

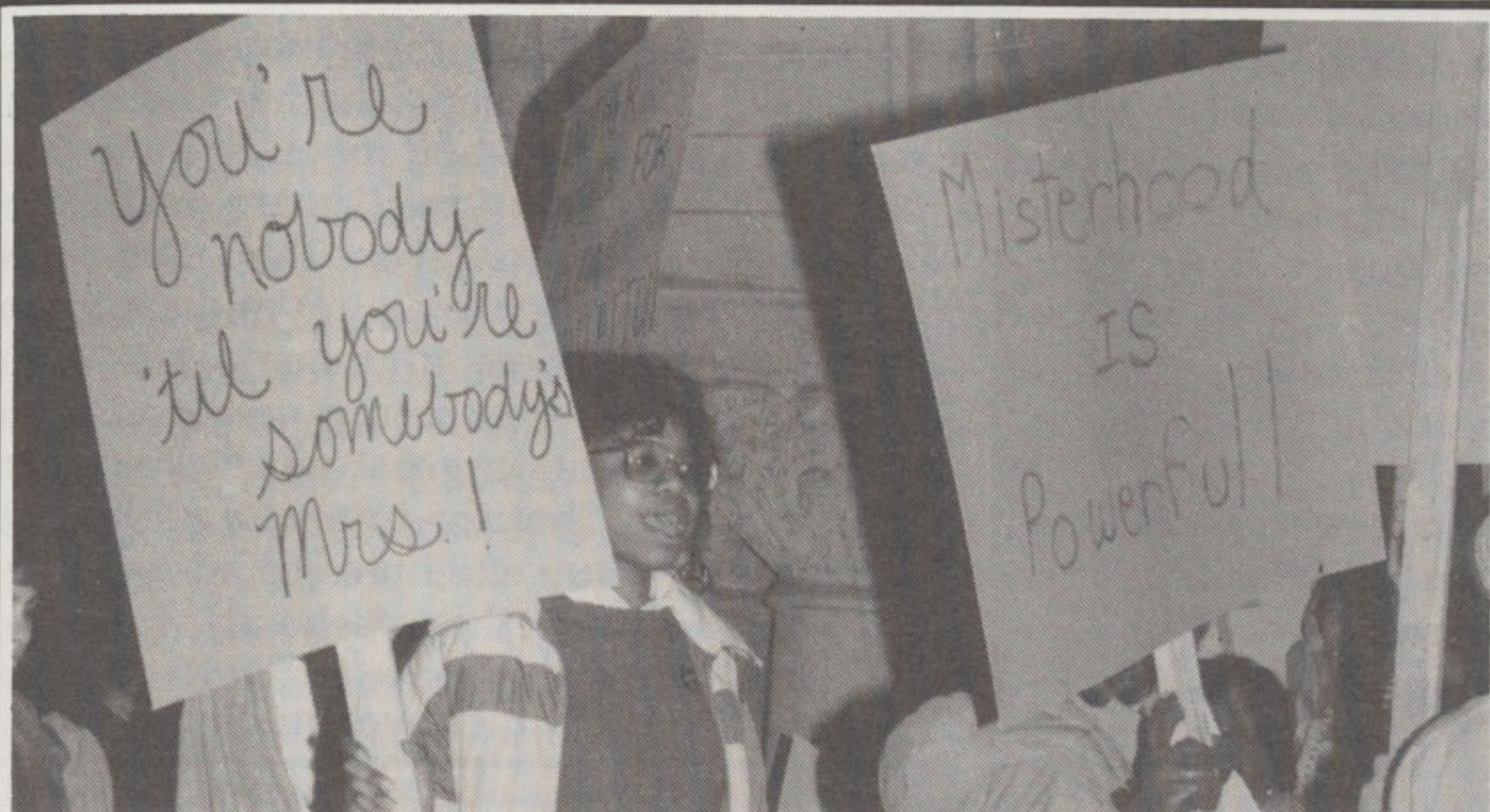
HARVARD LAW RECORD

America's Oldest Law School Newspaper

VOL. 78, NO. 10

MAY 4, 1984

25 CENTS



Sandra Yamate

Members of the HLS community staged a protest outside Ames Courtroom as Phyllis Schlafly spoke as guest of the HLS Forum. Demonstrators carried signs reading "A woman without a baby is like a man without a bomb," and "Ladies against Women." See story, page 8.

Human Rights Program Founded

By Michael Medina

Efforts are now underway to implement a Human Rights Program at HLS. The program will attempt to integrate and support efforts already underway in such areas as research, clinical placements, internships, speakers and symposia, and courses on human rights.

Dean Vorenberg appointed Profs. Abram Chayes, Henry Steiner and David Smith to coordinate the program. In addition Jack Tobin, reference librarian for foreign and comparative law, will serve as half-time administrative director of the program.

In a memo to the faculty, Vorenberg announced the formation of the program. He also outlined its four interrelated parts.

The first part is expanded coursework in the area of Human Rights. Currently HLS offers courses entitled "International Protection of Human Rights" and "Emigration, Immigration, Participation, Dissent and Due Process".

Next year courses on economic and social rights, human rights and food, immigration and asylum and international human rights will be offered. Vorenberg stated that he hopes to vary the offerings in human rights both through developing student and faculty interests and through inviting visiting professors.

Summer internships will also be an integral part of the program. Last summer HLS placed 20 stu-

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Student Protest Disrupts Closed Faculty Meeting

By Mike Isbell

The faculty was forced to move its meeting Wednesday afternoon after 50 students occupied the room that the faculty had reserved.

The students sat silently in Pound 200 to protest the faculty's rejection two weeks ago of several proposals by the Law School Council to allow regular student input in the appointments and admissions processes.

Dean James Vorenberg decided to move the meeting across the hall to Pound 201 when the students refused to leave Pound 200. Wednesday's faculty meeting dealt with appointments matters and was closed to students.

Vorenberg later deplored the means used by the students, contending that the protesters' tactics "damaged rather than strengthened

lines of communication."

Faculty members who arrived at Pound 200 at the appointed hour of 2 P.M. were given a memorandum from organizers of the sit-in.

"We want you to know first-hand how it feels to be alienated, just as we are alienated from the decision-making processes of the school," the memo said.

"HLS ought not to be a closed institution like an elementary school, where a paternalistic few exercise absolute power over many. Rather, it ought to be an open community, where all members work together on solutions to common problems."

Prof. Charles Nesson sat and read the memorandum in Pound 200, while Prof. David Herwitz stood in the back of the room. Other faculty

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Alums Affirm Ties at Reunion Weekend

By Burlette Carter

It was a different law school that the classes of '34, '44, '49, '59 and '74 saw on April 27-29, when they returned to their alma mater. And yet, in many ways, it was still the same.

More than 800 HLS graduates converged upon the Harvard Law School campus to renew old acquaintances, to reminisce, and to investigate the "changes" in their alma mater which they had heard and read about.

This reunion which brought together graduates from five classes was a kind of inaugural meeting. In former times, each class met for its own reunion every five years. As a result, the Law School hosted eleven different reunions a year each of which lasted about a day and a half.

Under the new reunion format five or six classes at a time return to the campus. Reunions occur during one of two three-day meetings planned for the purpose — one in the fall and another in the spring.

However, despite these joint meetings, there are plenty of opportunities for graduates to spend time together with other members of their particular classes. These opportunities include cocktail hours, dinners and class colloquia which feature discussions planned by the individual class committees with input from class members.

Reunion groups engaged in formal and informal discussions about developments in legal education, possible improvements in law schools and law firms, law school admissions, alternative methods of dispute resolution, the courts and the mentally disabled and the HLS program on the legal profession.

Some graduates attended Harvard classes. Many could be seen engaging in lively discussions with current HLS students during breaks or immediately after classes. Some stayed after classes to talk with faculty members.

There was, of course, the question of change. How has the school changed? And why? Can such

changes possibly be for the better? And what about that article in *The New Yorker* or the *Wall Street Journal* or er, yes, now what is the name of that "newspaper" which bears the Law School's name? Have the faculty and the students of Harvard Law School lost their minds?

Dean Vorenberg broadly addressed some of these questions in a portion of his address to the reunion classes. Said the dean, "The school is strong where it has traditionally been strong. We have outstanding teachers who, in interaction with students, can create electricity in large and small classes."

Vorenberg told the reunion classes, "The HLS faculty has never spoken with one voice and it certainly does not do so now. It is a less homogeneous faculty than at

times in the past. . . ."

The dean said that in his view "the range of different views and approaches is a source of strength."

But he continued, "In saying this, I do not dismiss — nor should you — the significance of the divisions, dissent and unhappiness among some of our faculty and students." But he told his audience that in his view "disagreements within our faculty about whether there is an analytical and moral basis to legal rules or on politics are healthy. So are debates about the value of economic analysis to understanding law. These arguments and many others that occupy our faculty and students are not new," Vorenberg said, "but the intensity with which they are often pressed is troubling."

After the weekend was over, Vorenberg spoke to the RECORD and
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Capital Crucial to Foundation of Public Interest Firms

By Joe Brandolino

On April 25, Lucas Guttentag, '78, co-director of Columbia Law School's immigration law clinic, spoke to HLS students on the topic of "Starting Your Own Public Interest Law Practice." Guttentag has also been a staff attorney for the Los Angeles Center for Law in the Public Interest.

Based on his experience in Los Angeles, Guttentag identified two sources of funding available for public interest firms: foundation grants and attorneys' fees awards. He told students that foundation grants are available both locally and nationally.

However, Guttentag also pointed out that to be eligible for most foundation grants a law firm must be organized as a chapter 501(c)(3) firm (not-for-profit and tax exempt). Chapter 501(c)(3) firms are statutorily limited both in the types of cases they are allowed to handle and in their political involvement such as lobbying and grass roots work.

Guttentag noted that litigation is not the only means of serving the public interest. He said that foundation grants are available for an unlimited number of other activities.

Foundations seem to be extremely receptive to novel ideas, he told his audience. Guttentag suggested that the first step for those who wanted to affect an area concerning the public interest is to check the an-

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Cox, Retiring, Lauds Harvard Experience

By Norman Bay

Archibald Cox, Carl M. Loeb University Professor, will retire from the Harvard Law School faculty at the end of this academic year. Except for time spent as Solicitor General of the United States from 1961-65, Cox has taught at Harvard since 1945. After serving one year as lecturer on law, he was appointed professor in 1946.

