Johnsen, Manfredi and Thorpe in Los Angeles and former executive director of Public Counsel, said it was important that private law firms become "institutionally committed to doing public interest work."

Comments by Nick Littlefield, a partner at Foley, Hoag, and Elliot in Boston, and a part-time teacher at HLS spurred much discussion. Littlefield called institutional pro bono activity a "dying situation compared to 15 years ago." Lawyers at a firm can expect to spend only 10 to 15 percent of their time on pro bono work, said Littlefield adding that those desiring to do substantial pro bono work should leave firms for work in government or with advocacy groups.

Citing his own career, he also maintained that those who ventured in and out of public and private sector jobs were as likely to make partner with a prestigious firm as those who remained with the firm.

Moderator Dean James Vorenberg questioned both this notion and the notion that firms which con-

tribute 10 to 15 percent of their resources to pro bono are only contributing "a drop in the bucket."

Tatel who left private practice four times to do public interest work said it is not always easy. He urged students to spend a few years in private practice "to get the credentials" before adventuring into public service.

Palmer added that a 5 to 10 percent time commitment from a firm is very significant especially if many firms are making the contribution.

Rossman seemed to sum up the common wisdom when he told students that billing a certain minimum number of hours is still key to partnership quests irregardless of pro bono work. But he said that work done above that will be regarded equally well whether it is pro bono or billable work.

In the second discussion, "Law and Family: Your Life in the Balance," Dr. Jessica Oesterheld, a psychiatrist for HLS Health Services, provided a statistical overview saying that women lawyers are less likely to marry, likely to have fewer children, to bear them at a later age, and more likely to marry a professional spouse (especially a lawyer) than their male counterparts.

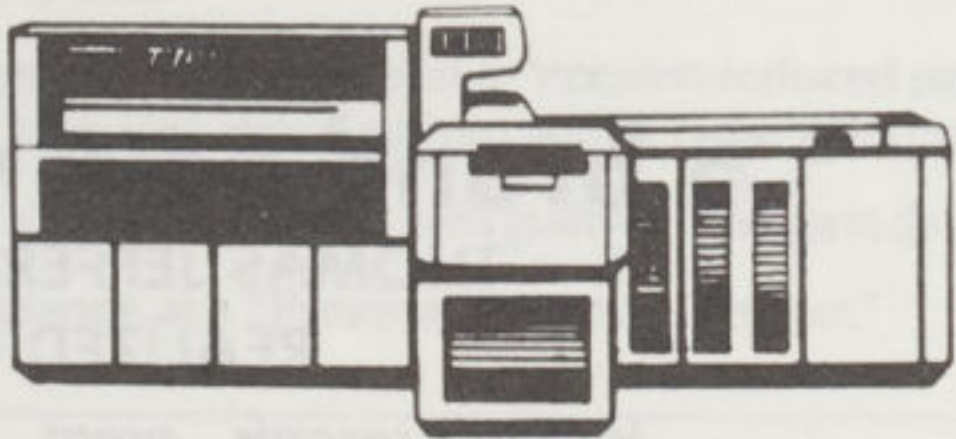
Nonetheless, said Oesterheld, many women lawyers still bear the brunt of household and childrearing duties and are prone to "role stress" as a function of juggling professional and personal responsibilities. Male lawyers on the other hand tend to have rather traditional marriages and family and work roles, Oesterheld said.

Katherine McHugh a hiring partner at the Boston firm of Sugarman, Rogers, Barshak & Cohen said that when she was considered for partnership, she informed her colleagues that she intended to have children soon thereafter. She called her colleagues "supportive" though they knew that for a while she would work part-time.

McHugh, who has two children and is married to a lawyer, now works 9 to 5. She said her husband splits a substantial amount of the

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Can Family Life and Firms Coexist?

family responsibilities with her, but she doubted whether her current full-time schedule was full-time enough by industry standards.

Mark Levinson, the hiring partner at Boston's Warner and Stackpole, described himself as a "child of the fifties," who had a traditional family; the childrearing and household duties were performed by his wife. Saying conditions have changed, he described his generation as becoming "sensitized" to the needs of those who must juggle work

and family responsibilities.

Sara Wald, Massachusetts' assistant secretary of consumer affairs suggested the public sector for women lawyers because of the higher percentage of women there, less hierarchy, fewer rules, and more control over personal schedules. But lower pay and a lack of maternity leave policies were two disadvantages she cited.

The last two panelists, Anil and Rosan Madan, are husband and wife attorneys who practice together in

their own Boston firm, Madan & Madan. As they described it, the Madans split their joint responsibilities up with Mr. Madan handling 99 percent of the business and administrative responsibilities of the firm, and Mrs. Madan handling 99 percent of their child and house care matters. They agreed, though, that when it came to major decisions in either realm, both participated.

Mr. Madan opined that attorneys who take extended leaves should not expect to return to practice in as high a position as if they had been there all along. This comment and another that "you can't be a part-time lawyer, husband, or father," created some dissension in the audience.

Remarks by Mrs. Madan also caused some controversy. "Our women associates aren't conscious of building up business," she said. "They are too passive about attracting clients."

The issue of whether a lawyer can really practice effectively on a 9 to 5 schedule, was addressed by Mrs. Madan who said "You do miss out on a lot if you aren't there for the discussions with your colleagues after 5:30." Irma Tyler-Wood, 3L, however, suggested in the questions period that long hours were the norm because, traditionally, male lawyers full-time wife/housekeeper/child-rearer taking care of everything at home.

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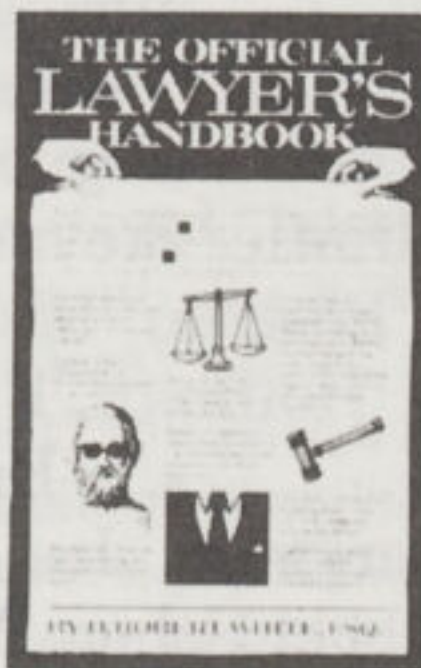
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Still No Voice

It has been more than a week since the faculty rejected one by one a series of proposals by the Law School Council to increase student input in the appointments and admissions processes.

The proposals, which also called for an increase in student attendance at regular faculty meetings, were not exactly radical. The LSC proposed that students be given direct representation on the Admissions and Appointments Committees. The faculty would retain an overwhelming numerical majority on these committees and would thus be capable of outvoting the students on any issue. (During last spring's controversy over grading policies, this happened regularly on the Legal Education Committee.) Not only did the faculty give the direct representation proposals the boot, however, but also rejected (by impressive majorities) the council's compromise proposals endorsing *some* form of institutionalized student input in the admissions and appointments processes.

The faculty also rejected the LSC's requests that more students be allowed to attend faculty meetings and that council members be able to submit a proposal to the faculty if a faculty member were willing to second the proposal. The Council did not ask that students be given a *vote* in the meetings, only a few additional seats.

It has also been reported to the RECORD that several faculty members have reacted with anger to a proposal by student members of the Legal Education Committee that faculty members set aside two hours (count them — *two*) each week for consultation with students.

