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25 CENTS

Dershowitz Derides Redgrave, PLO

By Joe Brandolino

In the midst of actress Vanessa Redgrave's highly publicized \$5 million breach of contract/civil rights suit against the Boston Symphony Orchestra [BSO], at least one voice at HLS has articulated a different perspective on Redgrave's plight. Ironically, the voice charging Redgrave with hypocrisy is that of Prof. Alan Dershowitz, a noted civil libertarian and defender of First Amendment rights.

In a pending federal trial, Redgrave is suing the BSO for breach of a \$31,000 contract to narrate Igor Stravinsky's "Oedipus Rex" for six performances at the BSO in April 1982 and at Tanglewood the following summer. Redgrave openly and actively supports the Palestine Liberation Organization [PLO].

The BSO allegedly cancelled the performances following pressure from anti-PLO contributors to the Symphony. Redgrave claims the cancellation was tantamount to firing her for her political beliefs, and thus, that the action violated her civil rights. The cancellation, she also contends, caused her to be subjected to blacklisting and resulted in damage to her career.

Redgrave's claims of blacklisting have apparently raised fears of the return of McCarthyism. Supporters of her position held fundraisers at the Boston Shakespeare Company on October 21st and 22nd the pro-

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Last week, students gathered at Central American Educational Forum.

Pendleton Pans Civil Rights Policies

By Janine Dlutowski

Clarence M. Pendleton, Sr., Chair of the U.S. Commission on Civil Rights, presented a controversial view of changes in civil rights over the last twenty years when he spoke on Oct. 18. Pendleton appeared as a guest of the Harvard Law School Forum.

Arguing that civil rights are individual rights, Pendleton strongly criticized policies of group preference as unacceptable remedies for discrimination.

Educated at Howard University, Pendleton has devoted much of his career to addressing the problems of urban areas, on both federal and local levels, in Baltimore and San Diego. A liberal Democrat when he moved to the West Coast, Pendleton became a Republican while working with the Model Cities Department and the Urban League of San Diego.

In 1982, President Reagan appointed Pendleton to the Civil

Rights Commission. Much of the Commission's work has focused on reassessing the status of civil rights today in the context of America's history of discrimination.

"From the birth of this nation, discrimination on account of race has always stained the fabric of American law," Pendleton told his audience. He then declared, however, that both the Constitution and the Civil Rights Acts prohibit preferential measures, including affirmative action.

Pendleton described the 1957 and subsequent Civil Rights Acts as responses to "judicial insistence on race neutrality." He insisted that the legislative intent of those enactments was "color-blindness," a concept which Pendleton argues cannot support "race-conscious preferences."

Supporting his position on legislative intent, Pendleton pointed

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WLA Finds Firms Unresponsive

By Steve Chaiken

As a result of a survey designed by the Women's Law Association, students can begin to obtain a clearer image of their prospective employers. According to Chai Feldblum, 3L, president of WLA, the survey also alerts firms that issues such as employment history, part-time employment, maternity and paternity leave are important to potential employees.

Phil Heymann, chairman for the Committee on Legal Profession, suggested to Feldblum last spring the usefulness of a directory that women could consult when thinking about summer or permanent jobs. Feldblum worked with Page Mailliard, 2L, to construct a questionnaire from which both women and men could profit.

The questionnaire, sent to approximately 1500 private firms and 1500 public interest groups, requested precise information about respondents' attitudes and policies on "employee welfare" matters.

For example, firms as a matter of course declare the number of male and female attorneys they employ. The WLA survey goes one step further, and asks for the turnover rate of employees, to give students an idea as to how effective an employer is at retaining its workers.

The survey also asks about maternity and paternity leaves, child care programs, flex-time and sabbatical policies, and policies regarding part-time work. The feeling by many young lawyers that there exist other interests in life besides a legal practice — like having children, for instance — fueled these sections of the survey, which attempt to ascertain whether a formal policy has been developed in each area and, if one has, what its terms are, and how has it been used.

In the area of maternity and paternity leaves, for example, the survey asks whether an employer has a written policy on such leaves and the terms of any such policy. In addition, firms are requested to note the maximum period of paid and unpaid leave permitted, as well

as the extent to which such leaves have been utilized by male and female attorneys over the last three years.

