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25 CENTS

Chayes Readies Nicaraguan Attack

By Miguel Rodriguez

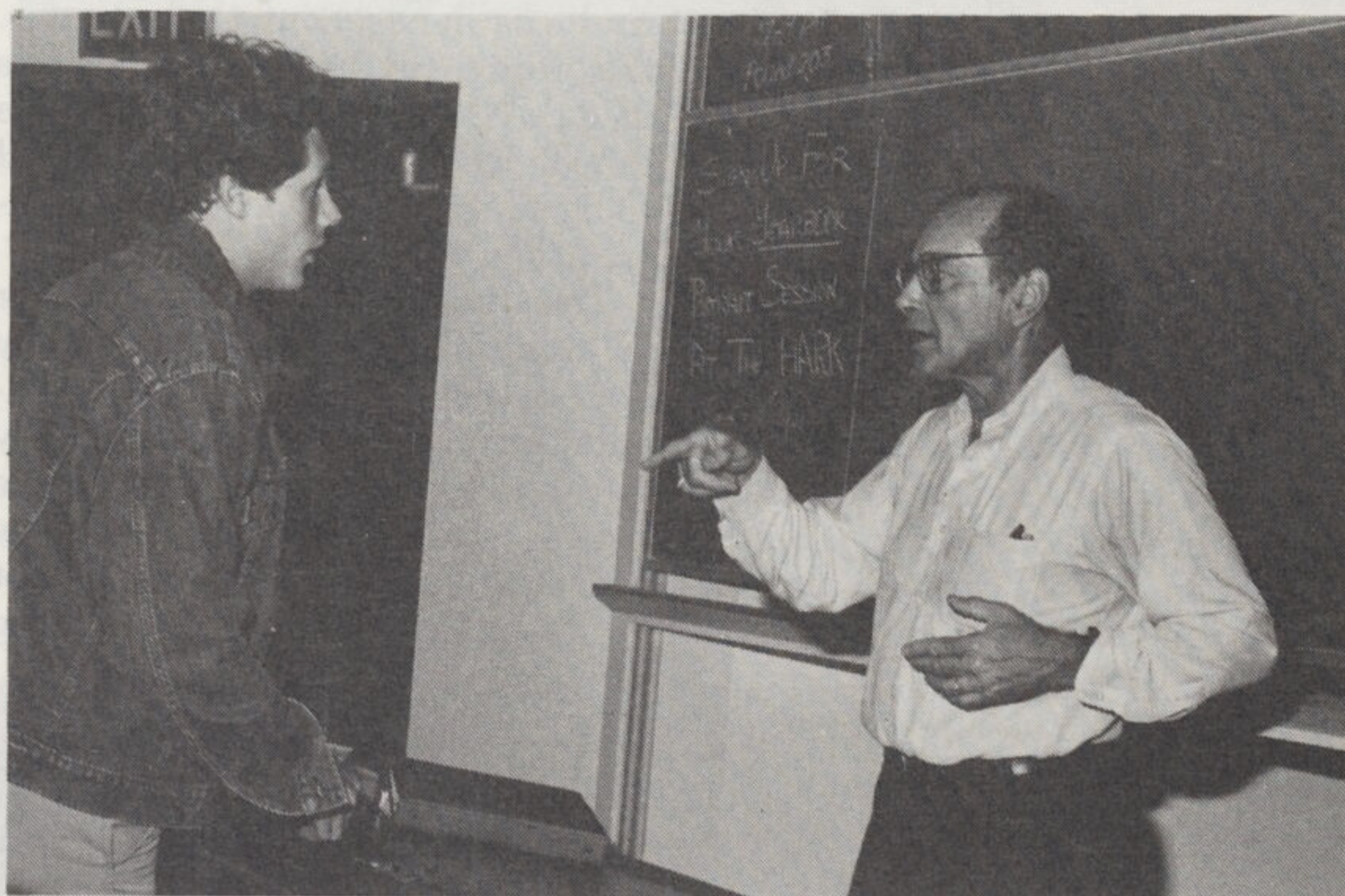
On April 11, 1984, the Sandinista government of Nicaragua filed suit against the United States in the International Court of Justice. On behalf of Nicaragua, Professor Abram Chayes '49 seeks a World Court declaration requesting that the CIA's so-called covert action against the Sandinistas cease. The U.S., however, has refused to consent to the World Court's jurisdiction over this controversy.

The Sandinista regime came to power in Nicaragua in July of 1979 after overthrowing the American-backed Somoza government. The current U.S. administration is opposed to the Sandinista regime, emphasizing the Sandinista's close relations with Cuba and the Soviet Union.

In December of 1981, U.S. President Reagan issued a "presidential finding" authorizing U.S. involvement in Nicaragua. As a result, "contras," CIA backed paramilitary forces, were formed in order to intercept alleged arms traffic from Nicaragua to Salvadoran guerillas and to strike Cuban and Soviet supported military installations operating within the Nicaraguan borders.

Nicaragua contends that the object of U.S. activity is to overthrow the current government of Nicaragua. In particular, their complaint before the World Court alleges that the current U.S. administration has

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Teresa Miller

Professor Abram Chayes is preparing for another argument before the World Court.

Prof. Surrey Dies at 71

By Michael Malamut

Stanley Sterling Surrey, Jeremiah Smith, Jr. Professor of Law, Emeritus, died of heart failure on August 27, 1984. Professor Surrey was distinguished as a leading scholar in the field of taxation law.

Born October 3, 1910 in New York



HLS Yearbook

Stanley S. Surrey

City, Surrey received his undergraduate education at City College of New York, from which he was graduated *magna cum laude* in 1929. Surrey earned his LL.B. from Columbia Law School in 1932. At Columbia he was a Kent Scholar and managing editor of the *Columbia Law Review*.

After working briefly with the New York firm of Proskauer, Rose and Paskus, Surrey began his long career in government service in 1933, spending two years as a lawyer for the National Industrial Recovery Association. He then served as a lawyer at the National Labor Relations Board until 1937. He was tax legislative counsel with the Treasury Department from 1937-47, interrupted by two years service

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Students Spur Asbestos Removal

By Greg Klima

HLS buildings received an inspection for the use of asbestos this summer. As a result, the asbestos was repaired or removed in many places around the HLS campus.

The inspection was largely the result of actions by Diana Zalph, 2L, and Howard Friedman, 3L. They became aware of asbestos in HLS buildings when they saw a sign in one of the Langdell South locker tunnels which read, "Employees should wear masks because of asbestos."

Zalph and Friedman wondered whether students also should be wearing masks in that room. They began to notice asbestos in other places: in the laundry rooms of the dorms, in the stacks of Langdell, and in the halls of the tunnel. The

Simpson informing them of the repairs and asking them to inform him if they located any other places where asbestos was exposed.

Zalph and Freidman later contacted Louis DiBerardinis of the University's Department of Environmental Health and Safety (EHS). They asked DiBerardinis what more could be done about the asbestos. According to them, DiBerardinis said that he could survey the entire school for asbestos use if requested to do so by the law school's administration.

The students wrote another letter to Simpson. In that letter, they stated their concern that the insulation used was of a temporary nature and not appropriate for the uses to which it was being put. They also stated that students should not have the responsibility of locating

to alleviate the asbestos problem be taken during the summer. The petitions were subsequently delivered to Dean Vorenberg's office.

The administration replied with a memo from Simpson which appeared in the last *HLS Advisor* of the school year. The memo stated that much asbestos had been removed in past summers and that more was to be removed in the coming summer.

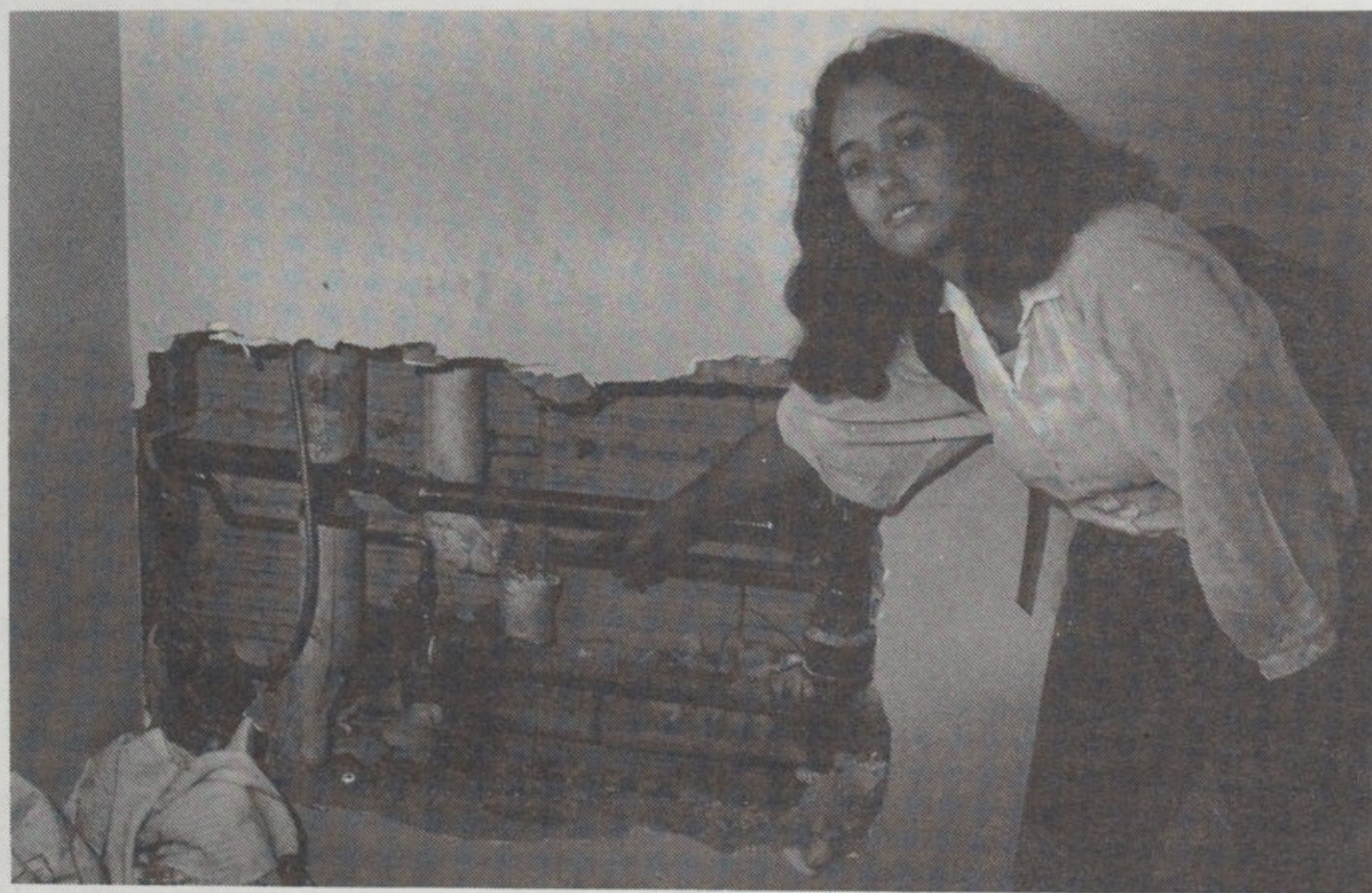
The memo also stated the law school's asbestos policy. As stated in that letter, this policy is: 1) to remove asbestos from places being renovated or where asbestos wrapping is considered inappropriate protection, and 2) to keep all other asbestos wrapped with appropriate material.

Finally, the memo informed the student body of the testing that had been prompted by Zalph and Friedman. It also stated that the asbestos hazards presented by the situation were minimal, the amount of asbestos not exceeding state health standards. However, the memo stated that the asbestos would be removed from those places which the EHS cited as having a high risk of damage to the asbestos wrapping.

HLS hired EHS to survey all HLS buildings this summer. DiBerardinis stated that every room in the dorms was inspected, followed by public areas (such as classrooms and hallways) and then areas which were not accessible to students.

The survey was intended to locate any problems with asbestos which required immediate attention and any use of asbestos for their permanent records. Among other things, the asbestos survey listed the location of the asbestos, its type, those repairs which should be a priority, accessibility and activity levels, and the recommended corrective action.