The faculty's flippant rejection of the council's proposals reflect attitudes about students that are worth concern. Not only do faculty members fear too much student input, but the majority apparently finds too much day-to-day contact with students a bit distasteful. The teachers at Harvard Law School, who perhaps as much as any other group of teachers in our society are expected to instill values central to our democratic system, appear willing to defend an alarming degree of authoritarianism within this institution.

While our professors bellow unceasingly in the pages of the *New Yorker* and other national publications about the importance of their private little war they are waging on each other, students here ask for nothing more than a voice. That's not too much to ask for.

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Fenno

Fenno clutched a lamppost as he tried to figure out which of the three blurred versions of Mass Ave. his bloodshot eyes were showing him was the real one. He and his friends had decided to salute the recently departed Somerville Bar Review by toasting it with a drink from every bar in Somerville.

"It's the middle one, I think," he mumbled.

He halted his staggering when he heard strange sounds coming from the direction of the Law School. Creeping through the rhododendrons, he came upon a strange sight. A man in a trenchcoat and mirrored sunglasses was digging a hole in front of the entrance to Griswold Hall.

"Great," groused Fenno. "The professors have their own library, their own bathrooms, and their own box of shoe polish. Now they get their own subway stop." He was puzzled. Was the man digging for gold? Had Harvard discovered oil? "Hey," he called out, "what are you, some kind of miner?"

Fenno found himself looking down the barrel of a gun that was only slightly smaller than a cannon.

"How did you find out?" hissed the man.
"Are you one of those Sandinista spies?"

Fenno thought that a "Sandinista" was someone with a crush on Little Orphan Annie's dog. He shook his head, trying to remember what Clint Eastwood always did in tight situations.

The man slowly reached into his coat pocket, pulled out a metal sphere, placed it in the hole and carefully threw a few shovels of dirt over it.

"There," said the man. "That should keep these Harvard professors from promoting terrorism."

"What have you done?" asked Fenno.

"Mined the entrance to the faculty office building. One of your professors is aiding the Nicaraguans in their propaganda display against the U.S. These mines should harass him enough to discourage him from providing legal services to those terrorists."

"But innocent people could get killed by that thing," said Fenno.

"Oh no," the man smiled. "They don't explode or anything — just harass."

Fenno wasn't convinced. He picked up a large rock and heaved it at the buried mine. There was a loud "whoosh," and the sky filled with pieces of paper.

Fenno snagged one of the papers as it slowly drifted toward the ground. It was an application to turn in a third-year paper on the last possible due date. "Fiendish," gasped Fenno. "Any professor faced with the prospect of grading this many third-year papers in two days would lock himself in his office and not come out until September."

"Exactly," smiled the man. "And just wait 'til you see what we do if someone tries to take us to court."

Letters to the Editor of the Record

How Sad It Is

To the Editor:

How sad it is that the increasing intellectual controversy and political intrigue among the law school faculty coincides with the ignominious retreat of Harvard Law School students to the dank institutional recesses of the Back Bench Pub. We speak, of course, of the allegedly impending demise of the Somerville Bar Review [RECORD, March 16].

Are we to believe that the Harvard Law School student of the mid-eighties is content to remain within the familiar, if not comfortable, shadow of Langdell, never to venture forth into the real world of O'Henry's, Studley's, and the Forest Cafe? Is the discourse of the drones to be taken without the admixture of that amber beverage which so soothed our Thursday nights of seeking the truth at the bottom of a glass, and so profoundly affected our Friday mornings of seeking the comfort of sleep in Langdell North?

Surely the current keepers of the SBR flame, Messrs. DeCora, Perlmutter, and Brenner, pull our legs. In its ability to minister to the spiritual needs of the Harvard Law School student community, the SBR was, and surely is, uniquely valuable. "Home is where the Hark is" should never become the watchword of the huddled masses of Harvard Law. Let a thousand Buds bloom in Cambridge!

Long after the Critical Legal Studies movement has been consigned to the footnotes of legal history, the contribution of the SBR will be fondly remembered by those of us privileged to have been elevated to membership in that august body.

Marshall Winn, '82
Jeannette Anderson Winn, '82
Charleston, S.C.

Good Job

To the Editor:

I would like to compliment you on your articles on the politicization of faculty at the Harvard Law School and the consequent negative effects on academic freedom, tenure, teaching and research.

However, I do take issue with your characterization of the faculty as split between

"left" and "right". I suspect that many who are being classified as "rightist" may actually hold views which are at least moderately left of center.

Those of us who have been associated with the Harvard community must remind ourselves that Harvard Law School is not predestined to forever remain the nation's leading law school, and that it is essential to the institution that hiring, tenure, promotion and other matters relating to treatment of faculty be determined by merit, in a climate of academic freedom, and not by political belief, race, creed or color.

Paul Knag, '67
Stamford, Conn.

Disinvestment

To the Editor:

Some of us who have held public office or positions of political leadership in South West Africa/Namibia are gravely concerned with the present propaganda campaign urging "disinvestment" in American companies engaged in operations in Namibia and South Africa. Namibia is a territory of South Africa by reason of a 1920 League of Nations mandate. In fulfilling the conditions of that mandate, South Africa contributes approximately 25% of the Territory's budget by way of a direct grant in aid (\$225 million 1983-84) and underwrites and guarantees the loans raised to finance another one-fourth of the present budget of approximately \$800 million. South Africa is the only country in the world contributing this vital economic support to Namibia.

On July 11, 1979 the duly elected and predominantly black National Assembly of Namibia enacted Public Law #3 abolishing racial discrimination and making it punishable by fine or imprisonment. This law remains on the books and is producing significant change. "Disinvestment" to force human rights improvement is a false issue as applied to Namibia. If apartheid is the basis for "disinvestment," it has no meaning as to Namibia/South West Africa where apartheid is not legal.

"Disinvestment" will have a negative impact on the people of Namibia. We are a small country with a population of approximately one million persons in an area one and one half times the size of Texas. We have been involved for several years in negotiations to achieve full independence from our territorial status, to which South Africa and the international community have agreed within the framework of United Nations Resolution 435. Only a lack of U.N. impartiality and Angola's refusal to remove the Cuban troops supporting the Soviet-backed SWAPO terrorists remain as road

blocks. So-called "disinvestment" will delay Namibian independence.

The people of Namibia, like free people everywhere, not only want political independence but they want economic independence as well. Therefore, we must look to foreign investment, not only from the United States and members of the Western Five (Canada, Great Britain, France, West Germany), but other industrialized nations of the international community as well, so that our internal development and productivity will provide the half of the budget now provided to us by South Africa each year. South Africa is unlikely to be willing to bear that burden after independence.

"Disinvestment", while having a strong emotional appeal for people in America and throughout the world who oppose racial policies in South Africa, is not only meaningless, but can cause injury to the working people of Namibia. Lack of U.S. investment in Namibia and in southern Africa will delay our independence, and may make it difficult for the Republic of South Africa to continue the substantial economic aid it has provided us since 1920.

Indeed, "disinvestment" thwarts and makes more difficult the burden of the economic assistance group to be established by the Western Five in implementation of Namibian independence plans. The more U.S. investment we have in our region, the less will we call upon the U.S. taxpayers and international agencies for financial help to sustain our independence. The local black population groups in southern Africa who are struggling for economic security and independence depend on foreign investment for their jobs.

Recently U.S. Undersecretary of State Eagleburger emphasized U.S. Government opposition to "disinvestment" in a policy

(Continued on Page 12)

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.

EXPLANATION

The Fenno which appeared during Marathon week (Vol. 78, No. 8) was previously run during Marathon week five years ago.

Letters to the Editor of the Record

(Continued from Page 11)

statement saying "proponents of corporate disinvestment — and of stockholder or pension manager sales of stock of firms operating in South Africa — would have America wash their hands of any association with that country. This apparent quest for symbolic disassociation is in reality a formula guaranteed to assure America's irrelevance to South Africa's future."