As Feldblum explained, firms typically decide these sorts of questions on an "ad-hoc, case-by-case basis." She also noted that "the survey gives firms an incentive to figure out their policy on the matter." Feldblum stressed that men, too, have a stake; as male attorneys desire to play a more active role in raising their children, the consciousness of employers must be raised to meet this demand through paternity leaves.

Feldblum and Mailliard see the aim of the questionnaire as threefold. They want to go beyond the sometimes superficial and inconclusive data provided by employers in order to benefit interested stu-

dents; to inform firms of the significance HLS students attach to these issues; and to prompt firms to establish policy groups if they do not yet have more than an ad hoc procedural system for deciding these questions.

Of the 1500 law firms that recruit at Harvard annually, only 70 have completed and returned the survey so far. About 60 percent of non-respondants contacted claim to have either lost the survey — sent with the rest of their recruitment information — or never to have received it. A number of firms explained that once the initial deadline passed, they did not think their response would be accepted. As a result, Mailliard sent the survey again to 250 firms on a random basis. They have been given until November 30 to complete it. ✽

Democrats Acclaim Hart in Support for Mondale

By David Zensky

Approximately 2000 supporters of presidential candidate Walter Mondale gathered near the Kennedy School on Sunday, Oct. 21 to hear speeches by Senator Gary Hart (D-Colo.) and Massachusetts Lieutenant Governor and senatorial candidate John Kerry. The program also included speeches by two HLS students, Mary Lynch, 3L, and Maurice Kane, Jr., 2L.

Lynch's speech focused on education and equal rights for minorities and women. Lynch termed the Mondale-Ferraro team, "the only ticket which recognizes that prosperity does not come at the expense of fairness." She termed the prospect of Reagan's re-election "terrifying."

Kane spoke about foreign policy, including the arms race and United States relations with Third World governments. His message echoed banners held by rally participants which read "Negotiate, not Assassinate."

In reference to Reagan, Kane said, "There is nothing worse than ig-

norance in action."

Kane termed Reagan's vision of the world a fantasy and urged people to choose Mondale because, "His issues are our issues." At the height of his rhetoric, Kane said, "A vote for Reaganism is a vote for Satanism."

Kerry emphasized this attitude toward Reagan by saying, "This President has succeeded in making selfishness fashionable."

After a warm welcome, Senator Hart began his speech joking, "Welcome, fellow yuppies," and asked the audience to join him "in sending Ronald Reagan back to his ranch for good."

Hart described the Reagan campaign as cynical, saying it works on the assumption that voters care more about their own pocketbooks than issues of peace and social justice.

Hart disagreed with that assumption and said he believed most Americans are fundamentally idealistic. The election, he concluded, will be a referendum on the character of the American people. ✽

Wapner: Court Costs Burden Middle Class

By Miguel Rodriguez

On October 25, before an enthusiastic crowd in Ames Courtroom, Judge Joseph A. Wapner spoke about the pressures imposed on the middle class by legal costs. Wapner, a graduate of the University of Southern California Law School, has sat on the Small Claims, Municipal and Superior Courts of Los Angeles. Since his retirement in 1980 he has presided on television's popular *People's Court*.

The People's Court is a televised forum for small claims cases which would otherwise be tried in court in the Los Angeles area. Currently in its fourth season, *The People's Court* is shown on 180 stations in the United States as well as on stations in more than 20 other countries.

According to Wapner, "the very poor are eligible for legal services . . . and the very rich can afford the best lawyers. However," Wapner further explained, "there is one [group] that has been discriminated against, and it is [those in] the great middle classes. They are the ones who have the cases in court that range between \$15,000 and \$50,000."

Wapner asserted that the legal process imposes unfair legal costs on the middle class. In particular, he argued that "discovery, with its endless pages of interrogatories . . . depositions . . . and . . . time consuming motions, which are deemed necessary by lawyers because lawyers represent the interests of their clients . . . makes litigation almost unaffordable for the middle class."

"By the time you send out the interrogatories, answer them and respond to all the other motions, you could be *papered to death*," opined Wapner.