According to DiBerardinis, three corrective actions were implemented. First, if the asbestos covering was deteriorating or if it was



Teresa Miller

Diana Zalph points out one location where asbestos formerly lurked.

asbestos in many of these places was exposed.

Zalph and Friedman then wrote a letter to Assistant Dean Russell Simpson inquiring if anything was being done to protect persons around HLS from the asbestos. Zalph and Friedman were contacted by a maintenance worker to whom they showed the exposed areas. After tests for verification of asbestos were run, the spots were repaired. Zalph and Friedman received a letter from

breaks in the insulation. Finally, they requested that the entire campus be inspected and tested for hazardous asbestos areas. (The students also wrote a letter to the *RECORD*. See *RECORD*, vol. 78, no. 8, April 20, 1984, p.12.)

A petition for action was then started by Zalph and Friedman. The petition stated that those signing were concerned about the dangerous use of asbestos on campus and it requested that permanent measures

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Alum. Returns to Join Faculty

By Norman Bay

Professor Kathleen Sullivan joins the Harvard Law School faculty as one of its four new assistant professors. Sullivan will teach an advanced constitutional law seminar, local government law, and a course in federal litigation.

Sullivan received a B.A. in 1976 from Cornell University, where as a College Scholar she studied comparative literature, history, and government. She next went to Oxford University on a Marshall Scholarship and received a B.A. in 1978 with First Class Honours in Philosophy, Politics, and Economics.

After Oxford she received a J.D. in 1981 from Harvard Law School. At Harvard she led her team to victory in the Ames Moot Court Competition and was named best oralist. Sullivan then clerked for Judge James L. Oakes of the U.S. Court of Appeals for the Second Circuit.

Before her clerkship ended, Prof. Lawrence Tribe called to ask her to help him on several pending constitutional appeals in the Supreme Court. She had first impressed Tribe as a 3L, when she assisted him on a constitutional challenge by the Hare Krishna against a Minnesota State Fair rule which forced the Krishna to rent a booth from the state.

Sullivan accepted Tribe's offer and returned to Boston. As Tribe's co-counsel, she helped write and research briefs and prepare him for oral arguments. Their record in the Supreme Court over the past two



Teresa Miller

Assistant Professor Kathleen Sullivan

years is an unblemished 3-0 on the cases they worked on together.

In *Kevin White v. Massachusetts Council of Construction Employers*, they successfully defended a 50% city-resident hiring quota against challenge under the Commerce Clause. In *Pacific Gas & Electric v. State Energy Resources Commission*, they persuaded the U.S. Supreme Court to uphold unanimously California's decision to impose a moratorium on the construction of nuclear power plants.

Finally in *Hawaii Housing Association v. Midkiff*, Sullivan and Tribe won a unanimous decision that upheld Hawaii's attempt to re-

distribute privately held land as a valid public use under the Takings Clause.

Sullivan also worked with Tribe on appeals involving various constitutional issues in the First, Second, and Ninth Circuits, and did criminal defense work with the Boston law firm of Silverglate, Gertner, Baker & Fine.

Despite her successes, Sullivan does not intend to do outside work for quite a while. Eventually, however, she might like to resume appellate litigation in areas where her "specialties can be of help to people."

Because Sullivan recently graduated from law school, she has a "much greater sense of sympathy for the plight of law students." She can "feel palpably" the tension that many of them experience. Nevertheless, Sullivan notices some "distance." Working for three years, she mused, may have toughened her a bit.

Sullivan has considered teaching since her law school days, when she

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A Lineup of 1L's: Dean, Farmer,

By Norman Bay

For the class of 1987 Harvard Law School received 6,145 applications. That number represents a slight increase over last year's 6,047 applications. Offers of admission were made to 805 people, 21 more than last year. Of those 805 people, 549 registered. Women make up 34.6% of the class, up from 34.3% of a year ago. Minority students comprise 17.1% of the class down from last year's figure of 19%.

What statistics only hint at, however, is the diversity of any given class. This year's 1L class is no exception.

Down on the Farm

Since 1973 Karin Henrikson has lived on a 98-acre farm in Auburn, West Virginia. On the farm she raised enough food to feed herself and to sell the surplus. Nevertheless, she has done far more than raise crops.

In 1974 Henrikson helped form a non-profit wholesale food cooperative. Her "idea was to provide information about nutrition to the



Greg Peterson

Karin Henrikson

community while making available a wide variety of unadulterated and previously inaccessible foods and household items." Henrikson wrote the bylaws for the cooperative, organized and incorporated it, and acted as its first coordinator. In 1976 she organized and acted as spokesperson for a local organization which after a three year effort successfully persuaded the State to build a badly needed bridge.

Then, in 1978 she began building a two-story octagonal home with her own hands. That same year she returned to college at Glenville State after a six year hiatus. After receiving her B.A. degree in 1980, she joined the West Virginia Oil and Gas Reform Coalition, an environmentalist group which has met with some success in its attempt to obtain legislation protecting "surface land and water resources from irreparable damage by irresponsible drilling practices."

Working for change and growth on the farm and in the community have taught Henrikson "about the process of change and about myself." Farming and building a home have taught Henrikson resourcefulness. Living in a rural area forty minutes from the nearest small town has furthered her discipline and self-confidence. Like most of the local farmers, she has "developed a high degree of independence." Her activism has taught her the need for patience.

Henrikson decided to attend law school for the "intellectual challenge." With her legal training she hopes to effect "meaningful social change" and to put her "idealism to work again in another concrete and productive way." She plans to return to West Virginia to do public interest work, in particular environmental law. "There's so much to do in West Virginia," she emphasized. She also wants to practice mediation in domestic relations.

Former Dean

For Peter Onek, 1L, the road to law school was also roundabout. Onek served as an Assistant Dean

of Students at Princeton over the past seven years. By attending Harvard, Onek has a "career transition much in mind — reinvigoration, new stimulation."



Greg Peterson

Peter Onek

Onek graduated from Harvard in 1966 with a B.A. in History. The next year he received a M.A. in Education at Harvard and then began teaching. In 1977 he became an Assistant Dean of Students at Princeton.

As a dean, Onek helped supervise the undergraduate judicial system. One of his "major concerns was that students be treated fairly." He was responsible for ensuring that the University's version of due process was observed. "It was but a short step," he said, "to consider law as a full-time career."

After receiving his law degree Onek hopes to "help those not empowered in society" and is considering civil liberties or government work. He has not, however, precluded the possibility of returning to academia to become a university's counsel.

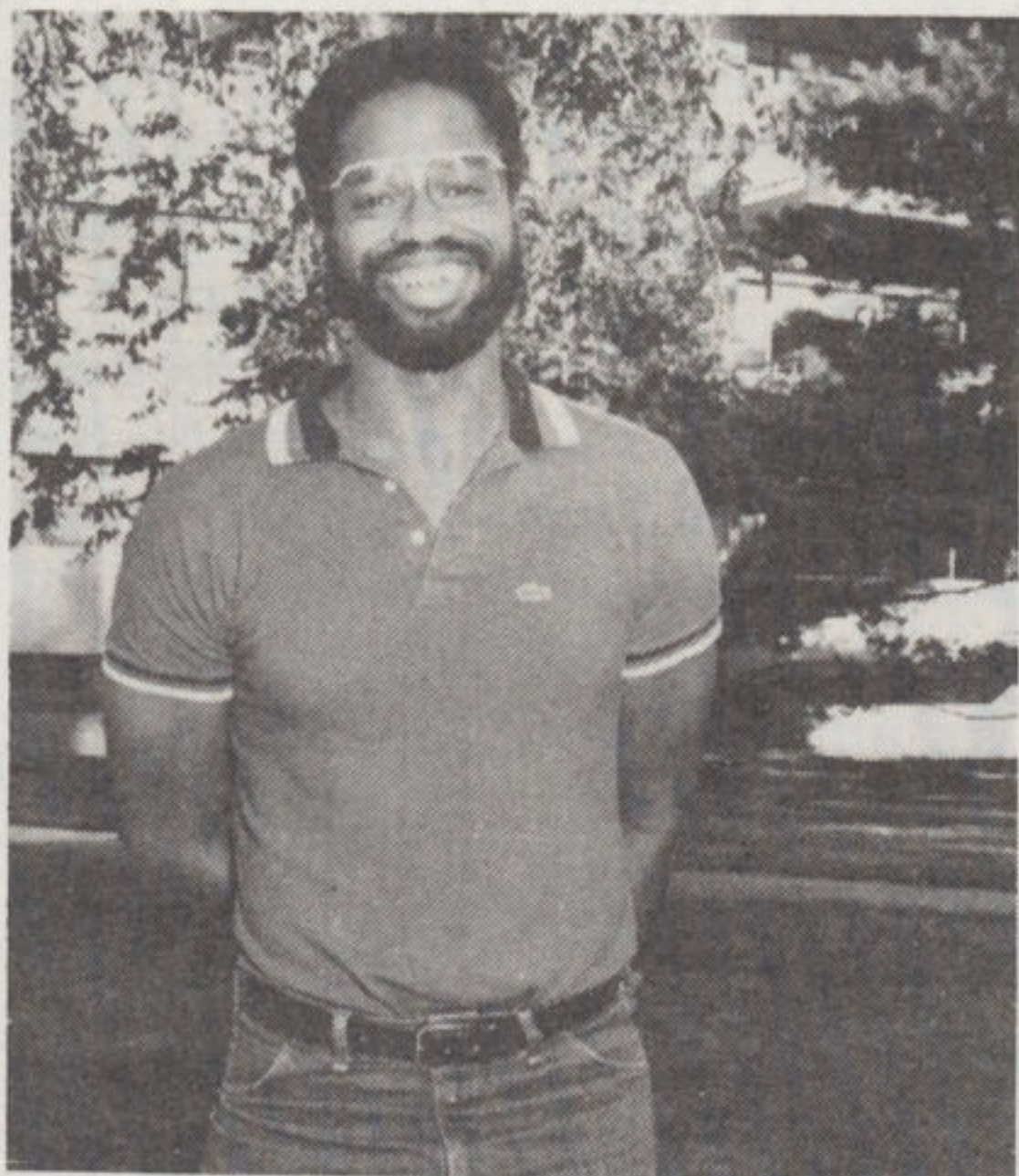
Ten Years in Court

Len Elmore, 1L, knows more about courts around the country than any other 1L. But, after ten

Center, Aerialist, Priest, Writer

years in the NBA he felt ready to make a career move. Elmore, an All-American center on highly ranked Maryland teams in the early 1970's, developed a reputation in the NBA for his tough defensive play, experience, and leadership. Nevertheless, he passed up his last year on a Knick's contract to attend Harvard.

Elmore will not miss basketball. Although he enjoyed the game and the camaraderie among his teammates, he tired of "waking up at 5:00 A.M., flying cross country, then playing at night. Sometimes you wake up in the middle of the night and look in the phone book to see what city you're in."



Teresa Miller

Len Elmore

"Players," he also noted, "realize that their destiny is not in their own hands. This leads to a sense of futility." Finally, the wear and tear of basketball helped Elmore time his move. He has had two knee operations and suffered a severe hamstring pull in training camp last year. At best, he guesses, he had two years left in the NBA.

A retired pro once told Elmore that "there is life after basketball." Elmore remembered that advice and decided that he had "better reckon with that fact" while he was still playing. With the encouragement of his financial adviser, who attended Harvard Business School, Elmore decided to apply to Harvard Law School.



Greg Peterson

Lisa Kaplan

Nevertheless, a legal career was in the back of his mind even when he played pro basketball. In high school, as student council president, he recognized that he might have some advocacy skills when he found himself mediating conflicts between students and the faculty.

With his legal skills, Elmore hopes to put his ideals into practice. He plans to begin with public interest law and "to get involved in the community." At some point, he wants to represent athletes. As a former player, Elmore feels strongly that a sports lawyer should provide good legal work at a fair price. "I'm dealing with people who have a finite career," he explained. "I wouldn't take advantage of someone because of his talent." Indeed, he estimates that in negotiating his contract his first agent earned \$10,000 an hour.

Elmore will play in Harvard Law School's traditional game against Yale, but only if no one keeps score. "It's time to enjoy the game for what it is," he declared. "I've experienced the competitive side as much as anyone. I'd like to play where stats aren't kept. It promotes a more harmonious team concept."