Cox received his LL.B. from Harvard in 1937. He clerked for Learned Hand the year after graduation, before practicing with Ropes, Gray, Best, Coolidge & Rugg in Boston from 1938 to 1941. During World War II he began what has become a long career dedicated to public service.

From 1941 to 1943, Cox was an attorney in the Office of the Solicitor General of the Justice Department. He then became associate solicitor of the Department of Labor until 1945. From 1951 to 1952 he served as co-chairperson of the Construction Industry Stabilization Committee. In 1952 he was appointed chairperson of the Wage Stabilization Board.

Cox was solicitor general of the United States from 1961 to 1965. In perhaps his most well-known appointment, he was Watergate special prosecutor from 1973 to 1974. He spent the following year as the William Pitt Professor at Cambridge. In 1980 he became chairperson of Common Cause.

Cox feels that Harvard Law School has changed markedly over the years. There are three times as many faculty members, three times as much space, and 10 to 20 times as many administrators. Although the student body has remained at about the same size, it has become "far more varied."

Harvard has sought "greater variety in background and practiced greater selectivity in terms of previous academic achievement." Cox emphasized that the diversity has been "all to the good." Nevertheless, the concentration of students accustomed to finishing in the top one or two percent of their classes has

created a "very different atmosphere" and unfortunate tensions. "In general," he noted, "the tension today is generated far more by students than the faculty. In my day it was generated far more by the faculty than students."

Legal education, moreover, may be less rigorous than when he was a student. "That's not," he remarked, "necessarily a bad thing in some ways. The system was more closed — too closed in the mid-30's."



Yearbook '80

In the past, "precedent carried more weight; fewer premises were challenged and opened to examination."

Cox learned and most valued three central things as a student. First, one has to "face up to" and "reason out the hard questions." Second, "nothing but performance counted." Finally, "nothing less than an impossible best was good enough." Cox hoped that "those would always be the principal lessons taught at Harvard Law School."

One of the unfortunate conceptions at Harvard today, however, "is that if one enters practice, he can't shape laws in ways that benefit the public interest." Cox urged recent law graduates to "stay detached enough" to recognize both clients' interests and long-range public interests.

Lawyers in private practice, he maintained, have great opportu-

nities to shape activities, including the "conduct of clients to make it a little better world for everybody." For a lawyer to do that, however, the "bedrock of power rests on how good he is."

Cox stressed that the "first thing he has to do is be damned good." By doing a first-rate job while keeping the public interest in mind, a lawyer can shape "people's lives and occasionally events."

Despite retirement, "Harvard Law School will still be home." Cox plans to continue working on a book for the general reader about the Supreme Court.

He will also chair Common Cause for another year-and-a-half to two years. Moreover, Cox will teach a basic constitutional law course and a seminar on the First Amendment at Boston University. Finally, Cox declared, he hopes to "find other kinds of minor trouble to get into."

Notwithstanding reports in the national press, Cox accepts his retirement without bitterness. In fact, he called himself "unusually fortunate" to receive an extension two years ago when the President and Fellows of Harvard University decided to allow him to teach beyond the mandatory retirement age of 70. Cox explained that without a set, final retirement age the dignity and pride of professors not asked to continue teaching would suffer a terrible blow.

Many students at the Law School, however, have difficulty understanding why Cox must retire. Helen Irvin, 3L, declared, "I've admired and respected him for years for the example of integrity and character that he has set for us."

George Golder, 1L, termed it a "shame that professors who are ready, willing, and able to continue teaching are made to stop because they reach some arbitrary age." Similarly one 3L, noted that Harvard has lost some of its finest professors to other local schools. "Its retirement policy has made Harvard the Filene's Bargain Basement of legal talent — brand names for less."

Harvard Accused of Unfair Practices,

By Paul Cramer

For 10 years now Harvard University has resisted efforts by the United Auto Workers (UAW) to unionize clerical and technical workers, according to Michael Dinnerstein, 1L. Dinnerstein was only 13 when the fight between the two organizations started, but he's in the thick of the dispute now.

Dinnerstein, a Harvard College graduate and a clerical worker at the Loeb Design Library for the last year, is the coordinator of SCOULP — the Student Coalition On Unfair Labor Practices.

The members of SCOULP are 349 students who have signed a petition demanding that the University practice neutrality in labor relations.

According to Dinnerstein, "University labor personnel have waged sophisticated and costly anti-union campaigns designed to convince employees that Harvard strongly opposes their joining a union."

SCOULP, Dinnerstein said, "is not pro-union or anti-union, but pro free choice. It is pro-neutrality as far as our tuition expenditures are concerned."

Dinnerstein has urged students to boycott the clerkship in Harvard's office of general counsel and has gotten the endorsement of the Law School Council for his efforts at investigating and disseminating information about unfair labor practices. Moreover, he has asked the HLS faculty to establish a standing committee to ensure that university labor personnel practice neutrality towards unionizing efforts.

The dispute between the University and the UAW began in 1974 when a group of clerical workers in

the medical area decided to form a union. Harvard argued that clerical workers could not be organized in "units," such as the medical area, but had to be organized university-wide.

In 1977, the National Labor Relations Board rejected Harvard's argument and allowed unionizing efforts in the medical area to continue. Twice elections were held and both times employees rejected the union, the second vote being 390-328 in 1977.

For the next seven years Harvard tried to get the initial NLRB decision overturned. On March 30 the University was successful; the

NLRB agreed that all clerical and technical workers employed by the University should be considered a single bargaining unit because they perform similar jobs and are under a central administration.

When the first NLRB decision was issued in 1977, the medical area had a separate personnel office. Two years ago that office was eliminated.

Dinnerstein has written that "it should be obvious to all . . . that Harvard consolidated personnel operations at the Medical Campus and Holyoke Center for the sole purpose of destroying the union organizing effort. The University realized that the union did not have

Play Depicts Apartheid

By Beth Bergman

This weekend critically acclaimed actors Danny Glover and Kashka will perform South African playwright Athol Fugard's play *Sizwe Bansi is Dead* for the Harvard community.

Glover is the star of the Broadway production "Master Harold and the Boys," and Kashka starred in the film version of "The Wiz."

For the second year in a row, these professional actors will bring to life a Fugard work in benefit performances at low cost (\$5.00) in the Ames Courtroom. The proceeds of this two-man show will go to the C. Clyde Ferguson Memorial Fund as a tribute to Ferguson's efforts in the area of human rights. Sponsors of the play include the Dormitory Student Affairs Council DSAC, the Harvard Black Law Students Association (BLSA) and the International Law Society (ILS).

The play focuses on the economic and social hardships faced by Blacks in South Africa as represented by Fugard's *Sizwe Bansi*.

Unable to find work to support his family in his native area, Bansi moves to Port Elizabeth. However, he is forbidden from finding work there because his passbook has been marked by the South African police with a stamp that requires him to return to his homeland.

Desperate, Bansi goes into hiding, where he finds a dead man with an unstamped passbook. Ultimately Bansi decides to switch passbooks and take on the dead man's identity to be able to secure employment in Port Elizabeth.

Fugard uses Bansi to look closely at a forced trade-off of identity and personal pride for survival in a land that appears barren of hope for Black equality.

Last year BLSA and ILS co-sponsored another Fugard play, *The Island*, which explored the isolated lives of two political prisoners in Robben Island's maximum security prison.

Sandra Ruffin, 2L and president of BLSA, sees this weekend as an excellent opportunity for a creative educational experience and cultural exchange in the Harvard community.



HARVARD LAW RECORD

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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Labor Organization Questions Policies

the resources to organize the Main Campus at the same time as the medical area, . . . thus thwarting any successful organizing drive." Dinnerstein believes Harvard violated Section 8(a)(1) of the Labor Act which prevents employers from interfering with the rights of workers to self-organize.

Harvard Vice-President and General Counsel Daniel Steiner has denied Dinnerstein's allegation. *The Harvard Independent* quoted Steiner as saying, "The abolition was not a ploy to sway the NLRB. If it was, we would not have made the change five years after the 1977 ruling."

With the new NLRB ruling, UAW organizers will have to get a majority of Harvard's 3800 clerical and technical workers to agree to a union. The University and union organizers have strongly divergent opinions on the value of a union.

General Counsel Steiner also has said "we see no particular advantage to the function of the University or the people who work here by having a union represent staff at Harvard." According to Steiner, "Unions tend to foster a we/they mentality and the effort to create dissatisfaction among the workforce is not one that [Harvard] would like to foster."

Director of Personnel for Harvard, Dan Cantor, said, "we don't see any proof that a union at any other university has done anything to help."

But Marie Manna, the Harvard UAW organizer, said "Harvard is a workplace like any other workplace. When employees don't have a voice, they have no rights, and the only way to have a voice is to have a union." The UAW does not plan to stop its organizing efforts because of the new NLRB decision.

Dinnerstein thinks clerical and technical workers need a union for three essential reasons. Workers need a union "to get the dignity and respect they deserve, . . . to get the pay and benefits they deserve, . . . [and] to have a say in their job and working conditions," Dinnerstein said. Dinnerstein believes that "it's none of Harvard's business to tell secretaries what's in their in-

terest in a coercive fashion. [Steiner] is not speaking for the faculty; he is not speaking for the students; and finally, he is not speaking for the alumni in any sense."

Two issues show the two sides' differing views. Currently clerical and technical workers fall within four pay scales, determined by each worker's level of responsibility. The average clerical worker earns \$15,000 for a 35-hour week, but

hazards of video display terminals, asbestos contamination and lighting in the workplace.

According to Cantor, the University is concerned with employee safety as well and has the mechanisms — committees such as the Environmental Health and Safety Committee — set up to handle employee concerns or grievances.

He sees no advantage to adding "another layer of bureaucracy," a



Risé Peters

Michael Dinnerstein, organizer of the Student Coalition On Unfair Labor Practices.

salaries range from \$9,600 to \$27,000. Eighty percent of the clerical and technical workers at Harvard are women, and studies show that a woman overall receives 59 cents for every dollar a man earns.