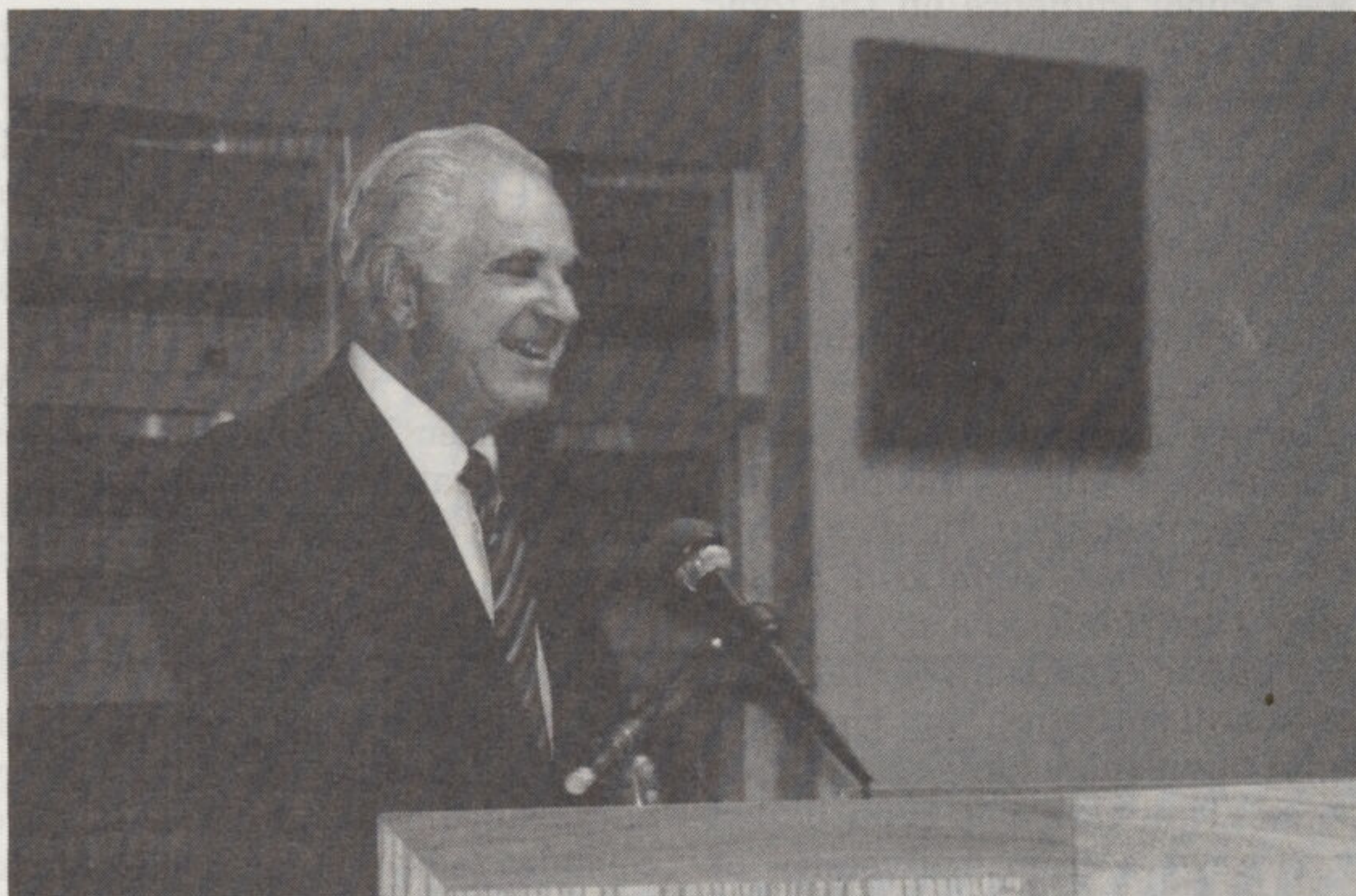
The discovery process operates best for complex cases where a great deal of digging must be done to unravel the core issues. In this regard, Wapner joins many legal theorists who contend that a more simple, expedient process is needed.

"Those of us in the legal profes-

whether we go far enough with these methods and [whether] we are helping enough people."