White Collar Worker

John Coughlin, 1L, is a priest in the Franciscan order. Coughlin re-

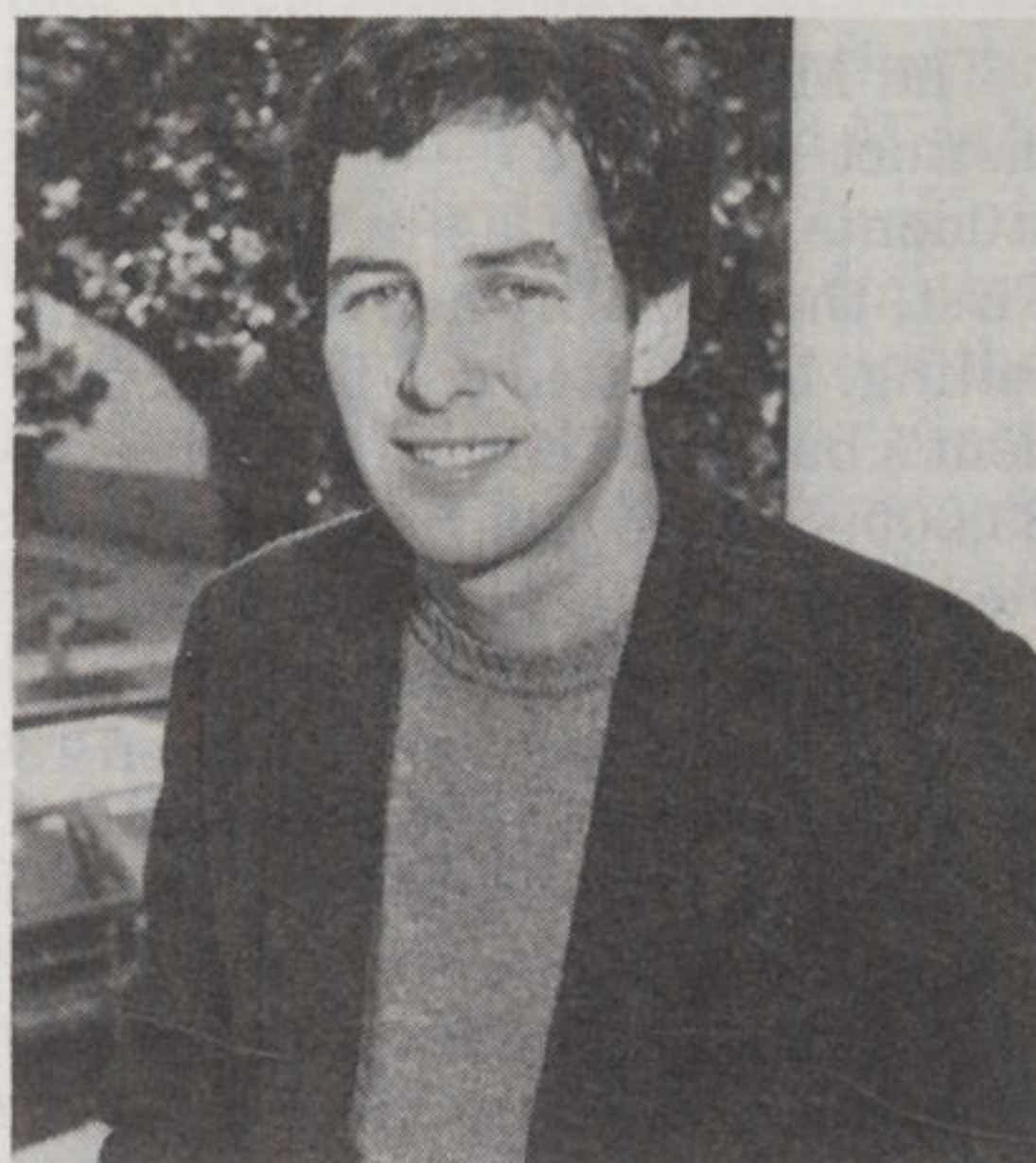
ceived a degree in History from Niagara University in 1977. He then entered the Franciscan order, taught, did volunteer work, and served in seminaries around the country. After studying theology in a Franciscan seminary in Washington, D.C., he went to Columbia for a M.A. in Psychology in 1982.

Coughlin then became a parish priest at St. Stephens on E. 82d in Manhattan. In May 1983, he received a M.A. in Ethics from Princeton and was ordained by the Franciscans.

Coughlin has always wanted to be a lawyer. After he entered the seminary he realized that he could be both a priest and a lawyer. He furthered his interest in the law in New York and at Princeton. In New York he worked for the Coalition of the Homeless and the Yorkville Community Center, which assisted elderly people with housing problems. Working with law firms which did pro bono work reinforced his belief in the value of a law degree.

With his law degree he hopes to practice public interest law and to defend indigent clients while remaining a priest. Coughlin noted that "Franciscans have always worked with the poor" and that "a number of priests are lawyers, including Robert Drinan, the former Congressman."

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Greg Peterson

John Coughlin

HLS Offers State Loans to Students

By Justin Hughes

This fall, a new loan program will be available to HLS students. The program is operated by an independent agency, the Massachusetts College Student Loan Authority (MCSLA), and the funding for the loans comes from tax-exempt bonds issued by the Authority. The loans are guaranteed by the academic institutions of the student recipient, including Harvard. Under the program, eligible students may borrow up to 75% of their Law School Budget minus other educational loans received that year, with certain limits on maximum educational borrowing.

The MCSLA loans are available at what Renda Johnson, HLS Financial Aid Director, describes as the second level of assistance to financial aid students. The first level — and the most widely used — is the Guaranteed Student Loans Program (GSLs). These loans are available through various financial institutions and are guaranteed by the federal government. The second level of assistance, before MCSLA, consisted of PLUS loans, which were guaranteed by Harvard. The third level, for students most in need, are loans from the law school itself.

Benefits of MCSLA Program

The MCSLA program does offer distinct advantages to individual students, as well as to the school. First, the MCSLA has no absolute ceiling, but is tied to 75% of a student's budget. The PLUS ceiling is \$3,000. Second, the repayment period for a PLUS loan is ten years, while the repayment period for the MCSLA loans will vary between 13 and 15 years. Another advantage is that while repayment of PLUS loans must begin 60 days after graduation, there is a six month grace period with the MCSLA loans. Finally, many students who are ineligible for GSLs may be able to get MCSLA loans because the pro-

gram's standards for eligibility are more liberal.

Drawbacks

Nonetheless, what may first sound like a godsend to financially strapped students turns out to be a program with definite drawbacks. Not only must students show need, but they must also demonstrate creditworthiness. Under the program, interest begins accruing on the loan immediately at the rate of twelve percent, as with PLUS loans. Thus, the effective difference between these loans and GSLs is that

with the MCSLA or PLUS the student has a backlog of three years' interest to pay when his education is completed. With a GSL the federal government would have paid the interest during the educational period instead of simply deferring it.

With HLS, however, a grant from the law school may subsidize the deferred interest and reduce what interest the student will owe. One of the major problems is that the deferment of interest and principal cannot be longer than three years. Students who take a leave of ab-

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Visiting Professors Discuss Interests

This fall six visiting professors joined the Harvard Law School faculty. They come from diverse geographic and scholastic backgrounds and will be teaching courses as commonplace as Legal Profession and as unusual as Japanese Labor Law. In this issue, we introduce four of the visiting professors. In the next issue, we will introduce the remaining two faculty visitors this fall.

Deborah Rhode

Deborah Rhode is visiting this year from Stanford University where she is an associate professor of law. Rhode is teaching Contracts in the fall semester and will be teaching courses in sex discrimination law and the legal profession in the spring.

Rhode turned down offers from several other schools in order to accept the offer to teach at Harvard. She says she was drawn to Harvard by its "incredibly gifted and diverse faculty" and its "excellent student body."

Originally from the Chicago area, Rhode earned her undergraduate degree in political science from Yale

in 1974. As an undergraduate, she was president of the Yale Debate Society and a member of the women's tennis team.

She earned her J.D. at Yale Law School where she was on the editorial board of the *Yale Law Journal*. As a law student, Rhode authored an award-winning article on the cost of divorce. Following law school, she clerked for two years — first with Judge Murray Gurfein of the Second Circuit and then for Justice Marshall of the United States Supreme Court.

Rhode has written numerous articles on the regulation of the legal profession, or as she puts it, the bar's efforts to police its professional monopoly. She is currently working on a book connecting feminist theory and legal thought.

Rhode is also a cooperating attorney with the American Civil Liberties Union. She is acting as counsel for them in a case challenging the constitutionality of the California abortion statute. Rhode is married to Ralph Cavanaugh, an attorney for the Natural Resources Defense Council in San Francisco.

According to one of her students, Rhode's approach focuses on contemporary problems and often offers

a refreshing, feminist perspective on the law. The first case discussed in her first year Contracts class was the Lee Marvin palimony case.

In teaching her classes, Rhode says she tries to give her students a sense of what lawyers do. She says that her efforts are an attempt to dispel a view that she feels law schools often promote — that the law is far removed from the problems of people and society.

Noel Coulson

Having taught at several American law schools including U.C.L.A. and University of Chicago, as well as having served as head of law departments in London and Nigeria, Visiting Professor Noel Coulson claims Harvard Law School "is without a shadow of a doubt at the top of the tree." He is impressed with Harvard's "dynamic atmosphere" and "galaxy of talent."

Coulson specializes in the law of the Near and Middle East. This semester he is teaching a comparative law course on the Islamic legal system and a seminar on Islamic civil law. Critical to his teaching style is a blend of the English lecture system and Socratic dialogue, to which he adds an appreciation for the culture and religion of the Muslim states.

In 1950 he graduated from Oxford University, having studied Latin and Greek Literature and Oriental Studies. After military service, he researched in the Near and Middle East and studied law at the University of London. He was admitted to the bar at Gray's Inn, one of the august English law societies. Since 1954 he has taught at London's School of Oriental and African Studies, where he has been Chairman of Oriental Laws since 1981. In 1965 and 1966 he also acted as Dean of Law at Admadu Bello University in Nigeria. As a testament to his diverse background, he borrows one of his favorite maxims from the Latin poet, Horas: "carpe diem" ("seize the day").

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A Few Intriguing Replies to the 'What

By Beth Bergman

Each year, students seeking unique perspectives in the law bypass the draining recruitment process and apply for fellowships in international and public interest law. While these jobs are typically hard to find and difficult to justify financially, the students who receive fellowships uniformly agree that the results are well worth it.

Robb London, 2L, spent his summer on the southern tip of South Africa, working for the Capetown Legal Resources Center (CLRC). The CLRC is the only civil rights and public interest law firm that does free legal work for blacks and what South Africans call *colourds* or people of mixed blood.

Like 25 other Harvard Law School students, London was partially financed by a Harvard Human Rights Fellowship (HHRF). These fellowships are one of the many opportunities available through the school's newly founded Human Rights Program.

Having taken the job with little knowledge of what the experience would be like, London was not sure

whether the liberal organization he'd agreed to work for would have its hands tied by the constraints of the apartheid regime.

In South Africa, a firm's ability to challenge the constitutionality of apartheid law is limited to locating loopholes in the current laws and convincing the courts to widen these gaps. (South African courts have no power of judicial review.)

CLRC's major work is in the area of labor and includes such cases as unfair dismissals, pass-law offenses under the Influx Control laws, and assaults of black workers by white employers. The firm also represents clients in actions against the South African police charging assaults and unlawful detentions.

London says that CLRC has had an amazing success rate in its cases. His initial skepticism about CLRC has been replaced by a strong belief that the firm's effectiveness in securing the rights of black workers to live in white urban areas is an example of local, real relief.

"The firm, without a doubt, is part of the solution, not the problem," says London. CLRC's efforts are the predecessor to much more far-reaching, systemic changes in the labor laws that so directly affect the living conditions for blacks and others who exist under the apartheid system."

Katie Zoglin, 3L, split her summer, spending half of it with a small firm in San Francisco and the other half in Geneva with the United Nation's Sub-Commission on the Prevention of Discrimination and Protection of Minorities.