He also pointed out that, "over the past decade, American corporations with subsidiaries and affiliates in South Africa have become a force for change . . . U.S. firms have led the way toward equal employment opportunities in South Africa."

We are afraid that "disinvestment" will also assure America's irrelevance to Namibia's future, and that would be a disaster for us. We look to America for leadership in helping the internal political parties arrange fair and free elections under impartial international supervision to achieve independence. We need American investment, as well as investment from others of the Western Five, to help us develop our internal economic productivity so it will generate the income to meet those budgetary needs presently met by South Africa which is necessary for Namibia to sustain a productive and growing economy so vital to our independence.

We hope your readers will consider all of these matters.

Fanuel Jariretundu Kozonguizi
Director of Government Liaison
Department of Governmental Affairs
Windhoek, SWA/Namibia
(Barrister of the Inner Temple, London
and Former President of SWANU)

This letter was sent in response to "Rallyers Renew Opposition to S. African Investment," which appeared in the RECORD, Vol. 78, No. 5, Mar. 16, 1984. — Ed.

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Going Well

To the Editor:

As a Founding Father of the RECORD (I was on the first staff in 1946), I have read word for word, Volume 78, No. 6, April 1, 1984 issue that sold, I am told, for twenty-five kopecks. Despite what I've read in the *Wall Street Journal* and the *New Yorker* about 'goings on at HLS,' I emerge from this reading with the distinct feeling that things are really going well at the Harvard Law School. Humor still abounds in the hallowed halls of this great school of learning.

Judge George N. Leighton, '43 ('46)
U.S. District Court
Chicago, Illinois

No Fooling

To the Editor:

I find it a remarkable commentary on the 1983-84 year at the Law School (as reported by the RECORD) that your annual April 1 edition is virtually indistinguishable from the previous editions of this year.

It really is too bad.

Richard S. Fischer, '63
Rochester, N.Y.

No Commitments

To the Editor:

It is difficult to believe that either the supporters of Israel or the Palestine Liberation Organization (PLO) at Harvard Law School are genuinely committed to achieving a peaceful solution to the Middle-East conflict. As American Indians, we feel a deep connection to both peoples. The confiscation of our nations' property, the destruction of their governing bodies and their internment on federal land reserves may be old news to some, but for us these actions are earlier versions of an all-too-familiar 20th century theme: the dispossession and dislocation of less powerful peoples by dominant, racist governments.

Both the Jewish law students attending the BLSA teach-in last week and the event's sponsors claim to seek a humane solution to the Mid-East conflict. But as usual, actions speak louder than words. We are as unsympathetic to those disruptive participants who snickered and groaned through Riyadh Mansour's speech as we are to Muhammad Kenyatta's refusal to recognize Jewish students who wished to question Mansour after his presentation. Members of Harvard's American Indian community were not apprised of BLSA's intentions to censor questions and would not have served as security for the event had we known that tactic was to be employed.

Peace will not be attained in the Middle East until there is dialogue which addresses

Profs Condemn U.S. Nicaragua Policy

More than forty members of the Harvard Law School faculty have signed a letter protesting "recent United States policies and actions affecting Nicaragua." The April 11 letter, which was sent to *The New York Times* and *The Washington Post* singled out "the complicity of the United States in the mining of Nicaraguan ports" and "the effort by the current Administration to deprive the International Court of Justice of jurisdiction over the United States in matters relating to Central America."

The letter states that signators feel these actions "undermine vital principles of international law and amount to a dangerous precedent for the conduct of international relations and the settlement of international disputes." It urges the Administration to discontinue support for the mining and to "withdraw its recent reservation on Central America seeking to limit the jurisdiction of the International Court of Justice."

Faculty members also sent the letter to Davis R. Robinson, legal adviser for the United States Department of State.

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Letters to the Editor of the Record

the hard questions underlying the Arab-Israeli conflict. Mr. Kenyatta, or whoever made the decision to refuse Jewish students an opportunity to question Mr. Mansour, only undermined his credibility. Permitting questions would have facilitated a discussion of the tough issues which must be resolved if a solution cognizant of the rights of both peoples is to be achieved.

For their part, the pro-Israel students at HLS should rethink their strategy in attending PLO-focused activities. We doubt that any Israeli speaker could have done more to discredit the PLO in our eyes than Hasan Abdul Rahman did in his speech in Ames Courtroom last spring. Efforts to stifle meaningful dialogue only make each side look foolish and discredit the cause they espouse. It is becoming increasingly clear that Harvard Law School cannot offer a forum through which one can gain a reliable picture of the Arab-Israeli conflict. Our sympathies go to the Palestinian and Israeli peoples whose suffering continues while the squabbling goes on at Harvard Law School.

Sarah Sneed, 2L
Jeff DeCora, 3L
Greg Bigler, 2L,
American Indian Law Students
Association

Pro Neutrality

To the Editor:

On behalf of the 349 members of the Student Coalition On Unfair Labor Practices, I have requested that the Faculty of Law, at its next meeting, establish a Standing Committee to insure that University labor relations personnel observe a rule of strict neutrality in union organizing drives affecting Law School employees.

In the past, University labor relations personnel have waged sophisticated and costly anti-union literature campaigns designed to convince employees that Harvard strongly opposes their joining a union.

The 349 members of the Coalition believe that workers at Harvard should be left free to choose for or against the union without the coercion of official statements on Harvard letterhead. As students of the University, we believe that this is an appropriate use of tuition dollars.

Members of the Coalition believe that enforcing strict employer neutrality is the best means of furthering the great democratic traditions that Harvard University and the Law School in particular have so vigorously defended.

On April 12, the Law School Council voted by acclamation to officially endorse the efforts of the Coalition regarding labor practices in unionization efforts at Harvard University.

I urge all HLS students to voice their support of the proposed Standing Committee to insure strict neutrality in union organizing drives.

Michael Dinnerstein, 1L
Coordinator of the Student Coalition On
Unfair Labor Practices

Law As Struggle

To the Editor:

The March 2 issue of the RECORD contains an article by Miguel Rodriguez concerning critical legal scholarship and a letter from Prof. Wolfman criticizing the performance of William Bradford Reynolds as Chief of the Civil Rights Division of the Department of Justice. I find the juxtaposition of the two items of particular interest, since it would appear that Prof. Wolfman's criticism of Mr. Reynolds derives from the latter's having brought critical legal scholarship out of the classroom and into the Civil Rights Division.

According to Reporter Rodriguez, "... critical legal scholars believe that law and politics are not distinct..." This is supported by a reference to Prof. Duncan Kennedy, who is quoted as saying, "We began to teach legal doctrine as though it were a significant locus of political struggle..." Critical legal scholarship thus teaches the use of law as a weapon in political struggle.

The conflict between libertarian and egalitarian ideals, as reflected in the continuing controversy over goals versus quotas, affirmative action versus reverse discrimination, etc., is such a struggle, to which the various combatants bring the weapons best suited to their task. Prof. Wolfman's letter reminds us of the central fallacy implicit in this instrumentalist view of the law: A weapon has no moral sensitivity, but rather serves any hand that grasps it.

Harry Downs, '55
Atlanta, Georgia

Sports Quiz

Note: The penultimate sports quiz of the academic year asks you to identify five great names from the past, present or future of women's athletics.