Moreover, Wapner said that the practical effects of ADRM are to relieve court congestion, to improve access to the courts and to strengthen the existing legal process.

The People's Court also simplifies the resolution of conflict and controversy. Said Wapner, "*The People's Court* is a small claims court



Judge Joseph A. Wapner greets a receptive Harvard Law Forum crowd.

sion who are looking for justice for all people are looking to you, in the prestigious law schools, for ideas — for some initiative and innovation to dispose of controversy and conflict in a simple way," Wapner declared.

Second Class Justice

Wapner cited the Alternative Dispute Resolution Mechanism (ADRM) and other similar programs as examples of recent attempts to simplify the legal process. ADRM's goal is to help people resolve their disputes with as little involvement with the formal legal system as possible. The problem with ADRM, however, is the notion that it creates "second class justice."

"In developing ADRM," expounded Wapner, "we've used mediation, conciliation and arbitration. But, the question remains as to

though I try it as an arbitration because the litigants agree to be bound by my decision and there is no appeal."

Wapner went on to praise the California small claims court statute which provides for equitable relief whereby a litigant can get rescission, restitution, reformation and specific performance.

"Public opinion is against the complexity of court proceedings. It is against the rules and the formality," exclaimed Wapner. "If the rule of law is to be respected, the average citizen must be provided with a means to enforce his or her rights."

Wapner concluded by suggesting that programs like ADRM be refined and expanded to accommodate more complex cases. This he argued would help to relieve the pressing legal costs upon the middle classes. ❧

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SLPP Guest Assaults War on Poverty

By Miguel Rodriguez

While the Presidential candidates ask us whether we are better off now than we were four years ago, social scientists like Charles Murray ask whether the social programs and reforms of the Great Society and War on Poverty have left minorities and the poor better off than they were twenty years ago.

On Thursday, October 24, Murray spoke before a receptive Harvard Law School audience on the topic "Who's the Fairest of Them All?: Towards a Conservative Social Policy." The discussion, sponsored by the Harvard Society for Law and Public Policy, also featured William Kristol, Assistant Prof. of Public Policy at the Kennedy School of Government.

Murray, a senior research fellow at the Manhattan Institute for Policy Research, described his new book, *Losing Ground: American Social Policy 1950-1980*, as a study based on "neither conservative statistics nor liberal statistics," but on meaningful evidence universally accepted. The work has been hailed by reviewers from University of Chicago sociologist James Coleman to the *Wall Street Journal*, which called it "a great book."

Based on the evidence presented in his book, Murray concludes that the social policies of the past twenty years have not only failed to help poor and black Americans, but have actually hurt them. Murray contends that the failure of social reform could be seen in such areas as poverty, unemployment, labor force participation, family structure, crime and education.

Lying behind poverty, Murray claimed, is the anomalous behavior

of young, poor males, both black and white.

Murray traced the policies back to the period of intense reform from 1964 through 1967, when the government, "changed the rules of the game." "Social policy," Murray argued, "made it rational to behave in the short run in ways that were extremely destructive in the long run."

Altered Incentives

For example, Murray asserted that the necessity for youths between the ages of 17 and 21 to work was all but eliminated by welfare programs. At the same time, said Murray, the decline in the work ethic and employment experience of the young was exacerbated by altered incentives and disincentives in the educational substructure that made leaving high school more attractive.

According to Murray, the policies tended to shift blame to society for personal shortcomings while lessening the prestige of the previously encouraged work ethic. What we consider to be menial labor, argued Murray, is viewed with as much pride and personal satisfaction by poorer workers as higher-paying jobs are by the middle class. "Status rewards in poor neighborhoods are as highly structured as in New York's wealthier areas. When they are changed, behavior should be expected to change as well."

As a beginning to reform, Murray suggested three basic rules. First, policy makers must be careful not "to rob Peter to pay Paul, to save some poor while shifting the cost to others." As an example of this pattern, Murray pointed out that

deinstitutionalization of juvenile offenders, intended to help poor delinquents avoid becoming hardened criminals, only put dangerous offenders back on the street.

"The price was not paid by the middle class," Murray said. "The people making these decisions did not live in the same neighborhoods as the juvenile delinquents. The ones who paid were the law-abiding poor, the old ladies robbed on the way to the store."