Theoretically, this Sub-Commission is a body of independent experts, but, as Katie explained "in reality it's a highly political body." Her findings, based on interviews and research with the U.N. and other non-government organizations now form the foundation for her third-year paper on the procedural workings of the UN.

Katie's other job requirements included eating fondue, tasting food in local cafes, and bathing in the clear blue waters of the French Riviera.

Kathy Wohl and David Rosenberg, both 2L's, ventured to Israel this summer. The firm with which they worked specializes in banking law.

Because their firm was involved in Israel's efforts to develop a new banking code, Wohl and Rosenberg had the opportunity to research English, Turkish, and Palestinian law on banking.

When they weren't toiling in the office, Kathy and David studied Hebrew, practiced folk dancing, and had fun spending their hard-earned *sheckelim*. And, of course, they rode camels to the pyramids and sailed on the Nile.

Harvard sent yet a third student to Israel. With the support of a HHRF, Steve Golub, 3L, pursued an independent project which he developed himself. Golub studied the operation of the UN Relief and Works Agency (UNRWA).

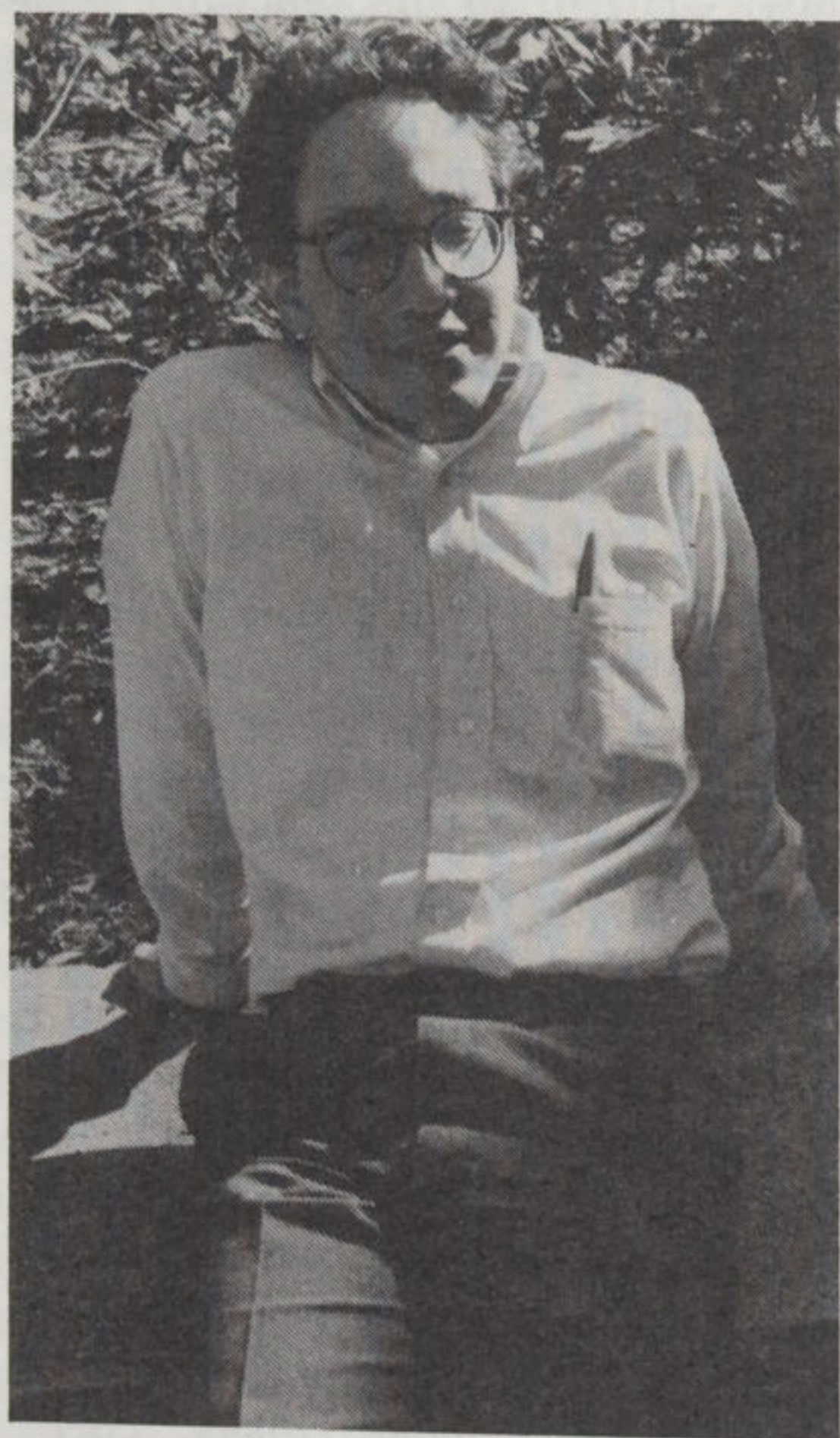
UNRWA provides medical, educational and related services to Palestinian refugees throughout the Middle East. Among other things, Golub was concerned with the ways in which the organization's role has changed in its 34 years of existence.

Golub's research included interviewing UNRWA and Israeli officials, as well as visiting refugee camps in the West Bank and the Gaza Strip. While acknowledging that the Agency operates in a very controversial and politicized environment, Steve added that both the Arabs and the Israelis see the refugee situation as "a fact of life."

Continuing to pursue his interest in the plight of refugees, Steve plans to write his third-year paper using research which he conducted in his previous summer. That paper will consider U.S. policy toward Cambodian refugees who are applying for resettlement in the States.

Fluent in German, Teresa Miller, 2L, decided to ship her talents across the Atlantic and to a firm in West Germany. Miller notes that both work and conversation were conducted in German.

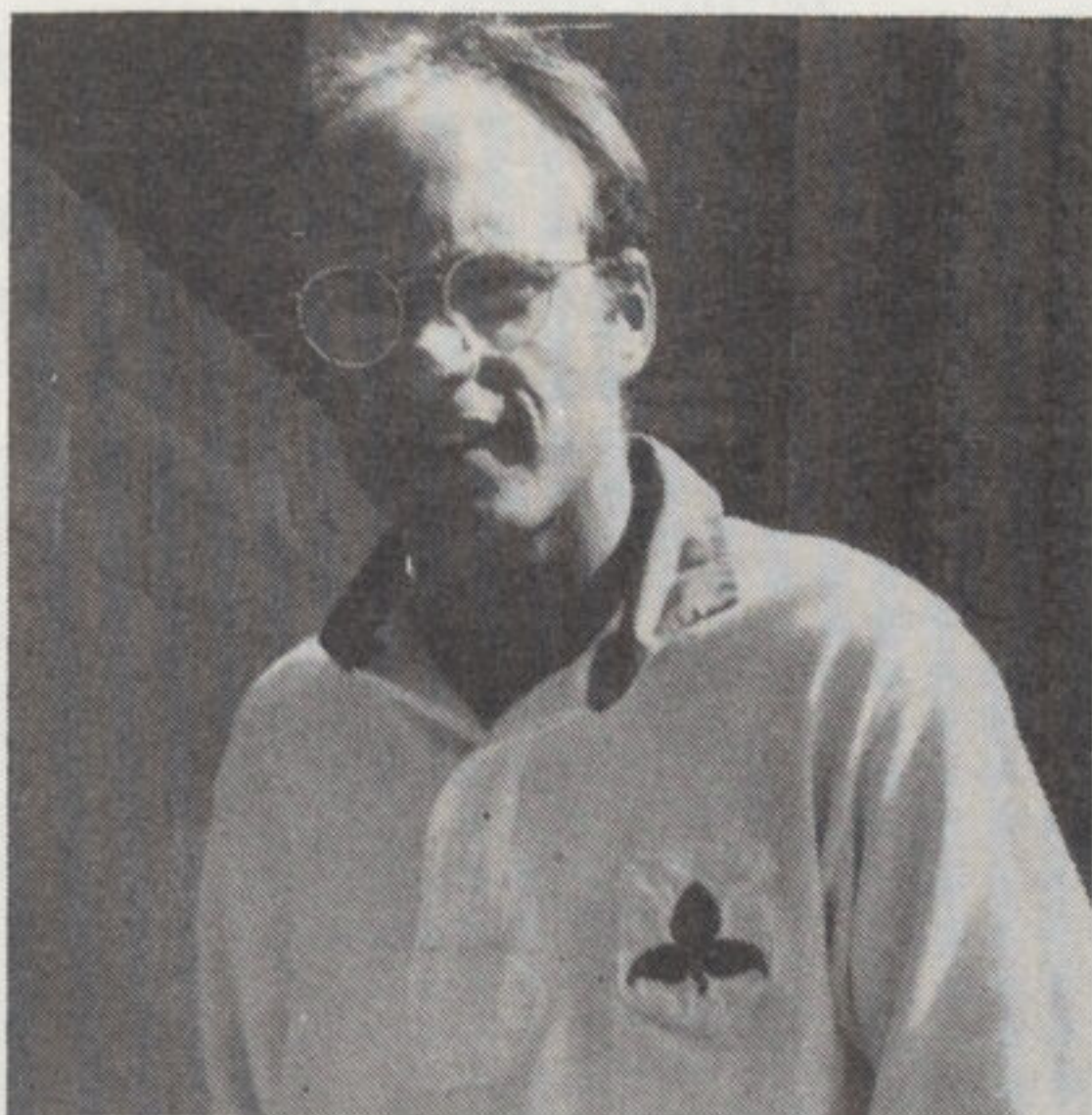
The firm specializes in international contracts. Miller's summer included work on a patent infringe-



Teresa Miller

Michael Dinnerstein

Did You Do This Summer?' Question



Teresa Miller

Robb London

ment case involving the popular "Cabbage Patch" dolls.

Miller says that she highly recommends a summer abroad. She noted that her firm enthusiastically recruits Harvard students. (One of its senior partners worked with Prof. von Mehren for two years).

"The most important thing to remember when considering working abroad," said Miller, "is adapting oneself to the culture and language. Harvardites abroad are far too conspicuous."

There are, of course, students who will assert that there's no need to go abroad to have an interesting summer. Dave Prouty worked for Rick Friedman ('78) in Sitka, Alaska.

Prouty says that despite Friedman's relatively small practice, it handles a heavy, but inspiring, load including cases involving Section 1983, employment discrimination, wrongful termination and criminal defense work.

Dave's spent most of his time working on the defense of a client charged with child abuse and manslaughter. Working virtually independently, Dave conducted investigatory work, prepared pre-trial motions, wrote the questions for direct and cross-examination. Despite his return to school, Dave is now working on the appeal of a conviction on the manslaughter charge.

Dave's investigatory work was more than a little unusual. For example, he could be found in Ket-chikan, "hanging around 'sleazy' bars and buying drinks for potential witnesses."

However, many of Dave's fondest memories have nothing to do with the law. He spent time hiking, camping and fishing in miles and miles of unspoiled land. "Fresh salmon whenever you're in the mood."

Michael Dinnerstein's interests in labor law took him to Washington, D.C., where, under the auspices of the United Mineworkers of America (UMWA), he prepared legal memos to assist union organizers in the coal fields with their campaign strategies and tactics.

Presently, the union is facing possible termination of their national coal contract which covers over 100,000 miners. Because of the depressed state of the coal industry, the termination of this contract could result in a nationwide coal strike.

The current negotiations being conducted by UMWA President Richard Trumka and the coal operators represent perhaps the most important negotiations in the 94 year history of the UMWA, according to Dinnerstein, 2L.

Dinnerstein's other efforts included playing right field for the UMWA softball team, which beat the AFL-CIO team this past summer.

Would Dinnerstein recommend the job? "Absolutely — it was very personally rewarding, and the work was of real importance and value to the health and welfare of miner workers across the country." ☛

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Council Plans for Coming Year

By Joe Brandolino

The Law School Council (LSC) is gearing up for another year of change at HLS. A representative and governmental body elected by students, the LSC is once again flexing its muscles in an attempt to accomplish its agenda.

Five students from each class are elected to the Council by their classmates at the end of their first year. LSC members serve two-year terms. To provide representation of 1Ls in their initial year, five first-year students are elected in October to serve until permanent elections are held later in the year.