1. The United States Lawn Tennis Association women's singles champion in 1909, 1910 and 1911, this skirted wonder of yore also won the USLTA women's doubles and mixed doubles championships held at the Philadelphia Cricket Club during those same years. Name this woman who captured seven more USLTA titles after becoming Mrs. Wightman.
2. The winner of three Wimbledon women's singles crowns and 12 major women's doubles titles, there is no dispute that this female tennis star of the 1950s and '60s was good. Name this four-time USLTA women's singles champion who paired at various times in her career with Althea Gibson, Christine Truman and Darlene Hard en route to doubles victories.
3. The top finisher in the Southern Amateur tournament in 1970 and '71, this golf

prodigy became a star of the Curtis Cup team for the U.S. at the age of 17 in 1972. Name this Gainesville, Fla. native who joined the professional tour in 1973 but has been flashing her winning smile more on television commercials than at tournament stops ever since.

4. The fourth-place finisher among the women figure skaters at the Winter Olympics in Sarajevo, this petite Californian would have been a natural for the sports quiz concerning athletes with names the same as parts of the body. Name this 16-year-old star of the future who is an early favorite for the 1988 Olympic Games in Calgary.
5. Already the focus of pre-Olympic controversy, this barefoot runner from South Africa was recently granted British citizenship in record time. Name this 17-year-old speedster who yearns to be given a chance to blossom in August in Los Angeles against Mary Decker, et al.

(Answers on Page 23)

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Media Coverage in Salvador Questioned

(Continued from Page 5)

but based on the press reports that I saw here, it seemed to me that the mirage was intact in this country."

Mel King spoke about his discussions with Salvadorans of various classes before the elections. He found his conversations with the wealthy to be extremely interesting. "They are very much anti-United States. They speak about the exploitation, the imperialism.

"They speak about the racism and the problems with the economic relationship, the dependence that exists between El Salvador and the United States. Having said that, they also welcome support from the United States in dealing with communism.

"When you ask what kind of role they play in dealing with the needs of the poor, they [say they] don't. What the rest of the dialogue gets into is their unwillingness to see

any legitimacy in the revolution that is being waged by the guerillas, principally because they buy the notion that the guerillas are communist-inspired."

In his visits to polling places attended predominantly by low-income people, King noted, he met several people who just wanted their identity cards stamped "because they don't want to be harassed. In addition when we asked what they wanted to tell the people back in the United States, they said that they didn't want the money being used for those weapons. Also [they said] that they were fearful of the government and the soldiers and we were giving the weapons to them."

Although people never voice support for the revolutionaries, and few thought any party truly represents the poor, King found a widespread perception that ARENA represents the rich.

Duarte's Record

"One of the things that I think it's important to understand about what is going on here is that even if Duarte were to win, there would still be the problem of his record of his inability to deal with the ARENA party and the military, and, therefore, the death squads. So at one level, there is a war that is going on between Duarte and d'Aubuisson, and on another level, there is the war that is going on between the guerillas and the government. And the government of the United States is trying to direct it."

"I think we ought to be outraged by the fact that our government can sit back here and we can watch it on TV and we can tell all the people who are daily being assassinated and murdered in that country while we send money. And none of our lives, of the people of this country, are on the line in that."

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Divestment

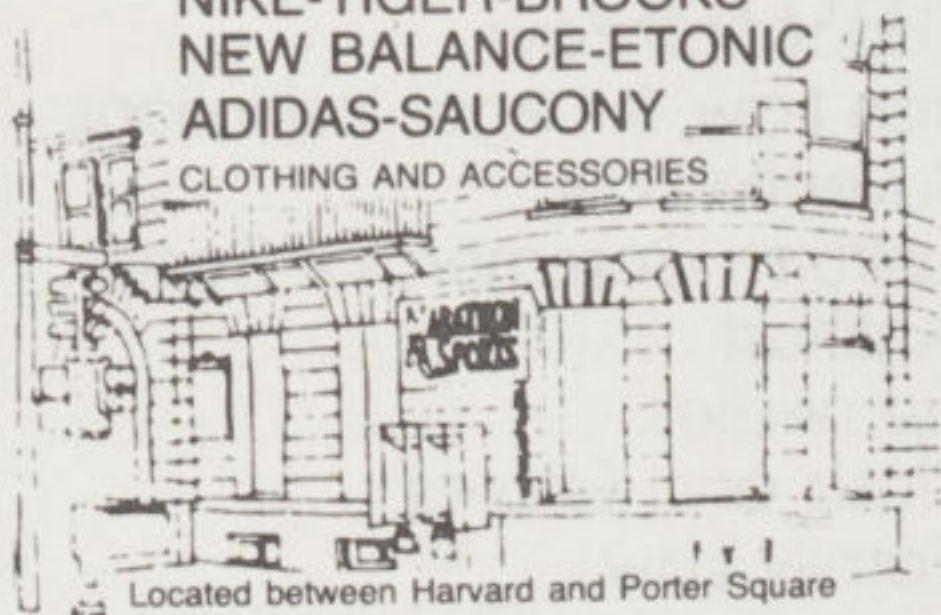
The Law School Divestment Committee is joining with organizations from other parts of Harvard University to sponsor a major march to Harvard Yard on May 1 to urge the Harvard Corporation to divest its funds from South Africa. The march, which will begin at Harkness commons at 7:30 P.M. will be preceded by speeches from members of the HLS community who support divestment.

The committee is also collecting signatures on a petition urging divestment. David Hoffman, 3L and rally organizer, says that by the time of the march the committee will have a clear majority of HLS students urging divestment.

Hoffman says that the Committee on Shareholder Responsibility has yet to respond to recent requests by the various organizations urging divestment. But he pointed out that the University is not bound to follow the CSR's recommendations, and he claimed that past recommendations have been ignored.

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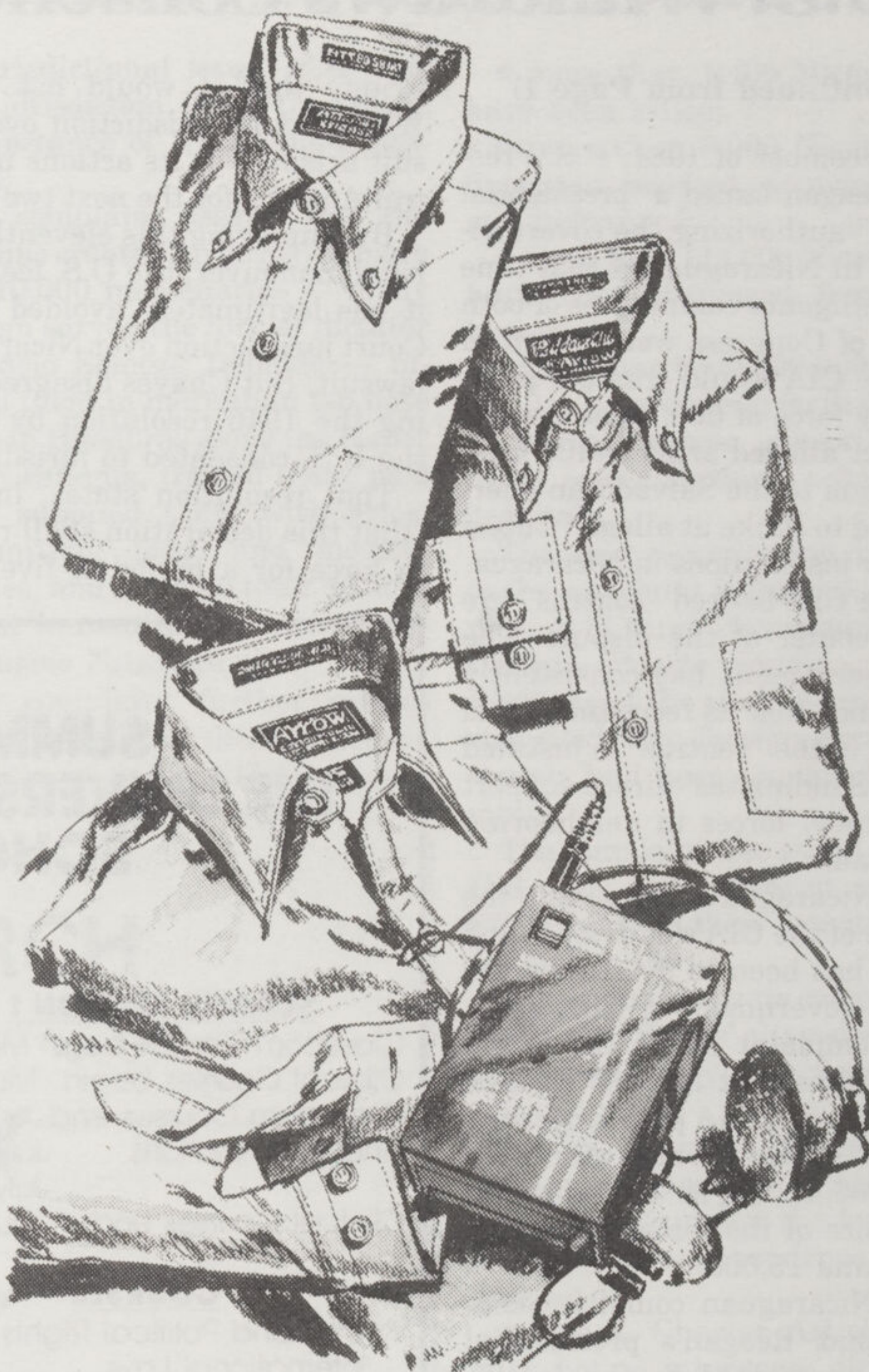