According to Cantor, the University reviews numerous market surveys of major Boston employers so that its salaries remain competitive.

According to Dinnerstein, "Harvard has been a major sponsor of the Boston Survey Group, a monopoly of area employers which unlawfully fixes wage rates for clerical workers." Cantor said Harvard is not a sponsor of the Group, but is a participating member in the Group along with three dozen or so highly respected Boston firms. He also said the Attorney General has looked at the Group and found that it does nothing unlawful.

Dinnerstein said workers need a union to ensure safe working conditions. He said employees are particularly concerned about health

"third party adversary" that will tend to formalize relations between the University and its employees.

During the previous unionizing efforts there have been allegations of impropriety. Dinnerstein claims "Harvard has engaged in union-busting . . . a comprehensive program to prevent workers from exercising their collective bargaining rights." Dinnerstein believes "Harvard has threatened to fire workers who distribute union literature during office-wide coffee breaks."

"Whether Harvard's union-busting program is based on misguided paternalism or outright contempt for workers' rights, it is high time that the students and faculty in this University object to [the] use of tuition dollars to finance unfair labor practices," he said.

Cantor called Dinnerstein's allegations "complete fabrications. . . . We have assiduously watched our treatment of people" and there has "not been a single instance" of anyone being threatened in any way.

Gays Support Progressive Coalition

By Mike Isbell

Gay and lesbian people should work with other minority groups to form an electoral coalition capable of taking control of America's cities, Boston City Council Member David Scondras told a small crowd at a Monday night forum sponsored by the Committee on Gay and Lesbian Legal Issues.

"There are enough Blacks, Hispanics, disabled people, feminists and progressive straight White people collectively to make up a numerical majority in every major city in our society," said Scondras.

Although these groups often have different agendas, Scondras said, they "share the inability to get what they need for themselves. Quite frankly, I prefer working with people who need us rather than with people who think they are giving us charity."

Scondras, Boston's first openly gay council member, represents parts of the Fenway, Back Bay and Beacon Hill communities. Focusing on the forum's selected topic of "Gays and Lesbians and Other Minorities," Scondras stressed the need of gay and lesbian people to make connections with other minority groups.

"What we are looking for from other groups is respect," Scondras said. "That's a very different thing from approval. What gives respect is power. What we need more than anything else is power."

Scondras argued that his "majority of minorities" would be a unique coalition. He characterized his proposed coalition as follows: first, each group is essential to maintenance of the majority; second, each group respects every other group since any group is capable of breaking the coalition; and third, the coalition is structured so that no one point of view can possibly dominate.

In order to begin building such an urban coalition, the gay and lesbian community must get its own house in order, Scondras said. "We won't ever get our own minority running in a clear direction unless

we are understanding and supportive of members of our group who are members of other minorities," he said.

Arlene Isaacson, whose past efforts for the Massachusetts Gay Political Caucus landed her a lobbying job with Boston Mayor Ray Flynn's administration, said similarities between minorities far outweigh the differences when it comes to political issues.

Arguing that oppression stems primarily from the credence given to gross stereotypes, Isaacson said minority groups "are oppressed for similar reasons, and the oppression manifests itself in similar ways."

"[Minority groups] do oppress each other when we don't work to understand each other. Any disenfranchised group has an obligation to understand other minority groups."

Isaacson said that gay and lesbian people, unlike some other minority groups, are constantly asked to prove that discrimination based on sexual orientation actually occurs.

According to Isaacson, the Massachusetts Gay Civil Rights Bill, which narrowly missed passage in the state assembly last year, will

soon pass. The bill, which guarantees gay and lesbian people certain basic employment and housing rights, passed the Massachusetts House of Representatives last year but died in the Senate when opponents succeeded in sending the bill to the Supreme Judicial Court for an advisory ruling. The ruling came back too late to permit passage during the legislative session.

Isaacson said there were several reasons why the bill, after having been introduced unsuccessfully for 10 consecutive years, nearly passed last year. She said one-on-one lobbying and marginally improved press coverage helped the bill.

"We became just a little more acceptable or at least hip," Isaacson said. "Everyone knew it was cool to know gay people."

Isaacson said state legislators have also perceived a change in their constituents. "[The gay civil rights bill] isn't going to be the cause for losing their next election."

Although Isaacson sees passage of the bill in the near future, she did note that "the Moral Majority has latched on to the issue with a fervor you would not believe."

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Student Courses Supplement Curriculum

By Steven J. Cowan

In attempts to compliment the range of course offerings at HLS, a number of students, with assistance from select faculty members, have designed their own courses.

Professor David Kennedy, one of the faculty members involved in these various courses feels that these endeavors can help to break down the student-faculty division, more actively employ the library and staff in education and help students to engage in intellectual activities which are more interesting and creative than tech-citing footnotes for a journal.

Although there are a broad range of student coordinated seminars each pursuing its own direction, these courses have a number of important elements in common.

One of the most interesting of these common characteristics, says Kennedy, is their attempt to employ constructively the energy of student activism. Another factor common to most of them is that they are independent of the existing hierarchies and institutional forms. A third element of these courses, adds Kennedy, is that they are often dedicated to expanding the boundaries of intellectual thought rather than remaining within the confines of traditional jurisprudence.

One of the first of these courses in recent years was a reading group supervised by Prof. Martha Minow. The students working with Minow studied political theory and feminism.

Another group of students interested in international law and human rights, and dissatisfied the dearth of institutional offerings in

this area, has developed a human rights course, and is pushing for its integration into the curriculum.

Some groups have also employed this sort of structure to explore specific areas of jurisprudence in greater depth and in a more relaxed atmosphere than they would be able to within the confines of a traditional course.

This semester, for example, a group of students supervised by Prof. Claire Dalton has investigated issues ranging from legal formalism to critical legal studies and feminism.

One of the activities that Kennedy has been involved in is an attempt to expand, to "reimagine", the intellectual realm of legal services. One of the elements of this has been to send interested students abroad to explore legal services in a number of foreign jurisdictions.

Kennedy feels that this program will, among other things, contribute to the growth of new jurisprudence through its infusion of new ideas unburdened by traditional patterns of thought and bureaucracy.

One of the problems with such non-institutionalized programs is the absence of institutionalized lines of communication. In an effort to

minimize this and other barriers first year student Dan Wolf has suggested a number of initiatives.

Impressed with HLS' lack of intellectual creativity, Wolf was inspired to action by Kennedy's comments on this subject during his Root series lecture.

One of Wolf's recommendations is a newsletter or some other method of communicating to students what options their colleagues have made available.

Wolf hopes that this and other actions will help to reduce the transaction costs involved in this sort of activity and will therefore facilitate the formation of more groups, and more participation in those that already exist.

Ideas, said Wolf, often grow stale in academia and external stimuli are necessary and usually welcomed when received. "Some of what the students bring in here is on the cutting edge of what's going on in the real world."

This may lead, says Wolf to "a more fruitful cross-pollination."

Wolf invites anyone who is interested in these courses or his newsletter or who has information about past models to contact him.

☛



Risé Peters

"The Studwells" (l-r: John Matteson, 1L; Jeff Hellman, 1L; and Mark Wooster, 3L) triumphed in DSAC's annual Trivia Contest finals, which were conducted by quizmaster Mike Hambly, 2L, before a packed Back Bench May 1. Newsweek has obtained rights to use the contest's questions in its forthcoming trivia game.

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Schlafly Assails Equal Rights Amendment

By Gregory Klima

Phyllis Schlafly, national chairperson of the Stop ERA committee, addressed a full house in the Ames Courtroom last Wednesday on the issue, "The ERA — Is There a Future?" Her answer to that question was an emphatic "no!"

Visiting Prof. Sylvia Law introduced Schlafly at the HLS Forum-sponsored event by listing Schlafly's many achievements. Law went on to list the areas of disagreement between Schlafly supporters and feminists in a long, pro-feminist speech.

After a few brief introductory remarks recalling her days at Radcliffe College, Schlafly launched into her topic. Schlafly's first criticism concerned the lack of scholarly, critical treatment of the ERA in any important law journal. One exception she mentioned was a 1971 article by Prof. Paul Freund in Harvard's *Civil Rights/Civil Liberties Law Review*. Schlafly was disturbed by this lack of critical treatment considering the vast importance of the issue and the potentially wide-ranging effects of the proposed amendment.

Schlafly was also concerned about the lack of real debate concerning the effects of the ERA. She pointed

out that never before had one side of an issue been so completely frozen out of scholarly journals, the electronic news media and the press. The debate could uncover repercussions of the ERA that had not even been identified yet, she argued.

After delivering a short history of the amendment, Schlafly claimed that a "few dozen women" were responsible for Congress' approval of the amendment. She also expressed concern about the speed with which some state legislatures passed the amendment. According to Schlafly, some of these state bodies passed the amendment in 10 minutes.

"Probably no issue has had so much power going behind it," Schlafly stated. Presidents Ford and Carter, most state governors and 99 percent of the media supported the passage of the ERA, according to Schlafly. "But they couldn't sell it," she commented.

Schlafly credited the lack of passage to her contention that the first and immediate effect of the amendment would be to make 18-year-old women register for the military draft. Schlafly said she did not believe that one million dollars a day in advertising could sell that idea.