Murray argued that in the area of education the abolition of "tracking" programs for able students — which tended to have proportionately fewer poor children — only cheated the children of the hard-working poor for whom a quality public education was the main hope of economic and social advancement.

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Program Explores Problems of Indigence

By George Golder

"Harvard Law Students," said Dan Williams, 2L, would do themselves a great service "if they would take a walk through Harlem." Williams and several other HLS students involved with a loosely-knit, ad hoc coalition known as the "Poverty Program" have worked to provide such a walk for people in the law school community. Through several presentations in recent weeks and several more that are upcoming, the Poverty Program is designed to provide a picture of poverty in America and the ways in which lawyers can and do get involved to alleviate some of its worst effects.

Kim Wynn, 3L, explained the importance of the Poverty Program by citing the dissenting opinion of Justice Thurgood Marshall in *U.S. v. Kras*, 409 U.S. 434, 460. Marshall stated, "It is perfectly proper for judges to disagree about what the Constitution requires. But it is disgraceful for an interpretation of the Constitution to be premised upon unfounded assumptions about how poor people live."

Wynn said that the same principle applies to "law professors deciding how to teach and law students deciding what to do with their lives."

Two weeks ago the Poverty Program presented *American Pictures*, a visual presentation of poverty in the United States. Last week it hosted two discussions concerning "Options in Poverty Law Practice." Students also presented a conference on the impact of poverty on women, entitled, "Women of Color and the Feminization of Poverty."

The first event sponsored by the Poverty Program was the presentation of *American Pictures*. Williams explained that *American Pictures* was the product of photographs taken by a Dane named Jacob Holdt. Holdt originally had no idea of producing a photographic chronicle of poverty in the U.S. But as he traveled across the country he was struck by the contrast between the ideals of the United

States and the reality of an egalitarian society in which large numbers of people suffer through life in abject misery. To illustrate that contrast Holdt began to take pictures of the poverty he found. Five years and 15,000 photographs later he distilled them into a presentation which he himself narrates.

Williams said that *American Pictures* was well received and was held over for three extra showings. However, he noted that the response to it was more favorable among students at Harvard College than at HLS. He attributed this to his belief that Holdt criticizes the traditional "liberal" approach to poverty, including the pro bono work for the poor done by some lawyers. In essence, the documentary suggests that the "liberal" approach does not far enough in serving the poor but instead gives them only enough to survive and remain silent.

American Pictures will be back at Harvard for another presentation on November 10.

"Options in Poverty Law Practice," the second of the Poverty Program's presentations, was held last week. It presented two discussions of ways in which lawyers have involved themselves in the fight against poverty.

On Wednesday, October 24, Donald Anderson, founder of the National Association for the Southern Poor (NASP), spoke about the possibility of preventing poverty and about the work his group has done toward that end.

On the issue of how to reduce or prevent poverty in the future, Anderson asserted that the solution does not lie in the redistribution of "old wealth." Rather, an "enlightened anti-poverty policy would put everyone in an equal place to share

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HLS Hosts Reunions

By W. Burlette Carter

More than 800 Harvard Law School graduates from the classes of '29, '39, '54, '64, '69 and '79 met for reunion here on October 26, 27 and 29. The event is one of two "combined reunions" which occur at HLS each year.

The reunion program provided opportunities for graduates to attend Friday classes and to engage in discussions about the law school and the legal profession. Among the topics of organized panel discussions were developments in the legal profession, law school admissions, the School's new Program on International Human Rights, clinical education and the School's Program on the Legal Profession.

On Saturday, Prof. Charles Nesson moderated a discussion on "Law Schools and Law Firms: Suppose You Were In Charge."

That discussion was followed by the dean's address to all reunion classes.

Before heading home, all classes met on Sunday morning for a buffet breakfast in the John Chipman Gray and Ropes Gray rooms.

In addition to opportunities to meet with other classes, the program also provided for individual class meetings.

Combined reunions are a recent phenomenon at HLS. Before they were instituted, classes reunited separately in their designated reunion years. Now, five or six classes reunite at a time during two reunion weekends.

These fall and spring events provide graduates with opportunities to reaffirm ties with their own classmates and to establish new ones with graduates of other years.