(First year students may consult the *Advisor* for details of the October 2nd election.)

According to its members, the role of the LSC includes determining student interests regarding administrative policy, and actively supporting the implementation of policy options supportive of student concerns. The LSC continually works to promote student/faculty interaction at HLS, in academic as well as social settings.

All student members of faculty standing committees are appointed by the LSC, and those representatives are responsible to the student body through the Council.

At least one slot on each committee will be open for 1Ls this year, and various other openings will exist for 2Ls and 3Ls. Interviews will be held from September 24 through October 4. Students should check the *Advisor* for additional information.

In the forefront of their agenda for 1984-85, the LSC plans to address concerns reflected in student surveys conducted last year. As reported by the council, notable survey results include the following:

82% of students participating in the survey indicated a belief that the faculty and administration do not pay attention to students before making important decisions that affect students;

75% felt that some faculty devote themselves to research and outside activities at the expense of teaching;

85% believed that financial aid policies influence career decisions;
87% thought that faculty give insufficient feedback on coursework;
85% considered the faculty to be

underrepresentative of women and minorities;

92% believed that professors should reserve at least 2 office hours

(Continued on Page 24)



Greg Peterson

Eddie Vela, Law School Council president

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'Inquiries' Explores Utility of Legal Education

By Susan Smith

What is law and how do you use it?

This was the theme of the first of this year's Inquiries Series held on September 12. With Dean James Vorenberg moderating, four members of the law school faculty gave their own answers to the question: Professors Robert Clark, Alan Dershowitz, Richard Parker and Visiting Professor Zipporah Wiseman.

Clark led off, immediately modifying the topic to: "Why should you believe what your professors tell you?" He recalled that when he was a first-year student at HLS, he was told not to learn specific rules, simply to learn how to think like a lawyer. However, he noted, his professors emphasized the rules and not how to think. He termed this paradox his "first puzzle."

He came upon the second puzzle a few years later. He described it in the following form: doctrine is not definite enough to focus on, so one should think in terms of grand theoretical assumptions. The problem with this, Clark asserted, is that this is inconsistent with his own practical experience as a lawyer. Through this experience, he found that lawyers serve largely as counselors; counselors rely on statutes, regulations, etc.; they study them thoroughly; and they predict outcomes from them. Finally, there is an advantage to "knowing a lot of law."

Clark put forward a "clue" to answer his own question in the form of a "fable". This fable had two characters: an older, traditional, male faculty member he named

"Fritz" and a younger, progressive female faculty member called "Minerva". Both faculty members, in the fable, placed little emphasis on teaching the rules of law.

Clark explained the non-rule emphasis of Fritz's teaching by intimating it would be embarrassing for Fritz to try to teach the rules and then find he didn't know them and learning them would be "hard and boring" for Fritz.

On the other hand, Minerva is trying to gain acceptance among the faculty members. She feels she must act like an intellectual and talk about theory in order for the faculty to like her.

In closing, Clark issued a caveat to the audience of largely first-year students. "Maybe the interests of students and professors are different. Maybe there's a conflict . . . Don't trust us entirely, and I mean anybody, including me. You have to make up your own minds as to what's most important for the kind of life that you want to lead, and then go and get it."

Dershowitz immediately noted, "I disagree with just about everything . . . Professor Clark said," except for his advice not to trust the professors.

Dershowitz then posited his formulation of the question: "How do we educate law students in an age when you can expect that at least for the rest of this century the Supreme Court and the lower federal courts will be archenemies of civil rights, the Bill of Rights, civil liberties, and civil decencies?"

He questioned how Clark could seriously push for teaching "The Law" when "a bunch of mediocre lawyers in robes [were] changing

all that for a variety of political reasons . . . Practically everything I learned in law school about the things I cared about . . . has been turned topsy-turvy." He decried the fact that while formerly liberals called for judicial activism and conservatives for judicial restraint, the stances have been switched.

"If law school can teach you to do anything, it can teach you to think very broadly; to teach you how to affect legal/political processes; to help you understand that there is not much difference between legal and political processes; to teach you how to talk to people: juries and administrative agencies and legislatures."

Finally, Dershowitz urged students not to "accept the legal system for what it is: challenge it — learn how to use it." He added, "Don't assume that you must become a

(Continued on Page 19)



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Unfinished Business

Nineteen eighty four is the inaugural year of Harvard Law School's Human Rights Program. This program is both a revival and an institutionalization of the HLS tradition of leadership in this profoundly important field.

In the late 1950s Prof. Louis Sohn established himself as a pioneer in the field, offering the first law school course in human rights in this country. Prof. C. Clyde Ferguson advanced Harvard's tradition of leadership by offering his own course in human rights. With the exception of Ferguson's course, however, HLS' commitment to international human rights has lagged badly.

Almost exactly one year ago, in the last months before his death, Ferguson, with the assistance of both students and faculty, worked to implement a program dedicated to the completion of what he coined "mankind's unfinished business in the quest for peace." The program, and the fellowship to be funded in his honor, serve as a fitting and inspiring memorial to Ferguson's life and work.

It is particularly appropriate that this program was unveiled on the eve of a presidential contest between Ronald Reagan and Walter Mondale. Carter's Democratic administration installed as a cornerstone of American foreign policy the protection of human rights. Reagan's concern for "national security" as defined by his cold war vernacular, however, has resulted in the de-emphasis of human rights.

The Carter administration successfully embarked upon an attempt to dissociate the U.S. from a number of repressive regimes through limiting or curtailing American military and economic assistance. Pushing the protection of human rights to the forefront of American policy and backing it up by curtailing aid, forced these oppressive regimes to provide true protection rather than simply a rhetorical facade.

The Reagan administration's indifference to human rights on the heels of Carter's concern severely augments the importance of this addition to the options for HLS' students. Harvard's new program is a first step. It is a much needed addition to a curriculum which has traditionally neglected this area.



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Fenno

Fenno hurriedly crossed Mass. Ave. deep in thought and was not startled when a speeding cab screeched to a stop inches away.

"Get out of the way, you pencilneck geek," shouted the driver.

Had Fenno been attentive, he would have advised the driver how lucky he was not to have hit a Harvard Law School student who had aced Torts.

Fenno was frantic. He was late for registration. He had been a 3L for 21 years, long enough to acquire adverse possession of his carrel in the stacks of Langdell, and finally he was making some progress on his third-year paper, entitled *Critical Legal Studies: The Marx Brothers Attack the Citadel*. If he could just get some of those basic courses that were always oversubscribed, he could graduate and accept his long-standing offer at Dewey, Cheatem & Howe.

Fenno dashed up the steps and through the lobby door of Pound Hall. Instantly, he was confronted with a huge line streaming down the hall. Feeling that he would never get the courses he needed to graduate, Fenno planted himself at the end of the line.

To pass the time, Fenno started checking out the new faces in the line. The kid in front of him must have been a 1L; he was wearing a bow tie and a 100% polyester suit.

Overcome with the need to bestow his years of HLS wisdom and experience on this soon to be neurotic corporate tool, Fenno exclaimed, "I got a suit just like that one only in green. Did you get yours at Sims, too?"

"I don't know," the 1L responded, "my mom bought it for me."

"Gee, I didn't know 1Ls had to wait in line to register," remarked Fenno.

"Register? This is the line for the men's room. Registration for 2 and 3Ls is upstairs, you geek."

The situation upstairs at registration wasn't any more promising.

Finally, at 3:45 P.M. Fenno reached the registration table. He was handed a list of open courses. No Tax! No Corporations! No Evidence! The only open courses were 17 sections of Critical Legal Studies and commercial transactions.

"But I *need* these courses to graduate," he pleaded to the lady at the table.

"Well, you can put your name on the waiting list next Tuesday between 11:00 and 11:05 A.M. if you'd like," the lady said.

"You mean I pay \$16,000 a year, and I can't even take the *basic courses* I need to graduate?"

"Remember," she pointed out, "Your decision to come to *the* Law School was discretionary."

"Funny," Fenno grumbled, "that's what they told me at the Financial Aid Office when I asked why they cut my loans in half."





Letters to the Editor of the Record

To the Editor:

May 4, 1984

Dean Vorenberg's letter (inserted in last Thursday's Advisor) objecting to a student demonstration at last week's faculty meeting implies that the students at HLS have consented to the University's so-called "Statement of Rights and Responsibilities." I have skimmed this document, which I believe is reprinted in the HLS Course Catalog. However, I would never consent to such a document if I thought it made the student demonstration "illegal."

How can the Dean base his "deep regret" over this student action upon a document which many, if not most, students have never read and have never consented to?

Brian Wolfman, '83

To the Editor:

May 18, 1984

I note with concern that members of the faculty and students joined in condemning the current administration's efforts to deprive the International Court of Justice of jurisdiction over the United States in matters relating to Nicaragua; and that Professor Abram Chayes has appeared before the International Court of Justice on behalf of the government of Nicaragua. I assume that

Professor Chayes is being paid for his services. Although I personally agree with Nicaragua in this matter, I question the propriety of involving professors and students of Harvard in the legal dispute when a Harvard professor is acting as a private attorney for personal profit. This could be viewed as improper use of his Harvard professorship and contact in behalf of a fee paying client. The Harvard Law School should not permit itself to be used in this manner.

Joshua M. Twilley '53
Dover, Delaware

25 Years Ago At HLS

"Well, it's not the most interesting class we ever had," said Mrs. Edith Duehay Oliver, Admissions Secretary, "but you should have seen the ones we had to turn away."

From 1684 applicants for the class of 1962, 538 persons were selected. Last minute "no-shows" will probably reduce the class to around 532. A record number of women, twenty-one, have been admitted. There are 130 veterans. Of the 45 states represented, New York leads with 28.8% of the first-year student body. It is followed by Massachusetts 10.7%, New Jersey's 6.4%, California's 5.5%, and Ohio's 5.3%. Harvard leads the 122 colleges represented with 18.8%. Yale has 9%, Princeton 8.3%, Cornell 3.9%, and Columbia 3.4%.

The class has 515 persons with bachelor's degrees only; thirteen have master's degrees; and four have doctor's degrees, two of which are in medicine. There are four Fulbright scholars. Of four A.B.'s in jurisprudence from Oxford or Cambridge, two are Rhodes scholars.

Only ten entrants are known to be the sons or daughters of alumni. There are no

advance-standing transfer students in the second year class.

✽

Letters Policy

Although we do not usually respond to letters, or acknowledge their receipt, we strongly encourage our readers to write expressing their views. We print most of the letters we receive, subject to editorial discretion and space limitations. Short letters are the most likely to be printed, and we reserve the right to edit any letter we receive.

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.

Sports Answers

This week's sports quiz was prepared by Joe Brandolino, John Brandolino, and Dan Gerard.

1. Steve O'Neal of the New York Jets with a record of 98 yards.
2. Beattie Feathers gained 1004 yards in 1934 playing for the Chicago Bears.
3. Christian
4. George Halas was Papa Bear
- Byron White was Whizzer before he was Justice
- Carlton Gilchrist was Cookie
- Elroy Hirsh was Crazy Legs
5. The Los Angeles Rams. Rosie Greer, Merlin Olsen, Deacon Jones, and Diron Talbert.

World Court Grants Chayes,

(Continued from Page 1)

authorized a new CIA plan to expand the contra forces from 8,000 to between 12,000 and 15,000.

In addition, the Nicaraguan complaint asserts that the current administration seeks to destabilize the Nicaraguan Government and coerce the Government to adopt new domestic and foreign policies.

The World Court has granted Nicaragua's application for interim, provisional relief. According to Chayes, legal adviser to the State Department from 1961 to 1964, "such relief is similar to a temporary restraining order or injunction."

"It is important to note," Chayes explained, "that the Court will only grant such relief when it thinks there's a high probability that jurisdiction will be found. The Court in its order [for provisional relief], set down the jurisdictional issue as the next phase of the case."

The jurisdictional issue arose when, on April 8, 1984, the U.S. announced that it would not consent for two years to World Court jurisdiction over actions involving Central America. Three days later, the Sandinista government of Nicaragua filed its suit with the World Court. Citing the 1946 resolution by which the U.S. gave its general

consent to jurisdiction of the World Court, Chayes maintains that the World Court may hear the case.