Another reason the ERA did not pass, Schlafly claimed, was that its proponents could never demonstrate

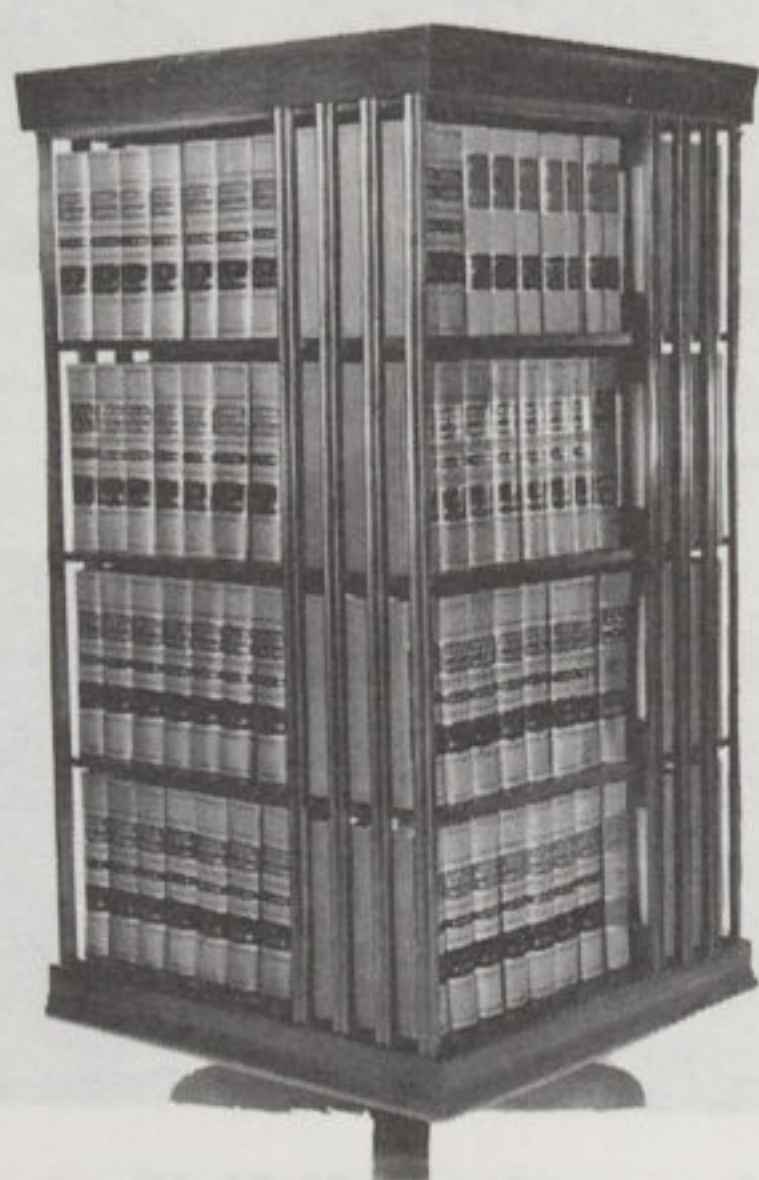
that it would ever benefit women. She believes that the ERA would not add any benefits for women that are not already provided under existing statutes.

Schlafly claimed that her contention was particularly true in the area of employment. "The laws are already sex-neutral," stated Schlafly. She said that the Equal Pay Act, Title VII and the Equal Employment Opportunity Act all conform with the purported mandate of the ERA and have effective enforcement provisions.

In the rest of her speech, Schlafly concentrated on the various effects that she felt passage of the ERA would have. She recounted some of those effects with disdain in her voice, but the audience frequently greeted these alleged effects with welcoming applause.

Schlafly said there was no question that passage of ERA would require that women be registered for the military draft. Women would be drafted just like men and would also be required to serve in combat duty, she said. Schlafly believes that women do not have the same chance of survival in combat that men have.

Schlafly then pointed to recent decisions in Pennsylvania and Hawaii that suggest that passage of the ERA would require the funding



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Schlaflly Questions ERA's Benefits

of abortions. She also claimed that most commentators agree that passage would require protection of the civil rights of gays. Since 98 percent of all veterans are male, passage of the ERA would also affect veteran's benefits, Schlaflly said.

Increases in insurance costs for women would be another side effect of the ERA, Schlaflly said. She claimed that women would be forced to pay hundreds of dollars more in insurance premiums but would receive not a dime more in coverage, even though women are safer drivers and live longer.

"[ERA] will always fail because it is an insult to the constitutional process to tell us that we cannot

address these sensitive, powerful issues which are important to people and for which the ERA advocates have been unable to provide any answers," Schlaflly stated.

"ERA has a past, but it does not have a future," Schlaflly said at the end of her speech. "Those casebooks which prematurely included it will have to take it out in the next edition."

During the question and answer

an amendment that would mandate gay rights after legislatures across the country had refused to pass any such statutes. She claimed that the ERA was surreptitiously masquerading gay rights as women's rights while half the ERA supporters were denying its effect.

When asked what she objected to in having women ordained in religious societies, Schlaflly responded that she did not have any objection



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period following her speech, Schlaflly was asked what she thought was wrong with homosexuality. Schlaflly stated that her personal beliefs were not at issue.

What was at issue, she said, was whether the country wanted to pass

to letting each church make its own decision. But she insisted that it is intolerable for the government to have any opinion on whether a church should ordain women.

One audience member asked what Schlaflly *supported* since she had made it clear in her speech what she opposed. Schlaflly said she supported maximum women's choice. She then added that she was opposed to feminists who wanted to deprive women of their rights, particularly the rights of homemakers.

Schlaflly was also asked whether she would support the ERA if all the possibilities that she was afraid of were positively barred. Schlaflly stated that she would not do anything to oppose the ERA under such circumstances, but would wonder about the purpose of such an amendment. She claimed there would be no reason to have such an amendment because it would amount to nothing more than extra words in the Constitution.

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Divest

The demand by a large segment of the Harvard University community that Harvard withdraw its investments in companies doing business in South Africa involves at least two important considerations.

The first is a moral issue. One would be hard pressed to conceive of a society based more explicitly on racism and hatred than South Africa. The country's 4.5 million White people maintain a standard of living rivaling that of the United States and Scandinavia, while the country's 23 million Black people are disenfranchised, denied an adequate education and poverty stricken. U.S. investments provide essential capital for the South African economy.

The second consideration hits closer to home. For years now, Harvard has admitted members of traditionally oppressed minority groups through its affirmative action program. While Harvard now regularly admits a substantial number of Black people each year, it maintains an investment policy that props up one of the world's truly racist political regimes.

Some would argue that one is naive to expect a stock portfolio as extensive as Harvard's to be squeaky clean. At some point, however, an institution's insensitivity and moral agnosticism become excessive. Thousands of investors are taking their business to "good deeds" investments firms in an effort to make a profit ethically. There is no obvious reason why Harvard, with all its resources, could not take similar care in assembling its stock portfolio.

Harvard argues that it can gently prod South Africa toward more humane racial policies by maintaining its investments. Despite extensive foreign investment, however, the government in South Africa has changed little over the years. Furthermore, a large number of companies included in the Harvard Corporation's portfolio do not comply with the Sullivan Principles.

Divestment by the Harvard Corporation will not be simple; Harvard's investment in companies that do business in South Africa amounts to \$400 million, roughly one-fifth of the University's monumental stock portfolio. After years of student protest, however, Harvard's explanations of why it invests so heavily in South Africa remain unsatisfactory. Harvard should divest immediately.

HARVARD LAW RECORD

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Fenno

Every fall, it was the same: Fenno would begin a new year of law school, wondering whether he'd finally decide to graduate that year. Shortly thereafter, he'd realize that his beloved Red Sox were once again not going to become World Champions. "Just wait 'til next year," he'd say.

Every spring it was the same: the Red Sox would begin a new season, and Fenno would wonder whether this would be their year to win the World Series. Shortly thereafter, he'd decide not to graduate. "Just wait 'til next year," he'd say.

But this year was different. Fenno was *certain* that the Sox would go to the Series and take it in four games — and Fenno had decided to graduate. He was even chosen to address his graduating classmates.

Fenno stood on the steps of Langdell Hall, feeling very judicial in his graduation gown. He wore a Red Sox T-shirt underneath, and draped over the shoulders of his gown, the golden hood of his alma mater, Stanley Kaplan Education Centers.

"You're about to become alumni," Fenno intoned. "That will entitle you to write cranky Letters to the Editor of the HARVARD LAW RECORD — with footnotes."

"What else does graduation mean? No more sleeping late," he said, and then winced. Had he really accepted that law firm's offer?

"You'll be ambitious associates in blue-chip, wing-tip, ego-trip law firms so no more public bacchanalia for you." Fenno stopped and whimpered to himself. He was having second thoughts about graduating.

"If you think studying for the bar is tedious, think about the piles of files waiting for you on your first day of work. *Everything your colleagues-to-be can't bring themselves to look at this summer is being saved for you.*" Fenno had talked himself out of graduating.

But before he knew it, he was caught up in the crowd of graduates, being shuffled along where he was given his diploma unofficially. Ahead of him, classmates were climbing the stairs of Langdell, handing their diplomas to Mary Upton who announced their names and passed the diplomas to Dean Vorenberg, who then shook the students' hands and officially granted their degrees.

One by one, 3Ls ascended the stairs, and descended as HLS alumni. Soon Fenno was next. He wanted to turn aside, but eager classmates surged on three sides of him. There was no place to go but up.

He trudged up the stairs with terror in his eyes. His gown felt like a shroud to him as he offered his diploma to Upton.

"Mr. Fenno," she announced with pleasure, and handed it to Vorenberg. Vorenberg extended his hand, but Fenno shrank back. "Pass!" he yelled, and fled down the stairs, to disappear into the black-clad crowd.

"Whew," he said when he was safe. "Wait 'til next year."

Letters to the Editor of the Record

Strange World

To the Editor:

What a strange and unwonderful world is HLS these days, where an apolitical legal scholar is automatically labelled "right" simply because he or she wishes to pursue a career of scholarship and teaching free from political pressures. That such a person's chance for tenure would face knee-jerk opposition from the "left" is a sad commentary on the scholarly qualities of many of those already tenured. Perhaps it explains why a law school classmate in charge of hiring for his firm told me a few years back that Harvard just doesn't produce the best crop of young lawyers any more. He found more ability in the ranks of graduates from places we used to regard as lesser institutions.

William O. Sumner, '59
San Mateo, Cal.

Harvard's Loss

To the Editor:

Mandatory retirement is a silly, demeaning policy at all times, but its evils are especially apparent in the case of Archibald Cox. Far from being "senile," Professor Cox teaches with energy, humor, and an alertness which is unusual at any age. Rather than being a negative, his years have provided him with a vast reservoir of practical, hands-on experience (all too rare a quality in academics), and a broad historical perspective.

The departure of this scholar is Harvard's loss, and a tremendous gain for Boston University. Professor Cox's students can only

wonder at the University's pointless and counterproductive policy, and will remember him with affection and thanks.