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U.S. Withdraws Consent to Jurisdiction

(Continued from Page 1)

In December of 1981, U.S. President Reagan issued a "presidential finding" authorizing the covert activities in Nicaragua. At that time the intelligence committees of both houses of Congress were informed that the CIA would create a paramilitary force of 500, to be used to interdict alleged arms traffic from Nicaragua to the Salvadoran guerrillas and to strike at alleged Cuban military installations in Nicaragua.

These CIA-backed "contras" are at the center of the dispute. The U.S. government has consistently maintained that its recruitment and support of the "contras" is justified by the Sandinistas' direct support of the rebel forces in neighboring El Salvador.

But Nicaragua alleges that the purpose of the CIA's activity is and always has been to overthrow the current government of Nicaragua. Their complaint before the World Court states that in 1983 Reagan approved a new CIA plan for dealing with the contras, which numbered over 8,000, calling for the expansion of the size of the force to between 12,000 and 15,000.

The Nicaraguan complaint contends that Reagan's presidential finding, presented to the intelligence committees on Sept. 20, 1983, "dropped all pretense that the 'covert activities' were aimed at arms interdiction or Cuban military installations and clearly identified the program's purpose as destabilization of the Nicaraguan Government and coercion of the Government to adopt new domestic and foreign policies."

But before the World Court hears the substance of Nicaragua's claims, it must address a knotty jurisdictional issue. The World Court is the judicial arm of the United Nations. It has no powers to enforce its decrees and nations must consent to its jurisdiction. The U.S. consented to World Court jurisdiction in 1946.

Nicaragua filed its suit with the court at The Hague on Monday, April 11. However, after learning of Nicaragua's plan to file the suit, the U.S. announced the previous

Friday that it would not accept World Court jurisdiction over any suit arising out of its actions in Central America for the next two years.

By employing this eleventh-hour legal maneuver, the U.S. feels that it has legitimately avoided World Court jurisdiction over Nicaragua's lawsuit. But Chayes disagrees, citing the 1946 resolution by which the U.S. consented to jurisdiction.

That resolution states, in part, "that this declaration shall remain in force for a period of five years

and thereafter until the expiration of six months after notice may be given to terminate this declaration."

During the history of the World Court four countries have withdrawn their consent regarding certain subject matters: Australia in 1954 (pearl fisheries), India in 1956 (sea passage dispute with Portugal), Britain in 1955 (contract dispute with Saudi Arabia) and Canada in 1970 (marine pollution).

Chayes maintains that none of these cases, however, involved the

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Suit Charges Charter, Treaty Violations

withdrawal of consent in the face of a particular lawsuit.

Various explanations have been offered for the United States' withdrawal of its consent — the first time the U.S. has taken such action to avoid a particular lawsuit. State Department spokesperson John Hughes suggested that the U.S. would not be able to mount an adequate defense because of its self-imposed ban on public discussion of intelligence operations.

Another State Department official suggested that Nicaragua might misuse the court as a propaganda forum.

As of press time, the World Court had not handed down a decision on

the jurisdictional issue. If it does assert jurisdiction, it will then reach the substance of Nicaragua's complaint.

The complaint asserts that the U.S. "has created an 'army' of more than 10,000 mercenaries — many of whom served the former dictator Anastasio Somoza Debayle — installed them in more than ten base camps in Honduras along the border with Nicaragua, trained them, paid them, supplied them with arms, ammunition, food, and medical supplies, and directed their attacks against human and economic targets inside Nicaragua."

The complaint further alleges that as a result of these actions:

- more than 1,400 Nicaraguans have been killed;

- more than 3,000 Nicaraguans have been maimed, wounded, raped and kidnapped;

- more than 113,000 Nicaraguans have been displaced from their homes;

- more than \$200,000,000 in damage has been done to facilities such as farms, bridges, airports, pipelines, power stations, schools and hospitals.

The most recent action described in the complaint is the U.S.-directed mining of three Nicaraguan ports: Corinto, Puerto Sandino, and El Bluff. As of the time the complaint was filed, five foreign commercial vessels had been damaged by the mines.

The complaint also states that the U.S. has acknowledged spending \$70,000,000 on these activities since December 1981.

Nicaragua bases its complaint on the United States' alleged violation of several treaty and charter obligations:

- U.N. Charter Article 2(4) — duty to refrain from the threat or use of force against the territorial integrity or independence of Nicaragua;

- O.A.S. Charter Article 18 — duty not to intervene, directly or indirectly in Nicaragua's internal or external affairs;

- O.A.S. Charter Article 20 — duty not to violate the territory of Nicaragua and not to subject it, even temporarily, to military occupation or other measures of force;

- Convention on Rights and Duties of States — duty not to interfere in Nicaragua's internal or external affairs;

- Convention Concerning the Duties and Rights of States in the Event of Civil Strife, Article 1, Third — duty to forbid traffic in arms and war material to Nicaragua except when intended for the government of Nicaragua.

In addition, Nicaragua asserts that the U.S. has breached numerous obligations under general and customary international law.

THE MARCH OF FOLLY

An address by

Barbara Tuchman

Thursday

May 3

8 P.M.

Arco Public Affairs Forum

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HLS Marathoners: Soggy Sneakers,

(Continued from Page 2)

but this year the rain changed her plans. She lamented, "[The fact that I didn't run] is a real sore spot with me right now. I'm really disappointed."

The rain was a definite problem. Asked whether he ever considered not running because of the weather, Pontrelli said, "In the morning, I gave it a *lot* of thought."

Johnson, who has run in marathons in Philadelphia and New York, recounts a similar feeling: "[W]hen I got up it was a *driving* rain and I thought about *twenty-six miles and a half*. When I ran in New York it rained the entire way. I remember how soggy my shoes got; they felt like lead. They weren't absorbing shock."

But Johnson laughs as he says his second thoughts didn't last long. "The fact that it was pouring rain out there didn't matter. I had told all of these people that I was going to run, and if I didn't run, I'd have never heard the end of it."