The U.S. has expounded various justifications for the withdrawal of its consent to World Court jurisdiction. Among these justifications is the U.S. policy banning public discussion of intelligence operations and the fact that Nicaragua may use the Court as a propaganda forum to affect world public opinion.

On June 30, 1984, Nicaragua filed its 150 page memorial — a brief, in the parlance of the World Court — on the jurisdiction and admissibility issues. The U.S. answered with a 370 page memorial on August 17. "I thought that the Court would give us some time to respond but, in fact, what has happened is the Court set oral argument for October 4," remonstrated Chayes.

The World Court will reach the substantive issue of whether U.S. support for the contras is permissible under international law if it finds jurisdiction.

"On the merits," commented Chayes, "it is obvious that one defense for U.S. involvement will be that of 'collective self-defense' which, under Article 51 of the United Nations charter, concerns Nicaraguan support of subversive

activities in El Salvador. The U.S. government has in the past maintained that its recruitment and support of the contras is justified by the Sandinistas' direct support of the rebel forces in neighboring El Salvador.

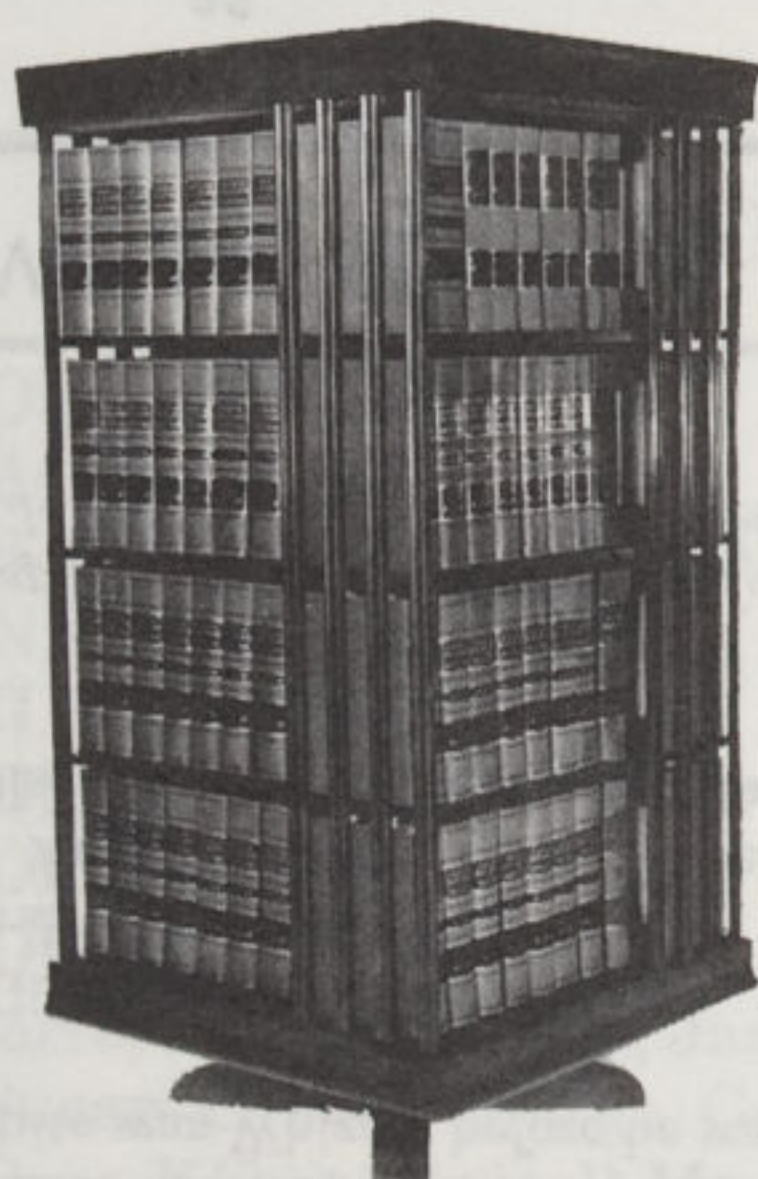
Enforcement

Even if the World Court reaches the merits of the suit and finds in favor of Nicaragua, the enforcement of such a decision is questionable.

"At this level, no court has the coercive authority to enforce its decisions," observed Chayes. "For example, the Supreme Court did not have coercive authority when it issued the subpoena against President Nixon."

"Ultimately, the effect of a decision rests on the authority of law in the system," Chayes explained. "In the U.S., law has a lot of authority in the system as was indicated by President Nixon's response to the Supreme Court. In large part, the power of a decision by the World Court depends on its ability to mobilize certain kinds of attitudes and responses."

Chayes feels that the U.S. will abide by the World Court's decision. "The U.S. submitted to the juris-



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Nicaragua Preliminary Relief

diction of the World Court, knowing that many other countries would not do so, first, because they [the U.S.] thought it would be a useful way of settling disputes, and secondly as a way to uphold the notion of the rule of law in world affairs."

No Change In U.S. Policy

The provisional measures granted by the World Court, have not led the current U.S. administration to change its policy concerning U.S. involvement in Nicaragua.

Chayes points out, however, that "the U.S. administration has not claimed it is not bound by the World Court's provisional order." He goes on to suggest that U.S. behavior has been that of compliance. "In fact, the provisional measures ordered that the U.S. stop mining and stop using illegal force against Nicaragua and the U.S. has complied, since the U.S. response has been that we are no longer mining and

we are not really using force *illegally* against Nicaragua."

"Moreover," added Chayes, "I have no doubt that the World Court order granting provisional relief had some affect on the Congress, which has for the first time refused to authorize funding for the contras."

"If you participate all the way through the jurisdictional phase as the U.S. has done," explained Chayes, "and the Court upholds jurisdiction, it is pretty hard to contest that outcome."

"I think the U.S. is caught and will have to litigate this controversy all the way through the merits," Chayes speculated. "If the U.S. appears on the merits, it seems very unlikely that it will not abide by the Court's decision."

"And even if the current administration were willing to say that the U.S. will not abide by the World Court's judgment," Chayes went on, "we must remember that the administration is not the whole of the

American government."

U.S. Domestic Politics

According to Chayes, "Nicaragua has no interest in using the World Court to influence U.S. domestic politics."

"However," warned Chayes, "if the current administration decides not to abide by the judgment of the World Court, that decision will become an important [domestic] political issue. Moreover, in the long run, I don't think that the U.S. can sustain a policy that the World Court has declared to be unlawful."

Does the World Court have authority over other superpowers? "The situation is different between the U.S. and the Soviet Union," responded Chayes. "We hold ourselves out to the World as law abiding and so we should live up to that standard. On the other hand, the Soviet Union has never accepted the jurisdiction of the Court."

"One of the interesting things about the World Court is that it is an *equalizer*," commented Chayes. "It is a forum in which a small country like Nicaragua can face a superpower like the U.S. and have the issues heard and decided in accordance with some more or less general norms where the disparity in power is not the only thing that counts."



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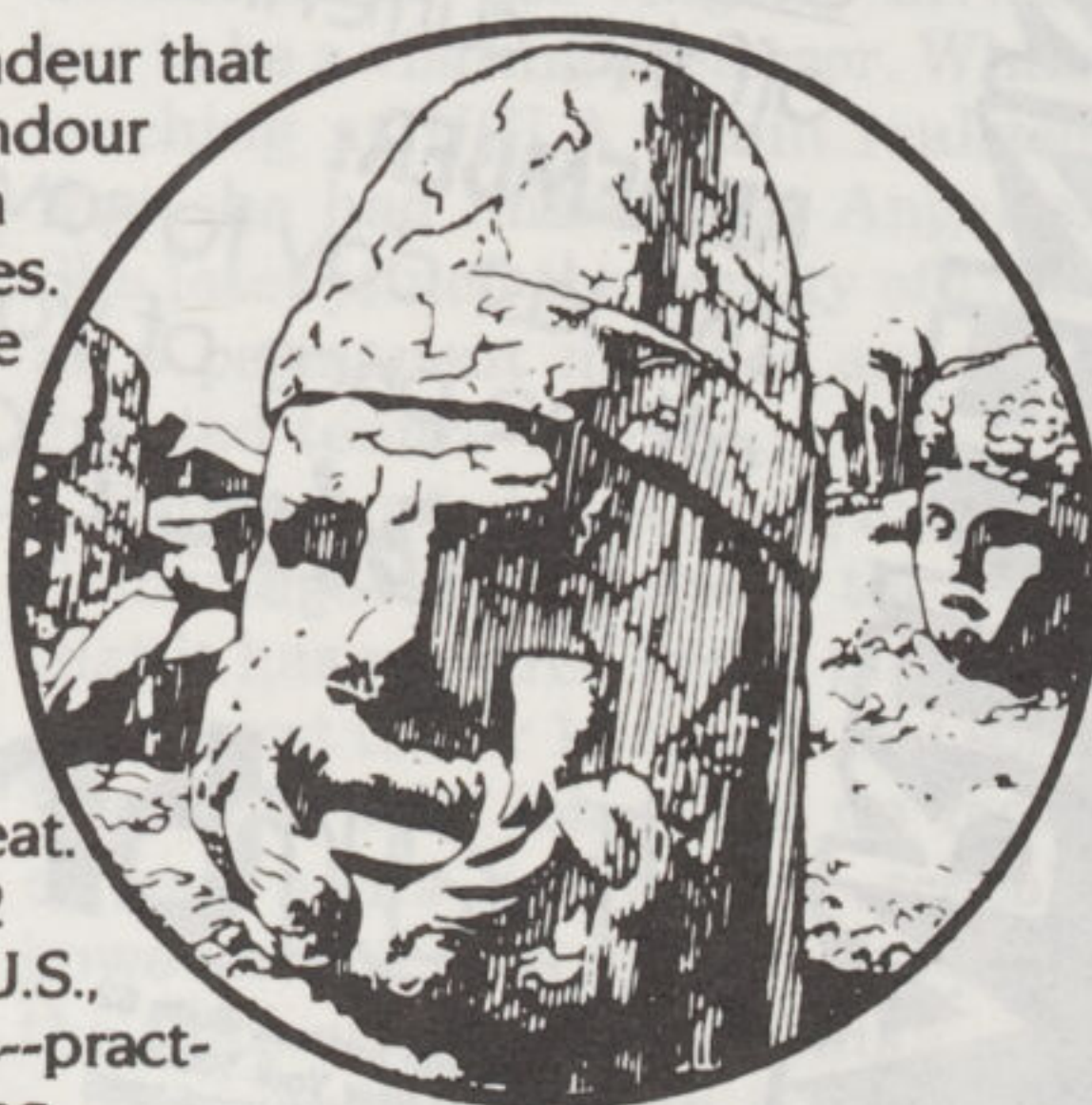
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Professors Visit the Law School

(Continued from Page 7)

When asked what advice he would give students interested in the study of international law, he said that students should look beyond the "technicalities of the law" and look at the attitudes of the people. As an example he cites the differences in the sanctity of contracts between the West and that of the Muslim World. He mentioned that the Muslims tend to be more "compassionate" in their application of contract law because of the principle of "in sha allah" (if God wills), whereby uncontrollable influences may cause the breach of a contract with neither party to blame.

Coulson has written several books on the commercial laws of Islam, including *Commercial Law in the Gulf States: Islamic Legal Tradition* where he develops the background of the Gulf peoples, their culture and its relationship to their laws. He will conclude his stay at Harvard this semester and return to the University of London to assume the honorary role of Dean of Faculties of Law.

Margaret Radin

Visiting Prof. Margaret Jane Radin came to her profession through a more unorthodox route than Mexico, she earned an A.B. degree in music from Stanford University in 1963.

She then attended Brandeis University on a Woodrow Wilson fellowship and earned a Masters in Fine Arts in 1965. But when she had almost completed her doctoral program in the history of music at the University of California at Berkley, she "just decided not to do it. Being a graduate student in the late '60s made you think that being a musicologist for the rest of your life wasn't quite the way you get a handle on the world."

Out of the doctoral program, Radin relied on her typing skills to obtain various administrative positions, first in the San Francisco area and later in Los Angeles.