F. Paul Bland, Michael Dinnerstein, Kathleen R. Manning, Neal S. Berinhout, Michael Weiner, Daniel W. Cantú-Hertzler, Leslie S. Callahan, Elizabeth D. Collery, Michael J. Gillespie, Marc Granetz, Carolyn Cox, Jack Corrigan, David H. Williams, David Feinberg, Brian Boyle, Roseann Cutrone, David Prouty, Gloria Valencia-Weber, David Florendo, Derek H. Wilson, John McConnell, Veronica M. Jeffers, Anthony Herman, Lesley Hiscoe, Brian Bix, Scott P. Perlman, Tim Muth, Adam Mervis, Hersy Jones Jr., Anthony Petitti, Doug Farmer, Pamela L. Dreizen, Steven M. Goldstein, Jonathan S. Berck, Marjorie A. Butler, John T. Matteson, Peter Sacks, Stephen Gerard Grygiel, Elaine McGrath (all 1Ls)

Determined Opposition

To the Editor:

The Black Law Students Association (BLSA) has responded to the outrage over its recent PLO "teach-in" by accusing the Harvard Jewish Law Students Association (HJLSA) of paternalism. BLSA claims that protests sponsored by HJLSA have interfered with BLSA's choice of speakers to invite and causes to embrace. These charges of paternalism, however, are misguided because BLSA has failed to understand the underlying cause of the protests: the nature of the PLO.

To Jews, the PLO is more than a political opponent. Because of the PLO, Jews everywhere are not safe, whether on a bus in Israel, or in a synagogue in Vienna or restaurant in Paris. The PLO seeks only civilian targets and glorifies the death of every Jewish civilian. To Jewish students at Harvard, the threat of PLO terrorism is experienced when we have our belongings searched for weapons or bombs upon entering 72 Franklin St., the home of many Jewish organizations in Boston.

Furthermore, the PLO calls for the armed destruction of Israel; the PLO's long-term goal of "driving the Jews into the sea" is well understood by Jews in general and Israelis in particular. Indeed, each of the three "great" Arab revolutions in Palestine (praised by the latest PLO official) was accompanied by massacres of Jews.

BLSA has fully embraced the PLO. Last year, at a "sparsely attended" BLSA meeting (as reported by the *Harvard Crimson*), certain BLSA members pushed through a resolution recognizing the PLO, and past BLSA President Muhammad Kenyatta stated then that

BLSA's support for the PLO was a "pretty pro forma question." Also, for three years, BLSA's contributions to "debate" on the Middle East have almost exclusively been to sponsor speeches by PLO officials. At none of these "debates," however, has there been open discussion. The "teach-in" two weeks ago is the latest example of BLSA's stifling of opposing views.

BLSA must understand that to most Jews, support for the PLO (as opposed to support for Palestinian rights) is anti-semitism per se. BLSA should not interpret protests against the PLO as a challenge to BLSA's autonomy. BLSA should realize, however, that embracing and sponsoring the PLO will be met with determined opposition.

William A. Jacobson, 3L
Barbara Fischbein Berenson, 2L
Yadin Kaufmann, 3L

Racist Heroes?

To the Editor:

After reading Clark Kent Ervin's letter in the *RECORD* of Friday, April 13 (an appropriate date for such an unfortunate expression), I felt compelled to express a conflicting point of view. Too often in these times of concern over the "integration problem" (the direct descendant of the "race problem") are sophisticated, enlightened and philosophical pronouncements and evaluations allowed to run rampant, while good ol' fashioned common sense remains tethered in the barn.

Mr. Ervin was upset because of what he felt was an unwarranted attack upon Prof. Nesson's depiction of two Blacks as criminals in an evidence film. If the basis of these vehement criticisms was this simple, I might be inclined to agree with Mr. Ervin. However, in his haste to defend the "oasis of the 'diversely homogeneous,'" Mr. Ervin neglected to assemble a few pertinent facts. The critics of this film did not simply decry the depiction of Blacks as criminals, but the lack of depiction of Blacks as *anything else*. In ten films designed to simulate the legal system and experience, Prof. Nesson depicted no Blacks as attorneys, no Blacks as victims, no Blacks as judges, no Blacks as anything at all — save as criminals. I have no idea how the honestly observant white student viewing the film felt, but I can guess how a Black law student, training to become a part of that system and experience might respond.

The problem with Mr. Ervin's position, however, is not so much his factual myopia, but the causes of this malady. As Black Americans strive courageously to weave

(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.

Letters to the Editor of the Record

(Continued from Page 11)

themselves into the fabric of American society, we are consistently puzzled by the enigma of the "White Liberal," the staunch advocate of racial equality who on occasion (but with disquieting frequency) takes action contrary to our notions of fairness and equality. These are literate, enlightened, and yes, civilized men and women with whom we share our causes and our lives and to some extent, entrust with our futures. For some of us, they are more than symbols and teachers and leaders, they are friends and spouses and colleagues and partners in the society of equality that we envision for the future, and for those of us so allied, we strive to defend and to believe in them, even when such "loyalties" are contrary to reality and the best interests of our people. Well, I hate to shatter your ideals (and ruin your plans) Mr. Ervin, but this is the very inconsistency upon which this nation was built.

Isn't it true that George Washington fought for "liberty" with one hand and patted the heads of his slaves with the other? Isn't it true that Woodrow Wilson called for a league of nations and a "world safe for democracy" out of one side of his mouth and declared segregation the rule at home out of the other side? Isn't it true then, that to brand Prof. Nesson's films as racist at worst and inconsistent with so-called liberalism at best, is to do no more than to place him in the company of some of the greatest "heroes" this nation has ever praised?

My point is that not all racists can be identified by their cattle prods nor should all liberals and enlightened academics be expected to be free of racially prejudiced behavior. Such simplistic attempts to classify friend or foe are misguided, and are born more out of a desire to see our associates the way we want to see them (and the way they want to be seen) than the way they actually are. If we are to continue to make genuine progress in our struggle for racial harmony, we must move beyond the images of the "defensive white liberal" and the "protective mammy integrationist" some of us mistakenly adopt, and accept the hardcore realities of a complex, deeply imbedded and pernicious problem. Racism has been too pervasive a part of our society for far too long for us to benefit from such easy characterizations or solutions.

Lateef Mtima, 2L

Repressed Conservatives

To the Editor:

Don Gorton's recent letter to the RECORD displays a common ignorance of the repression of conservative viewpoints at HLS. Mr.

Gorton points out that no one has "launched an inquisition into conservative activities at the law school," but should that lead us to Mr. Gorton's conclusion that conservative viewpoints at HLS are not being repressed? The HLS administration has not, to my knowledge, conducted similar inquisitions into the activities of BLSA, the WLA, and the Third World Coalition, but we are still rightly concerned with racism, sexism, and discrimination against minorities.

Most HLS students, I believe, are well aware that "conservative" classroom comments are routinely hissed, but most students don't realize that the repression of conservatives at the law school strikes far deeper than generally good-natured classroom jousting. Mr. Gorton says he "fail(s) to see the evidence that conservatives at Harvard are in any way repressed or inhibited in their activities." I ask Mr. Gorton and the law school community to consider the following three examples:

(1) One day last fall the Society for Law and Public Policy posted signs inviting students to attend a celebration of the rescue of American students in Grenada. That night, someone removed all of the Society's signs and replaced them with signs bearing the Society's name that said, "Come celebrate the conquest of the Grenadian people. We'll kill as many people as it takes to make the world safe for democracy!"

The HLS administration responded by waiting one week and posting a notice condemning such activities on the bulletin boards outside Dean Upton's office and at the distribution center. At the Society's insistence, the notice was also published in the *HLS Adviser* two weeks after the incident. This lack of decisive action by the administration has only led to further vandalism of the Society's posted announcements. The Society's recently posted signs which asked HLS students, "How many of your friends are conservative?" were defaced within hours. It is true, as Mr. Gorton asserts, that conservatives at Harvard aren't "led through the Hark amidst jeers and insults," but we cannot freely express our views or even post our announcements in the Hark and the tunnels without having our signs immediately vandalized.

(2) The day before the Society's Grenada celebration, some officers of the Society and I met with Dean Upton and Professor Liebman to discuss the matter. Dean Upton asked us if we felt we should cancel the Grenada meeting in order to avoid a possible confrontation with people who were expected to picket the event. Since several members of the Society had been prevented by Harvard police from picketing the Nicaraguan Sandinistas a day earlier, we told Dean Upton that apparently there was a Harvard policy against picketing indoors. Dean Upton replied that she knew of no such policy and

that any demonstrators would be allowed to picket our event in the Hark. Fortunately, Professor Liebman intervened, asking incredulously, "Why is it that the conservatives can't carry signs on Wednesday night but the liberals can on Friday night?"

(3) The *Harvard Journal of Law and Public Policy* is the only law journal at HLS that receives neither financial support nor word processing services from Harvard. Likewise, Harvard has provided no funds to the Society for bringing speakers such as Circuit Court Judges Wilkey and Winter to HLS. Why? According to the administration, the *Journal* and the Society receive no Harvard funds because they are "political" organizations. It is hard to see how the *Journal* and the Society can be labelled "political" when groups such as the *Civil Rights/Civil Liberties Law Review*, the *Environmental Law Review*, the *Women's Law Journal*, the Guild, and the Third World Coalition are not.

Despite the adverse conditions we face at Harvard, conservatives are indeed flourishing both here and throughout the country. The *Journal's* circulation has more than doubled in the past year to over one thousand, and the Society has brought several noted conservative speakers to HLS. We conservatives have achieved a "robust and lively" presence at HLS because our ideas make sense, not because of an absence of political repression.

Roger B. Madison, 3L

Now Wait A Minute

To the Editor:

Now wait a minute. There is not a war brewing between Black and Jewish students at HLS. On the contrary, no two groups within this institution have ever agreed more on issues affecting this university and the world around us.

There is, however, a continuing struggle over the age-old issue of who shall decide the Black agenda. On one side of this issue is a group of activist Black students who have made it clear that they will reject and aggressively react against anyone who tries to exercise any sort of hegemony over their independence, whether by threats of force or media pressures. On the other side is a small group of reactionary conservatives who feel that Black students have been screaming for too much attention, too loudly and too long.