Elliott empathized with the comment. "I was afraid I wouldn't go out. You tell everyone so you feel bad if you back out." "That's the thing," agrees Johnson. "Tell 'em you're gonna do it and you're locked in. You'll get out there."

Elliott, a first time marathon runner, says the downhill was the hardest part for him. "It takes a lot out of your legs," he said.

"You know that's what most people said," commented Johnson. "But my problem was in the lower legs . . . I wore racing flats which I had not previously worn more than six miles. My lower legs were not used to the difference in the cushioning between a training shoe and a racing flat. My lower legs really took a beating. I started feeling it at mile fifteen and I knew that at mile twenty-six I was going to be virtually crippled — and I was. I had a lot of trouble walking."

Bratt relates his story: "At the top of heartbreak hill, around the 21st mile — *that's* when it began to hurt."

"It was very depressing going up the hills," agreed Elliott, shaking

his head. "I just had to keep bearing down — not thinking of anything except getting to the top of the hill. What I found was that I stopped thinking about the pain after fifteen, sixteen, seventeen miles. I was just aware that it was wearing me down."



Risé Peters

Still standing? Some of the HLS students who completed the grueling Boston Marathon gathered to give insight into their stamina.

But Elliott added, "Toward the end of the race, I was concerned. I knew I wasn't going to decide to stop, but I was worried that my body was just going to stop without asking me."

Most of the runners say they stocked up on food ("lots of pasta" and "pancakes") on the days immediately preceding the race, but had light breakfasts on marathon morning. Many feared getting sick during the race.

"There was a night and day difference between the experience here and New York," remembers Johnson. "In New York, the first thing I wanted to do after that race was throw up. . . . But this one, during the last five miles of the race I couldn't help thinking, I couldn't get out of my mind how *hungry* I was — I was *starving*."

After the race, Johnson went to the Runners Expo at the Hynes auditorium. He joined a club called "World Runners" which is "dedicated to creating an awareness of and doing something about world

hunger." After the Expo, he went to a party at the home of one of the members. Remembers Johnson, "There was so much food. I was just shoving food into my face."

"I was afraid of having too much food in my stomach during the race," says Elliott. "But at the end of the

race, I was in the same position. I was starving. I went home and jumped into the tub with a plate of food next to me and ate it while I warmed up. I mean I ate all night, *all night*. And I ate for days afterward."

But Bratt says he didn't experience that hunger. He adds, "Anyway, it was the first night of Passover, so I couldn't celebrate [the race]. If I'd have done anything, I'd have gone to Seder. But I was so worn out."

The previous running experience and the training of these HLS marathoners varied considerably. Elliott says he had done virtually no running before his decision to train for the big race. "I ran around Fresh Pond about once a week."

He trained for three weeks — twelve miles a day for the first week, then a fifteen, then back to twelve. He capped off his training with a twenty mile run.

But first-timer Elliott (who turned in a pretty amazing 3:26 time) agrees that his way is prob-

Cramped Calves and Frantic Feeding

ably not the safest way to do it. "It was probably pretty stupid to spend so little time training."

Pontrelli stressed the need to train well. "There were many, many cases of hypothermia after that race," he said.

Bratt, who finished in 2:52:46, runs about six miles a day throughout the year. He started training heavily about two months before the race. He increased his mileage to ten or twelve miles a day, then alternated between long and "short" six mile runs. He then ran "a couple of sixteen or seventeen mile runs."

Bratt did most of his training with a fellow classmate and marathoner, Kevin Gaut.

Johnson probably had the most tireless trainer, his sleek Doberman pinscher, Brie. "She's a good dog," Johnson says, patting his partner on the back. Brie accompanied Johnson on all of his runs.

But Johnson says he thinks he did only about 60% of the training he should have done. Back injuries plagued him for about two weeks in the eight weeks preceding the race. "I spent four days flat [on my back]."

"There was one week when I did absolutely nothing," recounts Johnson. "I pretty much said to myself, 'well, there goes the marathon.' And then one day when I started feeling better I went out and I said, 'I'm gonna try it.' I went out and did an eighteen miler and that's when I said, 'okay, I can do it.'"

When asked when they found the time to train for the race they adopt sheepish looks. "It started to take up a lot of time," says Bratt. "That's the problem. I don't see how people who have to work every day take the time to get in shape."

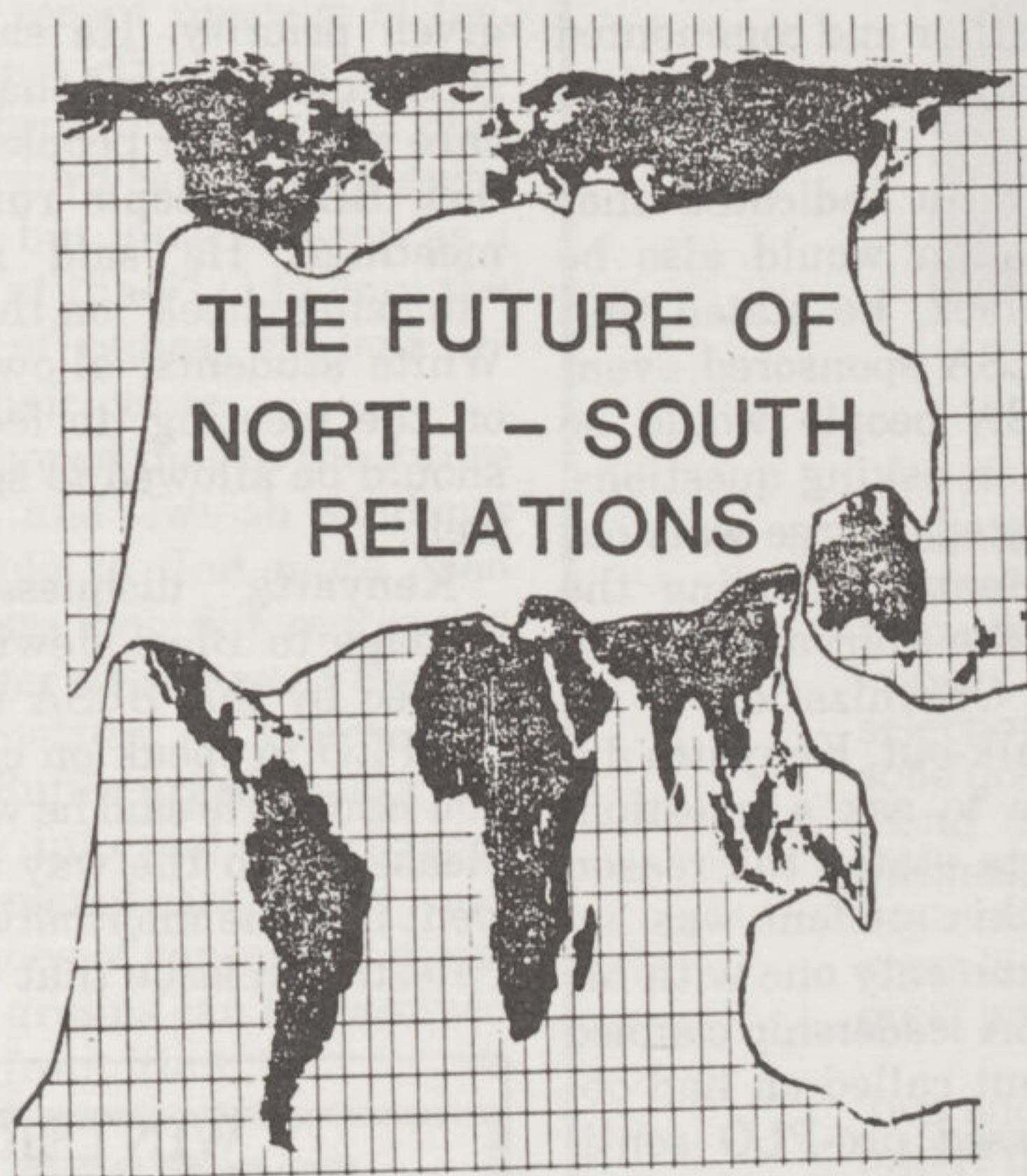
Johnson agrees. "Something suffers — like marriages or relationships or work, it's true. It depends upon your priorities, but something's got to go. It's not just the time you spend running," he points out. "You often have to be rested to make those runs. You often have to recuperate. I can't just come in from a run and start studying. I need to lie down, get something to eat, go through a transition."