Radin took an early job as a legal secretary. Later, while she was working as an administrator in a public interest law firm, her marriage ended in divorce. It was while Radin was preparing for divorce proceedings, that she decided to go to law school.

Radin said that while she was thinking about attending law school, she never thought about being an academic. "I thought, well, I'm tired of being in an administrative job and being asked if I can type, so I'll get credentials and then I can do what these guys do."

When the University of Southern California Law Center offered Radin a scholarship, she took it. At the time she reasoned that attending USC was best since it would not necessitate a move and since she probably would end up practicing law in California.

However, once she started USC, Radin relished the intellectual atmosphere and she realized that she wanted to be an academic. She accepted a job at the University of Oregon and started teaching there following receipt of her degree in 1976.

In her second year at Oregon, Radin published her first article. Subsequently, the University of California at Los Angeles invited her to be a visiting professor. While teaching at UCLA Radin realized that she had missed Los Angeles. She later joined the faculty of USC as a permanent member and was granted tenure in 1981.

Radin says she is enjoying her Cambridge stay, despite the fact that it has required her to play single parent to her 14-month-old son, Wayland. This job takes up most of her hours away from school, however, she does find time to play the flute and take long walks.

This semester Radin is teaching a small section of first-year Property. Next semester she will teach jurisprudence and a seminar on property theory.

Theodore Eisenberg

Visiting Prof. Theodore Eisenberg

comes to HLS from UCLA, where he taught from 1977-81, and Cornell University, where he is currently on leave. However, his entire career has not been spent in an ivory tower. He spent several years in private practice before becoming a full time academic.

Eisenberg is a graduate of Swarthmore College and of the University of Pennsylvania. After receiving his J.D. in 1972, he clerked in the District of Columbia circuit.

In 1973, after his clerkship, Eisenberg took the rather unusual position of clerk to retired Chief Justice Earl Warren. Since retired Justices are entitled to only one clerk, Eisenberg had the only such position with Warren at the time.

Eisenberg remembers that work with the retired Justice differed from the standard fare of Supreme Court clerks. He says he spent most of his time helping Warren produce his memoirs and occasionally assisted in the preparation of speeches and presentations.

From 1974 to 1977, Eisenberg was with the firm of Debevoise and Plimpton, practicing mainly in the corporate and tax areas. He maintained his interest in academic pursuits, however, and though the firm encouraged those interests, he found that the demands of private practice made it difficult for him to pursue the scholarly work he wanted to do. Despite those demands, however, he did manage to write one article while in practice.

Professor Eisenberg has been married for thirteen years. He has two young daughters; one is four years old and the other is five months old. So far, he says, "the people seem nice" at HLS, and he is enjoying his stay here. He also likes Cambridge, though he says it is very different from Ithaca.

This story was prepared by Russell Marsh, Sebastian Hoppe, Theodore Eisenberg, and Susan Smith with the assistance of Raoul Cantares and Justin Hughes.

Surrey, Renowned Scholar, Hailed By Peers

(Continued from Page 1)
in the Naval Reserve from 1944-46.

Surrey entered academics in 1947, came to Harvard in 1950, and was appointed Jeremiah Smith, Jr. Professor of Law in 1958.

In 1961, Surrey left HLS to take up perhaps his most influential post, as Assistant Secretary of the Treasury for Tax Policy under the Kennedy and Johnson administrations. He continued with the Treasury Department until 1969, when he returned to the Smith chair at the Law School. After his retirement

from Harvard in 1982, Prof. Surrey served as a visiting professor at Boston College Law School.

In addition, Surrey served as chief reporter to the American Law Institute's tax project from 1948 to 1961, and its supervisor from 1975 until his death. He was president of the National Tax Association from 1979-80, a consultant to the Treasury Department from 1977-81, and a fellow of the American Academy of Arts and Sciences. Surrey co-authored several books, including *Federal Income Taxation Cases and Materials*, *Pathways to*

Tax Reform, and *Federal Taxation, Wealth Transfers: Cases and Materials*.

Surrey attempted to do away with tax shelters and loopholes for the rich. He was well known as an advocate of fair and simple tax laws. His views caused some controversy; even after his return to Harvard, he criticized "special preferences granted to particular kinds of income" and "considerable tax inequities".

Professor Bernard Wolfman stated that Surrey was "the quintessential tax leader of the era", making unique contributions to the government in the tax field. According to Wolfman, Surrey demonstrated at the highest level that politics and the law are integrally interrelated. Wolfman was joined by Associate Dean Bernardi in characterizing Surrey as "tireless," "persistent," and "insightful."

He is survived by Dorothy Mooklar Walton Surrey of Cambridge, his wife of 46 years; Scott Stanley Surrey, also of Cambridge, his son, and a brother, Walter Sterling Surrey, of Washington.



Sullivan Highlights Students' Options

(Continued from Page 3)

instructed sections of classes on moral and political philosophy at Harvard College. She "loved the exchange of ideas" and looks forward to the "free-ranging intellectual freedom of teaching."

At Harvard she plans to pursue her main interests in constitutional law and local government law. She is also interested in criminal and civil rights law, particularly anti-discrimination law.

Sullivan will teach a course in federal litigation in the spring semester. She wants to show students that legal argument involves more than stacking precedent like "poker chips." Instead, she believes that an effective advocate must fully understand the "ideas and world view" underlying case law in order to creatively "exploit it or move beyond it." In doing so, she noted, despite a widely held belief to the contrary, there is little difference between theory and practice.

Other goals remain important to her as well. As a professor, Sullivan observed, she will not have the pressure of litigation deadlines to keep her from writing about ideas that "really interest" her. She also hopes "to increase the presence of women on the faculty." "Harvard is different from when I was a student," she noted. She attributes much of this difference to the ad-

dition of younger faculty members who contribute diversity.

Finally, Sullivan seeks to "embolden students" to the choices they have when they leave here. She noted that "there is a wide range of jobs involving creative litigation beyond big law firms." "Students," she emphasized, "should leave here feeling not crushed and not incompetent and defeated, but confident, able and incredibly free."



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Uses For Law: The Fable of Fritz and Minerva

(Continued from Page 11)

large-firm corporate lawyer. There's nothing wrong with that. If you choose to become a big-firm corporate lawyer, that's terrific — Some of my best friends are. . . . But if you . . . think that's the only alternative . . . then *we* have failed, and *you* have failed."

Parker sided with Dershowitz, also noting his disagreement with Clark. Pointing out that Dershowitz stressed changing choice in the law, Parker asserted that law is in our imagination and that each of us is torn by competing images. At the root of the law is moral and political

choice, which does not necessarily mean it is arbitrary. "Law is the practice of discourse in a particular legal culture at a particular time—like the twentieth century in the United States." He continued, "In order to use the law, it's not enough to know the rules and how to apply them. . . . The most important thing is to train yourself to use the law to sensitize yourself and to become fluent in the incoherence of our present legal culture."

Rounding out the presentation, Wiseman returned the discussion to the pragmatic approach forwarded by Clark. She focused on the first-year experience, recalling

that during her own first year she arrived with "a sense that you should put your self away somewhere . . . and leave there also everything that you have been and done before you got to law school, and that includes the values that you had when you got to law school. And that somehow in this magic surrounding, . . . the law, you're going to find a whole set of answers, and certainty."

Pointing out that this certainty does not arise from the study of law, Wiseman counselled those present to use the years after this discovery to challenge and explore all sides of the values they brought with them. At the same time, they should learn the lawyer's techniques — the skill of understanding a complex set of legal rules.

"I believe that in whatever setting you choose to practice, you will still be in a position to advance the values that you have come to hold. This is the time, unlike any time in your life, that you can spend an enormous amount of your attention on what those are and what they should be. Apply those years to investigate far and wide the possibilities of how you can use your legal training . . . Go out and look. Read. Interview. Act. Choose. Seek and ye shall find. Figure out what will give you a satisfying and sane life."

Computer to Control Asbestos

(Continued from Page 2)

in a location where the damage to the covering was likely (such as the laundry rooms) the asbestos was removed. This category included two ceilings made of sprayon asbestos in mechanical rooms. The school spent in excess of \$50,000 on these repairs.

Second, if the asbestos covering was in good shape but it needed repair and if it was in an infrequently used area, then the covering was repaired.

Finally if the asbestos covering

was in good shape and it was in an inaccessible area, nothing was done to it. The asbestos location was recorded for future reference.

DiBerardinis stated that all the survey information was logged into a computer along with a reinspection date based on the accessibility and current condition of the asbestos. At the appropriate time, the computer will automatically remind EHS to inspect those areas.

Paul Upson, assistant dean for finance and operations, commented that nothing really serious was found and no active hazards existed. He also stated that a great deal of asbestos is still used around the school to insulate steam piping, but mostly in nonaccessible areas. The use of asbestos is being phased out, but it will take many years because of the huge cost to replace all of it, Upson added.

Zalph and Friedman do not believe the job is finished. "We are pleased that the law school administration has acted over the summer, but the issue is not yet closed. There still should be a complete inspection by an outside professional with the results made available to the student body. This is so that we can be assured that the problem is really solved," Zalph said.

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Papa Bear	Byron White
Whizzer	Elroy Hirsh
Cookie	George Halas
Crazy Legs	Carlton Gilchrist
5. Who did the "fearsome foursome" play for? Who were they?

(Answers on Page 13)

1Ls Exhibit Varied Backgrounds

(Continued from Page 5)

Coughlin's Franciscan brothers have been "supportive." At Harvard, moreover, he feels "like any other student." His religious background, however, has already served him in good stead. In Criminal Law, Professor Richard Parker was discussing the priest-penitent relationship. Coughlin raised his hand and ventured that he might "know something about this subject." His classmates burst into laughter.

Up in the Air

Two weeks before graduating from Barnard in 1981 as a political science major, Lisa Kaplan, 1L, decided to audition as an aerialist with the Ringling Brothers, Barnum & Bailey Circus. Through her actress roommate's copy of *Backstage* magazine, she saw an ad for the audition. "Totally on a whim," she went. "It was not," she stressed, "a life-long desire. My grandfather took me to a circus when I was four years old, and I hated it because I thought the clowns were cruel." To her surprise, Ringling Brothers gave her an offer.

Kaplan accepted. "It was too great an adventure to pass up." In January 1982 she began a rigorous three-and-a-half week long Ringling Brothers training program in Venice, Florida. There, she learned how to dance in five production numbers and how to perform on the "web," an aerial extravaganza in which twenty-four women suspended high above the floor of the big tent performed synchronized gymnastics.

For the next nine months Kaplan toured with the circus on its southern swing. Ringling Brothers called her an aerialist, "but the bottom line was that I was a showgirl." Although she enjoyed the "challenge of aerial work — it was exciting and a source of pride," she thought that one of her dances, "a bump and grind to pseudo-African music," was the most humiliating thing in her life.

Nevertheless, she enjoyed much of her life in the circus. "In small towns," she explained, "the circus is still special and isn't greeted with cynicism. As someone from New York it was amazing to me. People would line the tracks as the three-quarters of a mile long Ringling Brothers train pulled into town."

The same routine day after day, however, began to bore Kaplan. She found herself at an intellectual standstill, unable to do enough outside of work. "The insularity," she noted, "became trying." The circus community had a rigid hierarchy based on star status and occupation. Women, moreover, were often abused.

Shortly after leaving the circus, in October 1982 Kaplan accepted an offer to work for the American Guild of Variety Artists (AGVA). For the past 20 years AGVA, a labor union, represented the employees of Ringling Brothers. At AGVA she joined the fight to stop a de-certification movement that would remove union representation of Ringling Brothers employees.

Kaplan followed around the circus and attempted to rally the workers. "It's not often," she said, "that you have the absolute conviction of believing in what you're doing and knowing you're right." She held meetings, wrote literature, and performed some legal work. Kaplan believes that the Ringling Brothers management engineered the decertification drive. "It bought off people with pay-offs," she explained, "and engaged in other unfair practices." More than once, she noted, "I was physically hurled from buildings."

Despite AGVA's efforts the employees voted to remove union representation. Kaplan left shortly thereafter in May 1983. Two months later, in July, she began working at the Screen Actor's Guild.

A Novel Guy

Larry Graham, 1L, has appeared on the *Donahue*, *Good Morning America*, and the *Today Show*.