The immediate issue of disagreement between the two groups concerns the recognition by the National Black American Law Students Association and the Harvard Black Law Students Association (BALSA and HBLSA, respectively) of the Palestinian Liberation Organization (PLO) as the le-

HARVARD LAW RECORD

Letters to the Editor of the Record

gitimate representative of the Palestinian people. HBLSA has, on two occasions, invited representatives of the PLO to speak on this campus.

The PLO issue is the one issue that these reactionary students believe can divide the progressive coalition. They recognize, correctly, that progressive Jewish students have excellent relations with their Black activist colleagues, and that they have made substantial gains at the law school. By contrast, those who lead the vitriolic attacks against the invitation of PLO speakers have tended to take some of the most anti-progressive positions on such issues as affirmative action, faculty hiring, and military intervention by the U.S.

So why don't Black students give up the sponsorship of PLO speakers in order to save the progressive coalition that is being threatened? There are two reasons. First, there is a commitment on the part of Black activists to the principle of self-determination for all peoples, be they Palestinians or Israelis. Jewish students should not interpret the invitation of PLO speakers as an attack on Israel. Black activists, like the Rev. Jesse Jackson, oppose attempts by both Israel and the PLO to ignore the other side to the death. Israel will not go away, nor will it be destroyed, and the same is true of the Palestinians. The position that the Palestinians should just disappear into one of the Arab states smacks of racism and should not be accepted by anyone claiming to support a state which is itself a tribute to an undying sense of national identity. Concerned Black students will not be made party to any action or policy that ignores the national aspirations of either of these peoples.

The second reason has to do with the belief of activist Black students that they have the right to invite and hear from whomever they choose. The extremely offensive reaction by some to BLSA's invitation to PLO speakers have only raised questions about the professed sincerity about Black concerns of some of those holding the pro-Israel banner.

It is a fact that at Harvard Law School the Palestinian people get very few opportunities to air their position. It is sad that even these rare occasions are marred by disruptions under the guise of freedom of speech. On the other hand, Black students have never interfered on any of the numerous occasions when supporters of Israel have been invited to advance their cause.

Some people have the audacity to ask why Blacks are concerned about the Middle East. Apparently, these people believe that there are appropriate "Black issues" such as crime, unemployment and civil rights. Such a formulation should be rejected as racist and disrespectful, whether made by Black, Jewish or white students.

There is also the question of the PLO speaking for the Palestinian people. Some

say "yes" to Palestinians but "no" the PLO. It is a terrorist organization, they say. By this logic, however, all movements for national liberation must be opposed. Oppressed people and those locked out of the political process will resort to acts of violence. Moreover, we must remember that only the Palestinians can choose their leaders. The evidence is there for all to see that the PLO receives the support of the Palestinian people just as the Israeli government receives that of its people. The argument that the PLO coerces support is ridiculous and an insult to the demonstrated courage of the Palestinian people.

Finally, it should be emphasized that Black activists value and respect the work of Jewish students who continue to struggle for social justice in this very reactionary period. Jewish students must take a position consistent with their overall progressive attitudes. They must not allow the reactionaries to speak for them on this issue, or to characterize HBLSA's position as anti-Jewish. They know, from working with Black students, that this is not the case. Black students are sensitive to Jewish concerns, but they reject paternalism from any quarter.

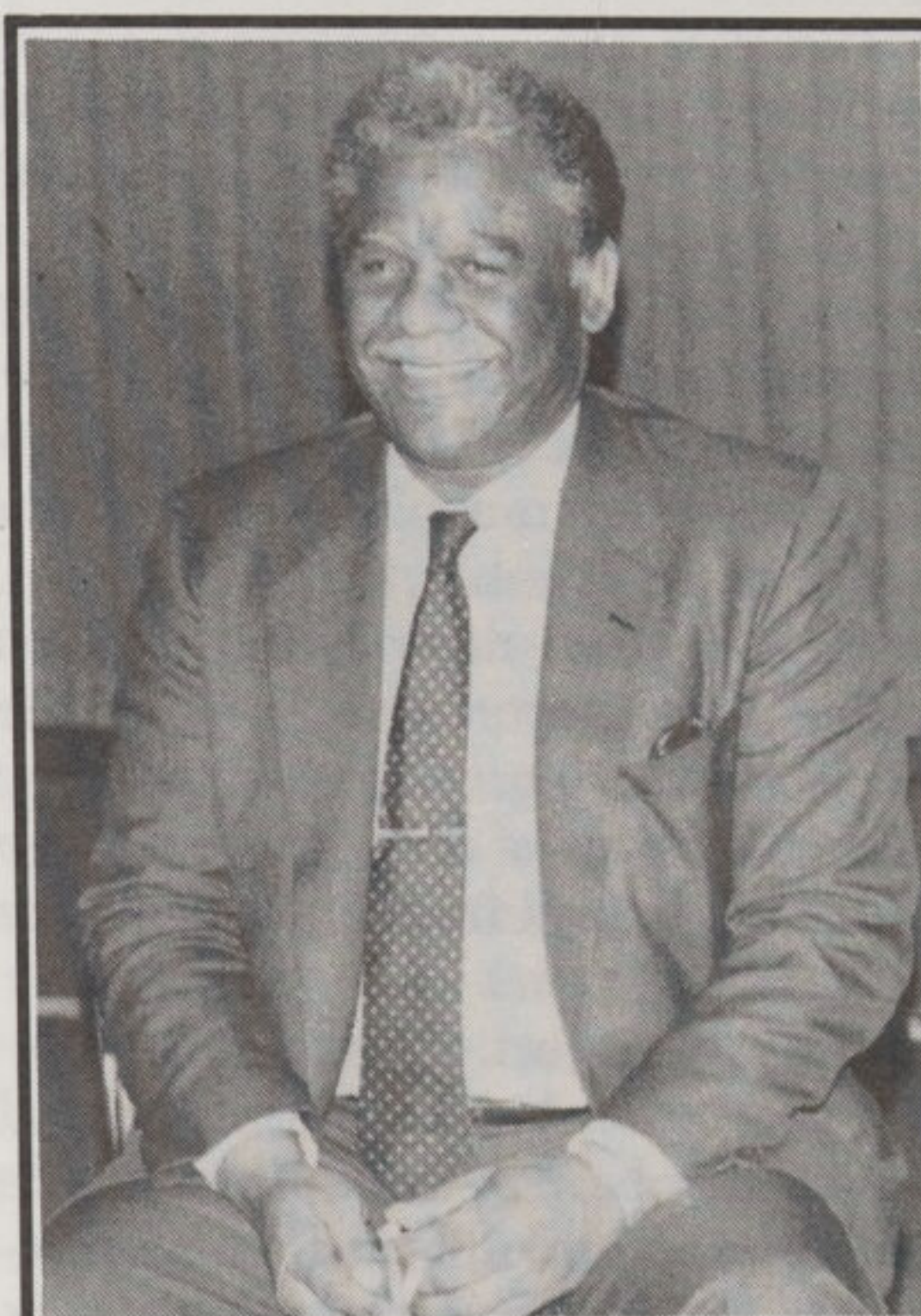
Ivy Dilworth, 3L
Ibrahim Gassama, 3L

Troubling Tone

To the Editor:

The RECORD's willingness to engage in discussion about the various political, intellectual and social differences within our community has been refreshing. Nevertheless, something about the tone of several recent issues has left me feeling uneasy. It is difficult to portray and participate in a lively institutional debate without rancor and invective. But, to my mind, unless we are able to do so, we will reap only bitterness from what could be a very productive series of debates.

In general we have had a hard time dealing with differences within our community. Sometimes we deny our differences by invoking a fanciful image of pragmatic, professional, intellectual or social consensus. We speak as if "we" all know what "we" mean because we participate in a "common" enterprise of some unspecified nature. Sometimes, by contrast, we overemphasize our differences, speaking and acting as if the "other" were monolithic, relentlessly contrary and probably in bad faith. This approach leaves us no room for mutual respect except through procedural guarantees of equal participation. Neither of these approaches deals with difference in a healthy



Harold Washington, mayor of Chicago, spoke to a small group of HLS students at a reception in his honor on April 29.

way. In neither is the other accorded respect for his or her particular dignity. Together, they lead us to oscillate between substantive orthodoxy and procedural reciprocity or log rolling.

I feel that we have an unusual opportunity in our community to learn about dealing with difference. If we do so, we could make this place a very exciting and productive place. But doing so will require patience and a willingness to engage in reasoned debate. The RECORD could assist in leading us in the reconciliation and healing which seem the preconditions to mutual respect.

David Kennedy
Assistant Professor of Law



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Vorenberg: Debate Benefits HLS

(Continued from Page 2)

reflected on the new format and on what some see as the "problems" of HLS.

On the new reunion format he commented, "Our goal is to show the school and what's going on in the school in a much fuller way than we used to be able to."

He said the new format allows valuable interaction among the classes: "People really get a sense of what people of different ages who have graduated from the school are doing."

On the subject of the faculty "division," Vorenberg said that he and others involved in the reunion made no effort to downplay the disagreements but rather attempted to talk about them and allow graduates to argue them out among themselves. He suggested that even HLS graduates are not on one accord on many of the issues which are here the subject of debate.

The dean commented that he felt some of the issues at the center of faculty rifts reflect disagreements "between strong minded individuals." He added, "to some extent it is generational, and to some extent it is very different views [on] training people for the profession and doing work that's central to the profession. . . ."

On students he commented, "We've got a strong diverse student body. There are people with strong views about what the school should be and how it should be run." He said that given such individuals and such differing views student disagreement is "no surprise."

Vorenberg said the school has changed "tremendously" since his student days. He cited a fuller teaching program and a more conscious awareness of the social issues and the social impact of what's being learned as two differences. Diversity is another difference. Pointing out that when he was a student there

were no minorities in the school and no women, he added "I think that [diversity] has made a huge and marvelous difference." He also cited differences in the outlook of his post-war generation and the generation of most HLS students.