Archbishop Blasts Racial Violence

By Vincent Chang

Archbishop Bernard Law of the Boston Archdiocese spoke out on the issue of racism and racially motivated violence when he appeared on Oct. 17 as a guest of the Racially Motivated Violence Project (RMVP). The Project, which is an arm of the Harvard Law School Center for Criminal Justice, is sponsoring a series of speakers on the subject of racially motivated violence and its solutions.

The visit was the Archbishop's first speaking appearance at Harvard. Also, according to Muhammed Kenyatta, '84, an organizer of the event, "the event was the Archbishop's first public forum explicitly on the question of racial violence" since his arrival in Boston.

Condemning racial violence as a "sin, a denial of God's order," the Archbishop called for the Catholic Church to extend its unique role in fighting racism: "I pray, preach and teach racism as a sin. With this principle nobody within the sound of my voice who professes to be Catholic can disagree. That is Catholic teaching, certain, non-negotiable."

But the Archbishop emphasized to his audience of about 50 that the Church's role must necessarily differ from the role of government or legal institutions. "The particular job of the Church which makes it distinct from law and the state is the goal of conversion, a change of heart, a change of attitude," the Archbishop explained.

To this end, the Archbishop has attempted to push the Church into the forefront of the fight against racism. Characterizing his experiences as a case study of the Church's potential for distinctive involvement on civil rights issues, the Archbishop spent most of his speech discussing his work against racism and the development of his "awakening consciousness of racism" over the last twenty-five years.

Archbishop Law's civil rights involvement began in the early 1960s with his work with the Jackson, Mississippi diocese.

During this period, he edited the *Mississippi Register*, the publication of the Mississippi Catholic diocese. He told his audience that the publication articulated a strong civil rights stance.

In addition, he assisted in the Mississippi diocese's efforts to provide schooling and jobs programs for needy individuals from minority groups. Quoting from the *Boston Globe* in his introduction of the Archbishop, Dean James Vorenberg called Law "a voice of courage in Mississippi in those difficult times."

The Archbishop described the "depth of racial fear" present in Mississippi two decades ago. He stressed that "the millenium has still not occurred," even though "the state has come a long way since 1961."

According to the Archbishop, the Catholic Church, which constituted only 2% of the Mississippi population, often was forced to stand alone on racial issues. He pointed to the hierarchical structure of the church as one reason the church leadership could attack racism effectively. "Unlike Protestant ministers, we never could be voted out. The support of the Bishop was clear, so the hierarchical structure gave us freedom that our white counterparts in Protestant churches did not have," the Archbishop explained.

Back to Boston

Thirty years after graduating from Harvard College in 1953, Law returned to Boston in March, 1984 to become archbishop of the 2 mil-

lion Catholics and 412 parishes in the Boston area.

The Archbishop said that he continues his activities in support of civil rights. On an ongoing basis, he oversees the Boston Catholic school system's efforts to provide services to minority students. "In this archdiocese, significant amounts of funds are devoted to inner city schools, often with significant populations of non-Catholic minority students, to offer assistance, cooperation, and ideas."

The Archbishop has also been involved in finding solutions to outbreaks of racially motivated violence in the Boston area, most notably the racial strife in Lawrence this summer. "The pastors of Lawrence joined forces with other leaders of the community to build some structure, accountability, [a] movement to meet the aspirations of the Hispanic community, to secure funds for projects needed in the community."

Law himself worked on the scene with Lawrence's ministry and described the post-riot situation as "uplifting." According to the Archbishop, after the riot Lawrence was "thirsting for a manifestation of unity." He added that "The reconciliation showed another face of Lawrence that needed to be seen."