People Magazine has profiled him; the *New York Times* has featured him in three articles. *People Magazine* and the august *New York Times* do not often write about the same people. Why the attention for someone who graduated from Princeton only a year ago in 1983? Graham has published seven books and sold three screenplays to ABC-TV.

Graham writes "how to" books: "how to do everything you can to be selected." He, in his own words, hopes "to corner the market on books teaching students to survive in the real world." He believes that the secret to his success is his ability to "understand the worries and main concerns of students nowadays."

Graham got his start during his freshman year at Princeton, when he decided to write a story on how to get into college. "The magazine couldn't pay much," he recalled, so he wrote an entire book and tried to get it published.

Armed with two rolls of dimes and his manuscript, Graham went to Manhattan and began calling publishers. Told that he needed an agent, he began calling agents by alphabetically going through the phone book. He finally found one that day named Susan Zeckendorf, whom he still retains. "It takes perseverance and a break," he concluded, "to get the opportunity to demonstrate talent."

With the advantage of his new found publicity Graham has begun writing screenplays for ABC-TV. Presently, he is revising a novel he wrote as a senior thesis at Princeton. So far Universal Studios and four publishers have expressed an interest in it. Graham described the novel as a "cross between *Catcher in the Rye* and *The Great Gatsby*." It concerns "the beautiful people and social climbers at a fictional college — young people with everything who aren't satisfied." Graham confessed that his novel contains a character patterned after Brooke Shields.

HLS Participates in New Loan Program

(Continued from Page 6)

sence or pursue four-year joint degree programs will be required to make principal and interest payments. According to Raphael, this is because the money comes from bonds. She said, "We have a responsibility to bondholders, so we

can't let people just keep deferring."

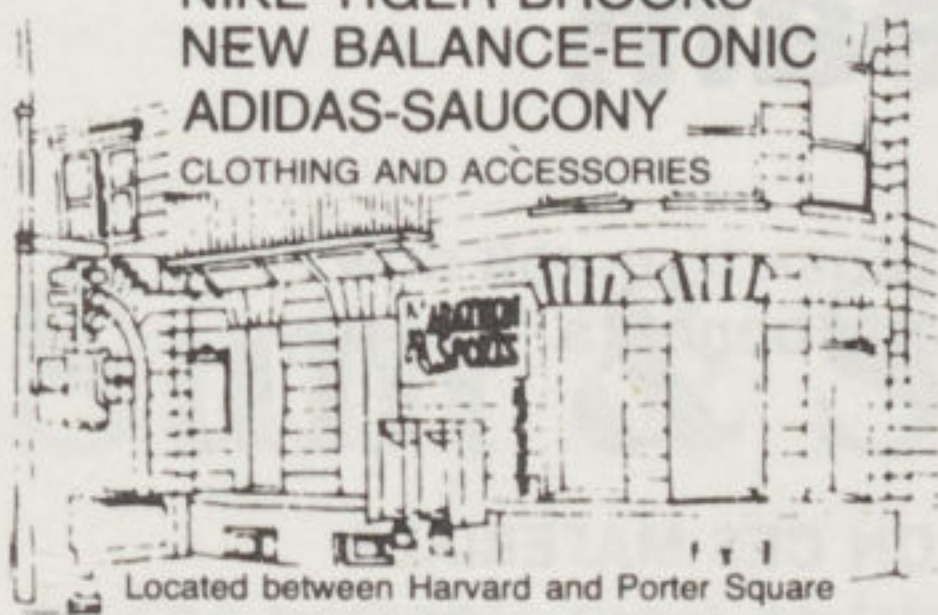
A more benign idiosyncrasy of the program is that instead of deducting the "origination fee" from the original loan amount, as is done with a GSL, the MCSLA adds the originating fee to the loan amount. In effect, the student gets the entire amount of the loan requested, but a 6.5% origination fee is added to the ultimate principal, under

MCSLA. If a student requests seven receive \$7,000, but the total principal owed will be almost \$7,500. Under the GSL, a student requesting a \$5,000 loan would only receive approximately \$4,650 after the lending institution has deducted its fee. This difference, according to Joan Donahue, assistant director of financial aid, means, "students get what they really applied for."

A final particular of the program is one that may raise most students' eyebrows: a thirty dollar fee is required with each application and the fee is not refunded, even if the application is turned down. Johnson explained that this fee was needed for administration of the loan program and that it makes a quick "turnaround" in applications possible. MCLSA loan applications are generally processed in two weeks, while GSL or PLUS applications can take four to six weeks.

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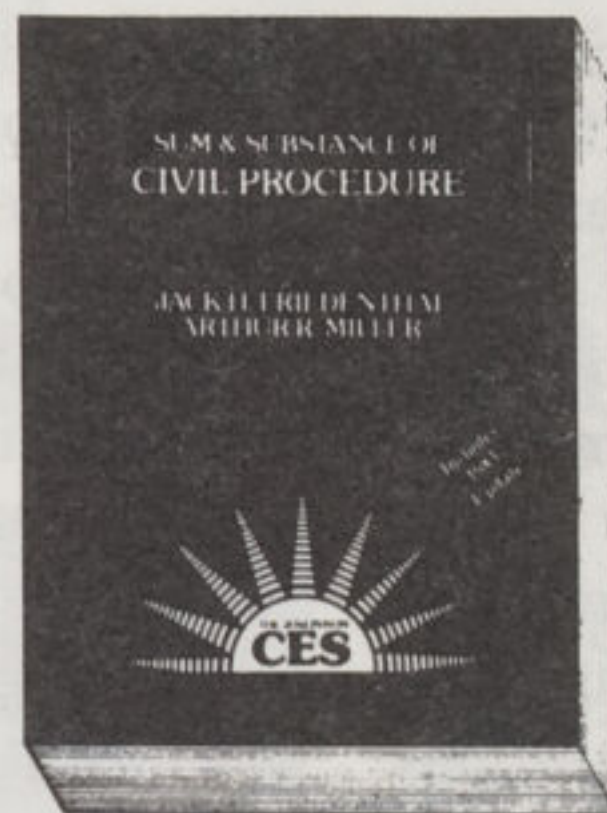
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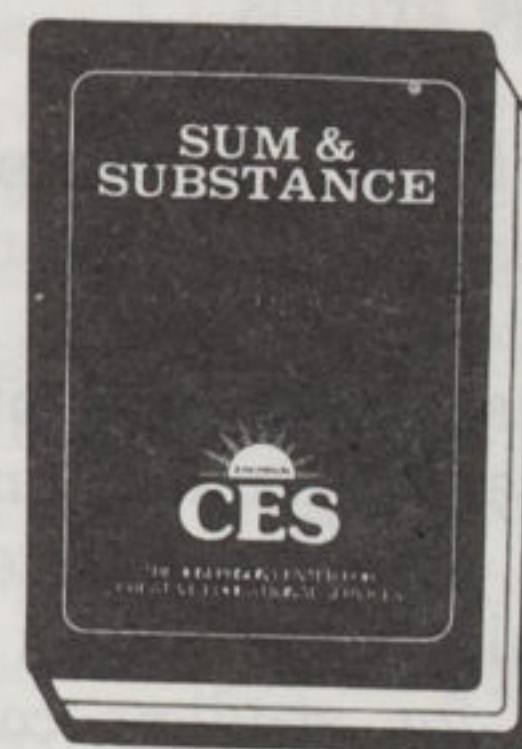
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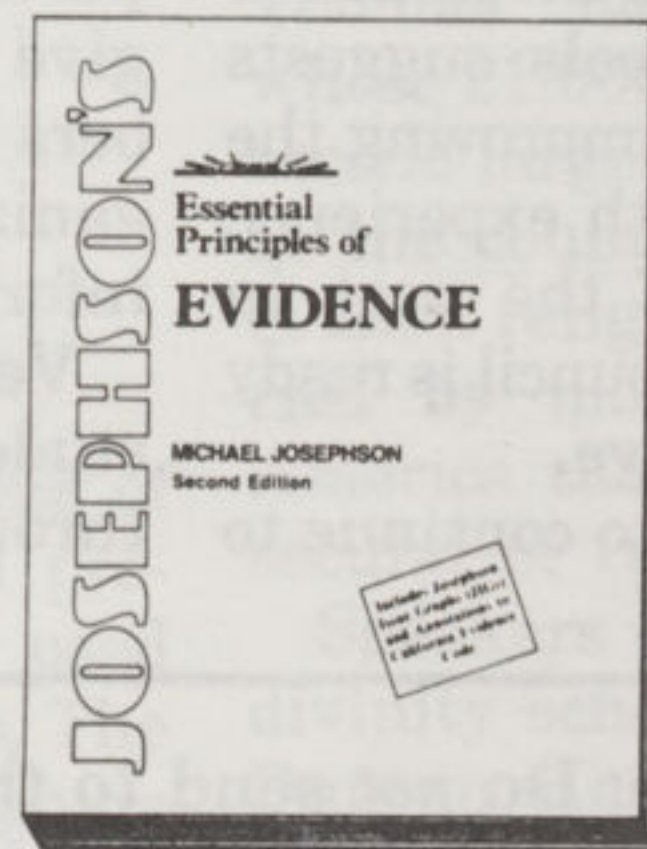
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LSC Hopes For Better Future

(Continued from Page 10)

per week for students.

LSC President Eddie Vela noted that many of these student concerns, combined with the large size of law school classes, contribute to what he called feelings of alienation in upperclass students or the "2L-3L slump". Members of the LSC say they hope to help to alleviate this problem by addressing underlying student concerns.

In offering an example of some of the problems which concern LSC, Vela claimed that the lack of minority and women professors at HLS results in a homogeneous curriculum and a disproportionate emphasis on corporate-oriented courses. He argues that a need exists for expression, in both traditional and alternative courses, of the perspectives of diverse groups.

"The key," says Vela, "is perspective and difference in viewpoint, offering different ways of presenting [ideas] to students."

Although last year's attempts by the LSC to place a student on the faculty hiring committee were unsuccessful, Vela is optimistic that other options for student contribution to faculty selection will be favorably considered by the faculty.

He noted that an LSC survey of similar types of student involvement at other leading schools suggests means of moderately improving the situation at HLS. With experience and the mistakes of the past in mind, Vela feels the Council is ready to pursue this objective.

The Council plans to continue to

work with the Legal Education Committee and to play a significant role in addressing such matters as evaluation of the first year curriculum, experimental sections, feedback, and class sizes.

The Council will also continue to explore other methods of insulating career decisions from the pressures of burdensome financial aid policies. It has worked with the Financial Aid Office in efforts to revise the current low-income protection program which offers students who take relatively low-paying jobs upon graduation relief in the form of reduced loan payment or extended schedules.

As arbiter of student disputes, the LSC views its role as one of protecting the interest of the student body as a whole. It takes an active role in mediating disputes only if such interests are clearly jeopardized. Council members are especially interested in working with other organizations on campus to build a sense of cohesiveness which they feel is lacking in extra-curricular activities.

Vela said that LSC is also planning a newsletter to be published twice each semester, to enable the LSC to let students know of Council and Committee meetings. The Council is also in the process of purchasing a computer which will give Council and Committee members better access to tools for organizing proposals and conveying information to the student body.

Vela encourages all interested students to actively contribute, through the LSC, to making their

legal education a more positive experience. Any student ideas are welcome. Students are urged to contact their Council representatives or any committee representative.

Students are sought for help on specific projects presently being conducted. Vela also expressed the desire for increased student participation through ad hoc student committees and smaller groups to discuss specific issues.

After a recent meeting of the LSC with Dean Vorenberg and Dean of Students Mary Upton, Vela noted a healthy attitude of cooperation from all participants. He also sensed a recognition by the dean of the Council's serious intention to follow up on exploration and change in areas of student concern.

LSC's battles have not, however, been without challenge. Some faculty members have expressed concern about the LSC's ability to effectively represent the diverse interests of the student body. Indeed, the LSC has yet to solidify its status among the student body as the political representatives of student interests. Some students have expressed disagreement with some of the causes the LSC has attempted to embrace.

Yet, these problems do not seem to dampen the Council's efforts. And Vela says that he believes, that as a result of the increased visibility and quality of work produced by the LSC, many faculty members are realizing that the Council can be an effective voice for student concern.

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