Vorenberg said he feels the new format offers graduates more of an opportunity to see for themselves what is happening at HLS. "People will reach their own judgements, particularly people as savvy as our alumni," he commented. "I think there was an interesting range of opinion among the alumni. Some reacted by saying that all institutions change . . . so they see the tension, the disagreement, as natural. Others, I think, really came concerned and left concerned."

But of the reunions he observed, "I think that along the way people did get more of a sense of what the school is like, what the issues really are."

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Committee Urges Regular Office Hours

The Legal Education Committee has recommended that faculty members set aside at least two hours each week as regular office hours.

"While classes are in session during the academic year, the Committee on Legal Education considers it to be good educational policy for faculty members to be accessible to students," according to the committee's resolution. "This would normally include holding regular office hours of at least two hours per week, making and holding stu-

dent requested appointments on a reasonably prompt basis and announcing office hours and appointments policy to one's classes."

Support among the faculty for the recommendation appears to be strong. Results from a questionnaire to faculty members circulated last month indicated that 23 faculty members were "favorable" to the proposal on regular office hours while six found it "acceptable." Six were opposed, and the views of four faculty members were unknown.

"Many students think the faculty is too inaccessible," the committee reported to the faculty in an April 24 memorandum. "A recent Law School Council survey showed that 92 percent of students surveyed thought the faculty should hold regular office hours."

"Some students believe that seeing a faculty member is a major event, which we, the faculty, regard as reserved for matters or subjects of the greatest importance. While we regard this as a misimpression of our actual attitudes, we think there is a need for us to convey more effectively that we are open to students."

According to the committee's survey, 21 of the 39 faculty members who responded currently hold regular office hours. Twenty-five professors announce their policy on appointments in class.

Noting that "regular office hours would be regarded as a minimum rather than a maximum faculty obligation," the committee asked professors "to take such action as you think necessary with respect to this recommendation."

The 11-member committee includes three students.

— M.T.I.

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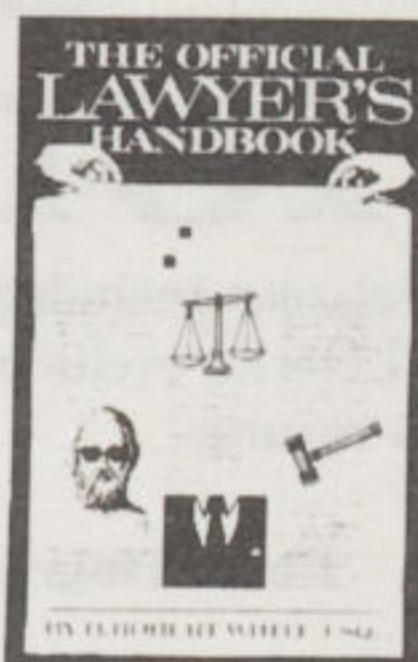
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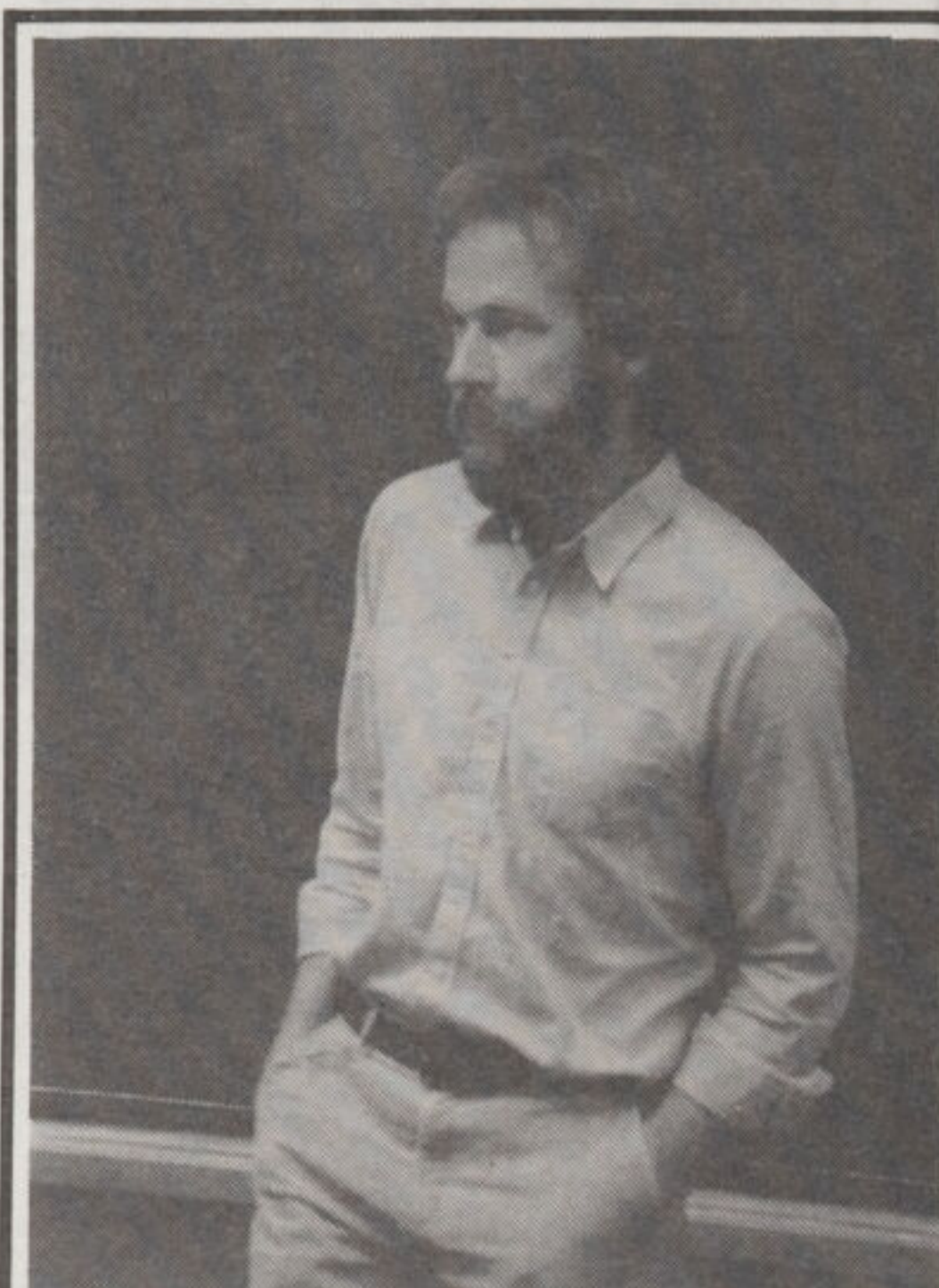
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Risé Peters

Gunther Frankenburg, fall term visiting professor, spoke April 25 on the importance of comparative legal studies.

Firms Lose Allure For HLS Alums

By Louis J. Hoffman

As Law School graduates get farther away from Harvard, they are less likely to practice "big firm" law, according to Placement Office and Alumni Association statistics. However, graduates generally do not leave the practice of law.

In preparation for each class's major reunions, every five years the Alumni Association collects statistics about the graduates. Although not all graduates respond to the questionnaire, the questions are largely the same for each class.

Similarly, the Placement Office collects information from 2Ls and 3Ls after the placement process is complete. Most students respond

to this questionnaire.

The RECORD examined the reunion questionnaires of seven sample HLS classes from '43 to '78, and compared the results with the most recent Placement Office statistics. Not all classes have compiled statistics for every reunion year.

The class of '84 was completing its second-year summer in September, 1983. That summer, 91.2 percent of the class members worked at a private law firm (based on Placement Office interim results). If past classes provide any indication, the percentage working at private law firms will never again be so high.

The same summer, the graduates of the class of '83 were entering the workplace. At that time, 23.9 percent of the class members had obtained judicial clerkships. Of the remainder, however, 85.6 percent worked in private law firms.

September, 1983 was also the month in which the class of '78 celebrated its fifth reunion. At that time, 70.8 percent of the class members worked in the private-law-

firm sector.

In 1983, the tenth reunion class was the class of '73, which held its reunion in April. Of those responding to the questionnaire, 68.0 percent reported working for a law firm.

For even earlier classes, the percentage working in law firms continued to decline. At the twentieth reunion of the class of '61, in April, 1981, the number was 64.3 percent. At the class of '57's twenty-fifth, in November, 1982, it had dropped to 59.5%. The class of '53 reported only 58.8% at its thirtieth, in November, 1983.

The only exception to this trend occurred in the May 1983 report of the class of '43, in Cambridge for its fortieth reunion. The percentage practicing private-firm law was 67.9 percent, about as high as the tenth-year reunion class. However, a significant percentage of the class had already retired, so the numbers may not be comparable.

The trend cannot be explained by differences between classes. Many of the classes showed similar de-

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Percentage of Graduates in Private-Firm Practice

Class	2L Summer	Graduation	Reunion:						
			5th	10th	15th	20th	25th	30th	40th
'43	—	—	—	—	—	—	—	—	67.9 ¹
'53	—	—	—	64.2	—	54.0	—	58.8	
'57	—	—	—	68.0	65.4	63.0	59.5		
'61	—	—	—	73.6	68.5	64.3			
'67	—	—	58.2	61.0	—				
'73	—	—	58.5	68.0					
'78	—	—	70.8						
'83	85.7	85.6 ²							
'84	91.2 ³								

¹ Many retirees included in sample.

² Judicial clerks excluded from sample.

³ Interim results.

Percentage of Graduates Primarily in the Practice of Law

Class	Reunion:						40th
	5th	10th	15th	20th	25th	30th	
'43	—	—	—	—	—	—	85.8
'53	—	87.9	—	75.7	—	85.6	
'57	—	88.7	85.0	79.6	82.0		
'61	—	86.4	81.3	83.3			
'67	80.6	77.6	81.0				
'73	85.1	92.2					
'78	94.6						



L.J.H.

Alums

clines over time in the percentage practicing law in private firms. [See box, p. 16.]

Some of those who leave private law practice also leave the practice of law entirely, but it appears that most do not. Reunion statistics regarding the percentage of graduates practicing law in some form or another are more stable. Decreases in the percentage of graduates practicing law occur only for early reunion classes.