Law remarked that "the adrenaline still flows, as I still feel the Church's role is distinct." He added that over-politicization of the Church's activities could only "al-

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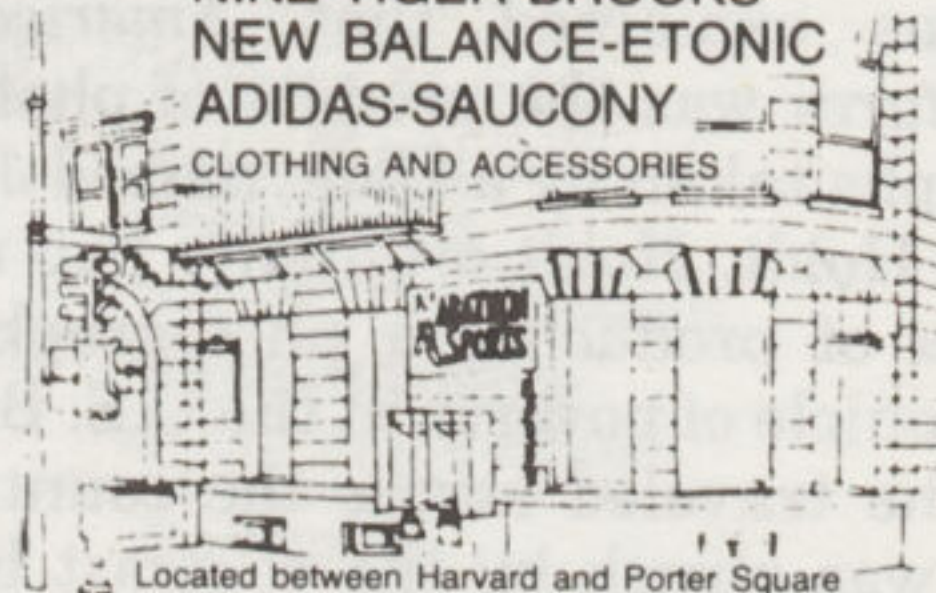
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Library Problems Focus of Space Probe

By Greg Klima

Recent reassignment of office space at the Law School has caused confusion among students, faculty and staff. Some faculty moved into the old Board of Student Advisors office, the BSA changed its site to the Langdell basement and the administration expanded into the Ukrainian Research Center and the first floor of Holmes.

According to Dean James Vorenberg, the administration's concern with space was stimulated by the 100th anniversary of Austin Hall last year. The Law School began a capital drive to raise money for improvements to and restoration of the Hall.

Included in the work to be done on Austin were cleaning and restoring the building's facade, installing an elevator for the handicapped, renovating Austin West (including improvement of the acoustics, ventilation and lighting) and completely rebuilding Austin East.

This rebuilding will reshape the classroom on the model of those in Pound Hall — a horseshoe shape which brings the students closer to the professor. The change classroom space will result in a drop in its capacity from 175 people to 140.

While renovation was underway,

the administration was also interested in completely rebuilding Austin West. They had to stop and contemplate whether HLS would be able to do without two very large classrooms in the future.

Since this space problem was brought up, the administration decided it was time to look at related space issues. Among the most important and pressing space issues was what to do about the Langdell Library. The library has experienced problems for some time.

According to Head Librarian Harry Martin three main problems exist with Langdell. First, over 40% of the library's collection is in storage.

Second, the quality of this storage space is quite poor. Many books have been damaged by pipes bursting in the storage area.

Finally, many users view the library awkward and uncomfortable. It is not air conditioned, almost all of the studying space is in the usually noisy Reading Room, lighting and the unusual layout of the stacks make movement in those areas difficult.

In addressing Langdell's problems, the administration asked the architectural firm working on Austin Hall to develop some alternative measures to solve the library's

problems. The firm developed ideas ranging from renovating just a small area of Langdell to building a complete new library. None of these ideas has yet been adopted because the administration is just beginning to take a hard look at what is needed.