Okay, so marathon runners sometimes get "really hungry." And running twenty-six miles hurts a lot. And the race really wears you out. And it could break up a marriage or a relationship. So of *all* the things one could do for excitement, why (especially when it's pouring rain and forty degrees outside) would a law student, or anyone for that matter, run a marathon?

"You know what it is?" offered Michael Pontrelli. "You think to yourself that it's just crazy; it makes no sense, but it's just beyond your comprehension. When you become an adult you become rational. . . . But to just go out and run, leaving everything else behind — it's almost like flying. . . . You can't be rational about it."

Johnson, Elliott and Bratt seemed to agree. "I know it sounds a bit trite, but it's just the idea of pushing yourself close to what is your physical limit. It's sort of intriguing," says Johnson. An enthusiastic Elliott grins and adds, "Everyone should do it once."

THE HARVARD THIRD WORLD CONFERENCE COMMITTEE PRESENTS: THE SIXTH ANNUAL THIRD WORLD CONFERENCE



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JOHN F. KENNEDY SCHOOL OF GOVERNMENT

PLO's Presence Angers HJLSA

(Continued from Page 3)

fears will lead to recognition. He asserted that recognition of Israel should not come "on the basis of exploitation" and that Israel's actions in Southern Lebanon will come back to haunt it.

Mansour began his talk with a brief history of the Palestinians and some of the mistakes they had made in the past. In the first period, before Israeli independence, the Palestinians made the mistake of relying on the "aristocratic, semi-feudal" leadership of traditional Arab leaders.

In the second period, the Palestinians relied on the Arab states instead of their own resources.

Mansour claimed that now the PLO is playing the correct leadership role as an independent part of the Arab national movement. He stated that the Palestinian resort to terror as a weapon in achieving its aims was brought about by frustration with the futility of other means and the virtual "elimination by the sword" of the Palestinians as a people by "the British, the Israelis, and their Arab collaborators." He also stated that former Israeli Prime Minister Begin resorted to terror in the struggle for Israeli independence.

Mansour claimed that the PLO terror campaign had achieved important results in the consequent attention and, he asserted, respect that it gained for the PLO and the Palestinian struggle in the world community. "The PLO is the most democratic institution in the Middle East," stated Mansour, based on the method of representation in the Palestine National Council, the PLO's general policy making body.

Mansour said all Palestinians openly support the PLO. "Not because we force them," Mansour commented, attempting to counter well-known Israeli accusations that Palestinians who openly challenge the PLO's leadership are threatened and even killed for their opposition.

He stated the PLO's dream for a solution for the Middle Eastern problem was a democratic, united state for all of the peoples in the

area. He said that the second-choice solution envisaged by the PLO was a separate state for Palestinians on the West Bank. He compared the Palestinian situation with that of the Vietnamese, the Nicaraguans, the Zimbabweans, the Angolans and others in an "age of great revolutions" and claimed that the eventual solution would be reached by an international consensus.

The question and answer period which followed the speeches was filled with controversy. After allowing a Black student to ask the first question, Kenyatta caused an outcry when he called on a second Black, Ibrahim Gassama, who did not have his hand up at the time, even though several of the Whites (many of whom were presumably Jewish) in the audience did have their hands up. Gassama did have his hand up earlier and commented later that Kenyatta knew he had a question.

When Kenyatta indicated that the next question would also be asked by a Black, he stated that this was a BLSA sponsored event and that BLSA people would be given priority in asking questions, which precipitated a large walk-out by many students, including the leadership of the Harvard Jewish Law Students Organization.

After the walk-out, Kenyatta did allow a White to ask a question. While Kenyatta stated the reason he called on this student was because he was the only one with his hand up, HJLSA leadership claimed that the student called on had obviously expressed pro-PLO sentiment during the talks. For the final question, Kenyatta indicated Raul Sánchez, a Chicano and member of the Third World Coalition, although several Whites in the audience had their hands up.

HJLSA leaders accused Kenyatta of unfairly limiting discussion by avoiding tough questions he knew White Jewish students in the audience would ask and acting in a racist manner inconsistent with Harvard Law School policy on the use of its facilities in his choice of questioners. Don Robinson, 2L, in-

coming HJLSA president, noted that the meeting was billed as a teach-in and that it could not be a true teach-in if the speakers were not made to explain some of their assertions.

For instance Mansour spoke of several great Palestinian revolutions before 1948 which Jewish leaders indicated were anti-Jewish riots and killings. William Jacobson, 3L, pointed to the fact that Mansour made it seem as if support for Jesse Jackson in the New York primary was a referendum on the legitimacy of the PLO, whereas Jackson in fact supports the Camp David Agreement and a demilitarized West Bank, both of which the PLO vigorously denounces.

Kenyatta countered that BLSA organized the event and was entitled to have its members' questions given priority. He said it was a BLSA meeting and that he does not care what other people think about how BLSA people run their own meetings. He said it exhibited "amazing cheek" on the part of the White students, allowed to sit in on the meeting, to feel that they should be allowed to speak at it as well.

Kenyatta dismissed possible damage to Black-Jewish relations caused by this BLSA invitation to the PLO to speak on campus as "a non-issue." He said he was generally pleased with the way the meeting went and the information about the Palestinian issue that was brought

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to the campus through the talks and discussions. Sandra Ruffin, 2L, incoming BLSA president, said that the Palestinians were invited to campus because it was and continued to be a pressing issue and one about which only one side, the anti-PLO side, is generally reported in the American media.

Yadin Kaufmann, 3L, outgoing HJLSA president, regarded it insulting that BLSA found it necessary to bring the PLO, an avowedly terrorist and anti-Israel organization, to campus three years in a row. He felt it was unfortunate that a few students can saddle BLSA with a record on this issue that exacerbates tensions in the Law School as well as in the community at large.

Robinson added that the invitation was particularly upsetting in view of the recent upsurge of terrorism against civilian targets in Israel. Jacobson felt that the PLO talks at Harvard cannot be viewed in isolation, but must be seen as a wider effort of the PLO to gain the sympathies of radical student activists for their cause.

Robinson hoped that in the future both Black and Jewish students would be able to find more open ways to discuss their differences and create stronger ties between the two groups on matters on which they are agreed. Ruffin urged Blacks and Jews to use informal ties, friendships and personal contacts as ways in which issues of concern to members of both groups can be resolved without confrontation.

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Harvard Law: Not What It Used To Be . . .

By Ralph Nader

As a student at the Harvard Law School (HLS) in the Fifties, I used to wonder what that pre-eminent institution would be like years later. With all my imaginings, I guessed wrong. The school neither remained the same nor did it transform into an active center for the analysis

and advancement of justice in America. Instead, Harvard Law School is in a crisis of confidence on a directionless highway.