For many reunion classes, it appeared that the late 1970s and the early 1980s witnessed a return to the practice of law (although not necessarily to big-firm practice). The percentage of the classes of '57, '61, '67 and '73 in the practice of law fell for a while and then increased before the last reunion.

Professions mentioned in reunion surveys involving the practice of law other than private-firm practice include the judiciary, government lawyering, business law, and legal education. The most commonly mentioned non-legal-profession categories are business, industry, finance, government and education.

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1. Carling Bassett
2. Johnny Miller
3. Dick Bass
4. Bill Pearl
5. Bud Harrelson

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Speaker Gives Advice on Firm Foundation

(Continued from Page 2)

nual reports of foundations.

Such a check will help one decide how much support they can realistically request. As Guttentag pointed out, what remains is to "sell the idea, sell the person, and show that the foundation will get a lot for [its] money."

Guttentag also said that attorneys' fees awards are becoming increasingly popular as an alternative source of public interest funding. Many statutes now include provisions allowing reasonable attorneys' fees for successful litigants. He pointed to the Civil Rights Attorneys Fees Act as a well-known example.

Such statutes exist on both the state and federal levels. Guttentag said that as recent Supreme Court decisions suggest, the courts are presently viewing the statutes quite favorably. In addition, he said that efforts by the Reagan administration to limit such federal provisions have not yet been as effective as expected.

Guttentag also cited, however, some problems with relying on attorneys' fees awards, saying that such reliance may change the nature of public interest practice.

He pointed out that since attorneys' fees awards are based on the time spent on the case by the firm rather than the amount of the recovery, reliance on such awards requires accurate timekeeping, a requirement analogous to that imposed on a private firm.

Substantial start-up costs and "dry periods" were other problems Guttentag identified. He added that relying on attorneys' fees awards may also affect the types of cases a firm undertakes, and could possibly force a firm to limit resource allocation to cases involving potential fee awards.

Focusing on the fee potential of cases may also present tax problems. Additionally, Guttentag noted

that such a focus might conflict with some ideas of the essence of a public interest firm as an entity serving the general needs of the populace.

Guttentag identified funding as the major obstacle to be overcome in building a public interest law practice. However, his message to students who are sincere and committed was unequivocal — the obstacle is surmountable.

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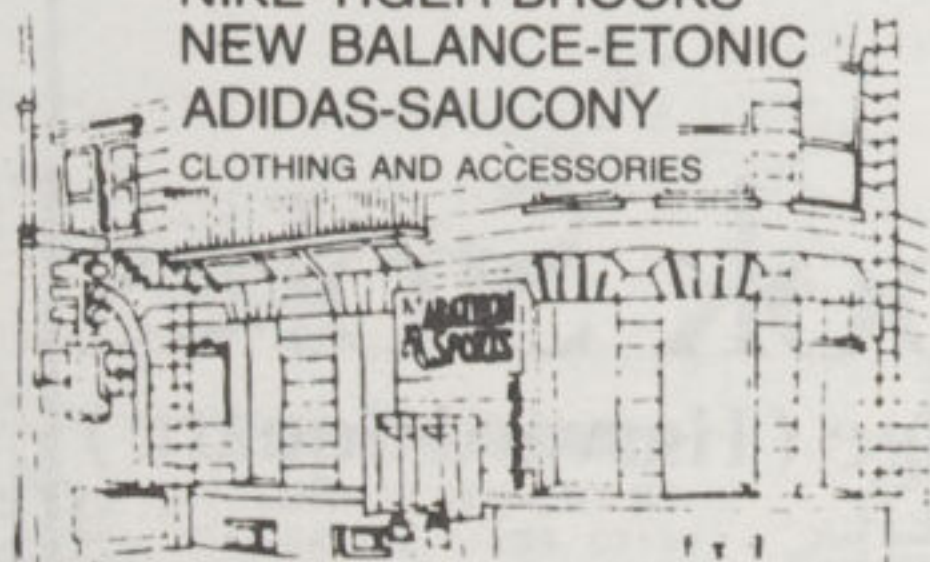
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Students Demand Greater Input

(Continued from Page 1)

members stood outside the room and read the group's memorandum.

After several minutes, Vorenberg entered the room with a "formal request that you vacate the room." Several other professors stood in the back of the room near the door.

Louis Hoffman, 3L, organizer of the protest, invited the dean and the faculty to join the students in an open meeting.

Vorenberg said he would be happy to meet with the students later, but he asked twice more for the students to leave.

"We are willing to leave if you are willing to reconsider in an open faculty meeting, where any student would be able to attend, the votes taken at the last faculty meeting [regarding the LSC proposals on

student input]," Hoffman said.

"We have a closed meeting scheduled," Vorenberg responded. "I am surprised you would request that as a condition to making this room available we should take some action in a faculty meeting."

"Three times the dean has formally requested you to leave," Prof. Roger Fisher told the students. "You have made a request, and three times he requested you to leave. You should be aware of the risks involved."

Vorenberg told the students they would be upset if one of their activities were interrupted "by this kind of thing."

One student protester who distributed copies of the memo to faculty members outside Pound 200, Bob Riggle, 3L, reported overhearing threats by professors that stu-

dents involved in the sit-in might be taken before the Administrative Board for disciplinary action.

After Vorenberg and the faculty members left to begin their meeting across the hall, the students expressed enthusiasm about the effect of their protest.

"We got their attention," Hoffman said following the protest. "We demonstrated the depth of student concern about this issue."

After the faculty meeting ended, Vorenberg said the protest violated the University's Statement of Rights and Responsibilities, which says that "Interference with members of the University in performance of their normal duties and activities must be regarded as unacceptable obstruction of the essential processes of the University."

Vorenberg argued that students already play a major role in decision-making at HLS. "[S]tudents and faculty working together have made progress this past year in creating the public-interest summer loan program, the racial violence program, the human rights program and better student notice procedures for faculty meetings," the dean said. "Students continue to serve as full voting members of most important committees, and their views expressed at faculty meetings are listened to with respect."

Although students at the protest did not agree on any single tactic to pursue, several suggested that as many students as possible should sign up for the faculty meeting scheduled for next Wednesday.

At press time, the Third World Coalition had scheduled a protest rally on the steps of Langdell North at 1:15 p.m. Thursday. Several TWC members expressed hope that enthusiasm over the sit-in at the faculty meeting would spill over to the rally.

Several students said they were concerned about possible disciplinary action against those involved in the protest. "I don't believe the dean is so impolitic as to discipline students for conducting a non-violent, silent demonstration," Hoffman said.

Sports Quiz

One for the Road: Alas, 'tis the final sports quiz, but here's one last opportunity to whet your whistle by identifying five athletes whose first or last names are the same as a popular (or not-so-popular) brand of beer. Bottoms up!

1. A budding movie star, this 16-year-old tennis ace is quickly becoming a major force on the women's professional tennis circuit. Name this daughter of the owner of the United States Football League's Tampa Bay Bandits who hails from Toronto.
2. The winner of 13 tournaments and over \$600,000 on the Professional Golf Tour in 1974 and '75, this San Francisco native reigned as one of the sport's premier players before plummeting through the ranks in the late '70s. Name this former U.S. Junior Champion who signed a contract to endorse clothes in 1975 worth an estimated one million dollars annually.
3. The collegiate rushing champion in 1958, this running back carried the ball 205 times that year for the University of the Pacific for a total of 1,361 yards. Name this outstanding back who played behind

Roman Gabriel on the strong Los Angeles Rams team of the mid-'60s coached by George Allen.

4. A four-time Mr. Universe, this legendary body builder captured the professional Mr. Universe title in 1967 while Arnold Schwarzenegger was taking the amateur version of the crown. Name this member of the Body Building Hall of Fame who is the author of the weight training encyclopedia *Keys to the Inner Universe*.
5. A stellar shortstop for the New York Mets from 1965 through 1977, this slick fielder, who wrapped up his playing career with the Philadelphia Phillies and Texas Rangers, started in each of the eight championship and twelve World Series games in which the Mets have been involved. Name this personal favorite and Pete Rose nemesis who was born on D-day.

(Answers on Page 17)

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Program to Sponsor Student Research

(Continued from Page 1)

dents in positions with a number of domestic and international human rights organizations. Vorenberg hopes to expand this program.

A fund-raising effort in honor of the late Prof. C. Clyde Ferguson, perhaps best known for his work in the area of international human rights, has been initiated to help fund some of these summer internships.

HLS also hopes to promote student research and to foster clinical placements throughout the year. Such written work may be in conjunction with coursework or through independent projects.

The possibility of clinical placements during the school year, somewhat analogous to placements in the "Public Interest Law — Race and Poverty" course now taught by

Prof. Elizabeth Bartholet, is also being explored.

Finally, HLS hopes to offer a number of speakers and symposia on the subject of human rights. Continuance of the human rights speakers series, along with increased numbers of visiting human rights scholars is also planned.

Vorenberg also noted in his memo that the law student Human Rights Group is planning a symposium on Human Rights and Multinational Companies, the first of a proposed annual series.

Prof. Henry Steiner, one of the program's coordinators, called the program "more than just coordination." Steiner said he hopes the program will give human rights work at HLS a focus, and help to expand and make more direct links to outside groups working in the field of human rights.

Steiner said the initiation of the program is very much an outgrowth of the late Prof. Ferguson's efforts over a number of years. He also noted recent student pressure for formalization of HLS support for work in human rights, and said that the creation of the program "validates student efforts."

Tobin's work in documentation will also be critical, Steiner noted. "Much of the material in the human rights area is ephemeral, fugitive material — it is put out in pamphlet or other nonpermanent forms." Tobin, a specialist in documentation of human rights, will help collect and preserve these materials.

While stressing that the program is still in the formative stages, Steiner was willing to talk about his own hopes for the future development of the program. Among other things, he thought the program could eventually expand to include other segments of the University where interest in human rights work exists, for example the Kennedy School of Government.

Next year the program will distribute information to students about third-year written work research opportunities and the various rights projects available. Although initial efforts will be aimed at expanding work in the field of international human rights, Steiner noted that the program will encompass a wide range of human rights work, "from work concerned with immediate problems in domestic and international human rights, to longer comparative historical research."

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