At a recent reunion with my classmates, there was an opportunity to speak with students and faculty and listen to the alumni's

reactions. Lest readers think this is a parochial subject, it is well to observe that HLS for decades virtually defined what was legal education in America. This philosophy in turn shaped the horizons of tens of thousands of lawyers practicing throughout the land or holding important political and corporate posts. A few years ago we thought sufficiently of its influence on the law and its unfulfilled potential to devote a book, called the "High Citadel," dedicated to its redemption.

Today, three traumas are hammering at the School's traditional mode of operation. First, the big law firm market demand for HLS graduates has sent annual starting salaries soaring — nearing \$50,000 right after graduation. Second- and third-year law students get some basic training during the summers at \$800 to \$1000 per week! With the demand for their services massively up during the past twenty-five years, there are no more HLS students to go around. They still number just over 500 students per graduation class.

So the big law firms wine and dine them, flying them to their cities for interviews and giving them the expense-account time of their school days. Not surprisingly, the students believe that they have it made as soon as they are admitted to HLS or certainly after they get through their first year creditably. The students register this smugness in their classrooms. Absenteeism is high. One Professor told me that any given day in the fall over 10% of his students are flying around the country interviewing at law firms. The students who show up are often unprepared, listless and in no mood to be called on by "Paper Chase" Law Professors.

Many Professors no longer call on students whose hands are not in the air volunteering. As if all this is not sufficiently upsetting to the proud teachers, the students have lost their awe of the Professors,

Winter: From Analogy to Chicago

(Continued from Page 2)

shareholders do not care to vote, because it is cheaper and easier to delegate authority to managers. Therefore, legal rules ought to ensure corporate voting only when certain shareholders are peculiarly affected.

The analogy between corporate charters and regulatory licenses has led some commentators to point out that, because states make money on issuing charters, competition will cause a "race to the bottom," where states write regulations increasingly favorable to corporations. Therefore, national regulation of corporations would be a good idea.

Functionalists reject this analogy as well, asserting that a state cannot get advantages by disadvantaging shareholders because the market prices of corporations would fall, damaging their ability to raise cap

ital. Those espousing the functional approach also note that, unlike most areas in which regulatory licenses are issued, corporations enjoy few advantages that are unavailable in other organizational forms. Therefore, we should not be concerned with improper state corporate regulation.

Winter said that he had "sympathy" for the functionalist approach, but that it was not a complete substitute for the current system of legal thought. The Chicago School is concerned only with efficiency. Further, the members of that school often do not reach plausible suggested outcomes based on their economic observations. Functionalism may do no more than offer good questions, but we must ask the right questions if we want good answers, Winter concluded.



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Guest Opinion

... And Why It Makes A Difference

seeing them as irrelevant to their career possibilities. (A few years ago, grade inflation reflected these realities.)

The second trauma is the assault on the older faculty by the younger faculty loosely united by what is called the "critical legal studies" challenge. "They're wearing us down and we're not getting any younger," a fiftyish Professor told me. Critical legal studies is a jurisprudential shredder, gulping and chewing out dollops of old guard assumptions about how the legal rules work. The shredder appears, steeped in unfathomable prose, in lengthy articles. This written form is an important part of the assault, for the old guard at HLS admires intricate law review articles, even though it has trouble producing them (too perfectionist to publish perhaps).

"Critical legal studies" does not propose new legal futures or modes of justice; it breaks down the old thought order, pillar by pillar. Professors Duncan Kennedy and Roberto Unger are among the leaders in this dismantling operation. While the older Professors often are puz-

zled by or cannot understand Unger's writings, they admire his "pure mind" and the "sheer magical, mystical quality of his classroom lectures" as one old guard faculty member put it.

Having lost their student's awe and much of their younger faculty's respect, the old guard and the School's deans are being treated to a traumatic drive by students wanting a greater role in curriculum and grade policy. Last spring hundreds of students mounted a Sixties-type march and sit-in to protest what they saw as an arbitrary addition to grade determinations.

One Professor told my classmates that the Law School is in big trouble, noting that it no longer is able to attract as many superachievers. This is another way of exemplifying the disarray at the School. The old guard that still rules the training grounds offers little purpose to students other than making them "think like a lawyer." With the country in urgent need of lawyers working on preventing conflict, on serving the deprived and unorganized, on challenging centers of power abuse, on building the democratic legal structures of the future, on developing the procedures that advance the public interest in health, opportunity and justice, Harvard Law School wallows in a welter of moods going nowhere.

The dismantling of the old order at the Law School is now creating a vacuum of sorts. What fills this vacuum in the coming years will affect this country's justice well beyond the Cambridge confines of this cold bed of legal talent.

This article is reprinted with the author's permission. Nader is a former editor of the RECORD.



Ruben Perlmutter

Thomas Lorenzen, 2L, and Randy Robertson revel at the DSAC-sponsored spring formal "Midnight Madness" held Saturday, April 21, at the Sheraton Commander.

Sports Answers

1. Hazel V. Hotchkiss
2. Maria Bueno
3. Laura Zonetta Baugh
4. Tiffany Chin
5. Zola Budd

Rat Race

by Ray S. Ipsa



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Share The Attention, Wonder Urges

(Continued from Page 1)

Together As One and Have Some Fun with him.

Then Wonder suddenly turned off the machine. "Now I've got your attention," he said. He told the audience that "getting the attention" is the ultimate test in life. "In order to reap benefits, we need to get the attention of teachers, friends, the courts and the public." Getting the attention can be difficult, said Wonder, because people are daily faced with a multitude of choices presented by others who have things to do and say as well.

But just getting attention is not enough for Wonder. He said that there is nothing more disappointing than someone who gets attention but does not take it "to a better place." He noted that this phenomenon often occurred in entertainers, calling it a low point in the industry.

Wonder stated, however, that people in every profession face this task, including lawyers.

Wonder also warned against abusing the attention one has gained and using it for the wrong purposes.

One should not be afraid to share attention once one has it, added Wonder. He suggested that sharing attention was an investment which would provide a good return. It is an opportunity to measure how one is doing and how far one has to go.

Wonder advised a path for lawyers and law students in the audience once they had gained the attention. He stated that lawyers need to share their knowledge with those who do not have the economic opportunity to hire them. This suggestion was met with hearty applause.

Lawyers and law students were also admonished to keep in touch

with the people. "People are being victimized," Wonder commented. To make his point clearer, Wonder told the audience that "without people, there would be no laws, and without laws — there would be no lawyers."

Wonder proclaimed that people are the most precious commodity and the greatest asset. "We all live off of the energy people give us," said Wonder. "We must complete the circle." He said that all people were created equal and all must learn to relate to each other.

"Okay Harvard. You'll get the attention," Wonder told the audience. But then he asked whether students as lawyers would have the courage to speak out "in those *affluent crowds*." With that question, Wonder reprised his opening song.

Two more songs followed. First, Wonder teased the audience by playing bits of songs. "Pay attention," he joked.

Then he broke into his popular, *You are the Sunshine of My Life*. Wonder got the audience to help him out, designating different parts he wanted males and females in the audience to sing.

Wonder also sang *Lighting Up the Candles* which he said he first sang for the late singer Marvin Gaye. He dedicated the song by citing Gaye as an example of how a person as a communicator can change the world with his song and thereby create a better world.

The Harvard Black Law Students Association and the Harvard Foundation each presented Wonder with an award for his contribution to humanity.

During the question and answer period, Wonder was asked what his first official act would be if he were ever elected President. Wonder said that it would be handgun control legislation but he added, "I don't want to be President."

On the issue of apartheid, Wonder said that we need to make a statement as an entire people. He commented, "Someone who feels that they are better than someone else because of the color of their skin is sick."

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