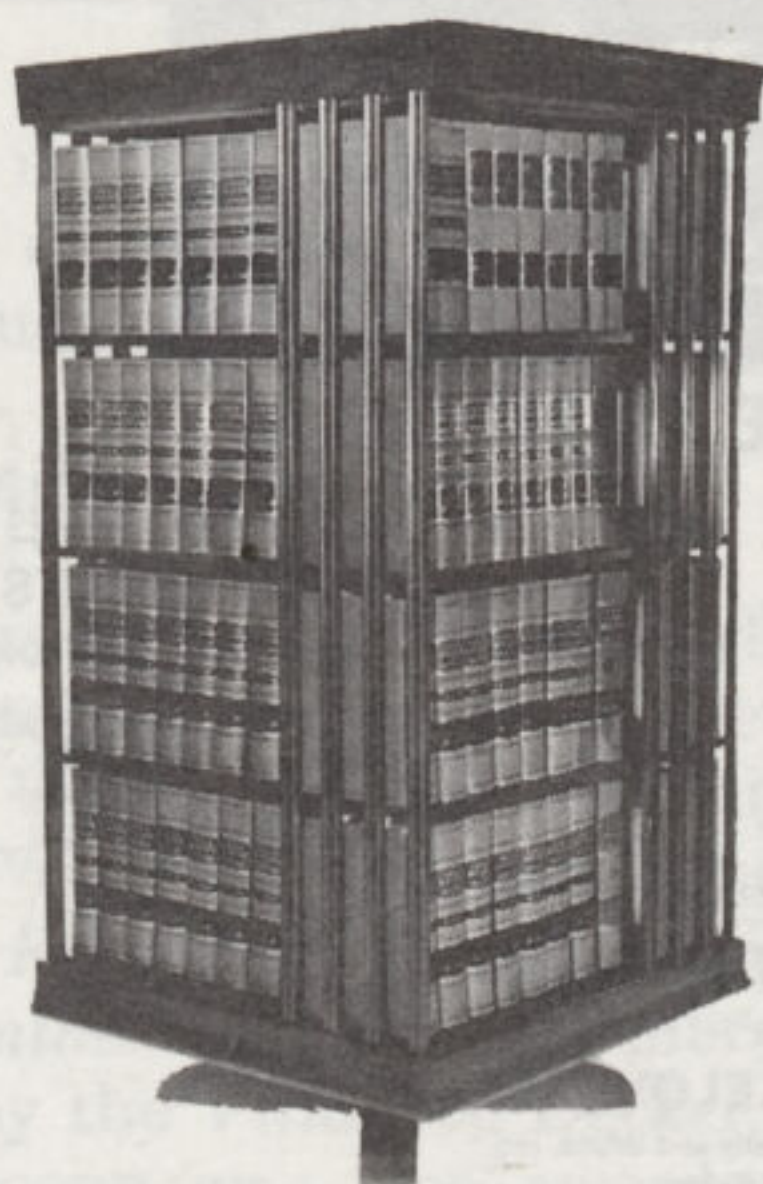
Among the most popular of the ideas presented is a remote depository for the part of the library's collection that is currently in storage. This remote storage facility could be built someplace in suburban Boston at one-fourth the cost of any on-site construction.

Another possibility discussed was building a completely new library. A new building would make it possible to provide total "quality space" for both the entire collection and the users.

The main problems with this alternative are money, location and providing excess space. A major capital drive would have to be undertaken to afford construction of a new building. This might take years to complete.

Locating the new building would also be difficult. Little spare room on which to construct a new building currently exists on the law school campus. Some locations have been

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Book Review

Justin Hughes

Courthouses of the Commonwealth, Robert J. Brink, editor. Photographs by George Peet and Gabrielle Keller, University of Massachusetts Press, Amherst, 1984.

Most Harvard Law students and alumni spend their lives surrounded by the law; not just its ideas and opinions and cases, but its physical presence as well. Libraries, portraits, and paper-strewn offices are such familiar trappings that we take them for granted. *Courthouses of the Commonwealth* can break through the numbness we develop for "legal artifacts."

Despite some defects, *Courthouses of the Commonwealth* sensitively examines courthouses of Massachusetts through an essay on their architectural development and 79 plate photographs. The photographs are currently on display at the State Street Bank and Trust Company in Boston through the end of December.

At first, *Courthouses* looks like a pure and simple coffee table book, something well-meaning relatives would give a lawyer for Christmas. The plates are attractive, and pho-

tographers George Peet and Gabrielle Keller display a fine sense of composition in their choices.

The selection of photographs is perhaps overly traditional and somewhat uneven. The interiors of the buildings generally are more adroitly depicted than exteriors. Occasional plates seem uninspired — like the exterior photographs of the Lowell Courthouse (plate 8), Dedham Courthouse (plate 41) or Plymouth Courthouse (plate 1), the oldest Massachusetts superior courthouse still in service.

At other times Peet and Keller fully capture the great sense of space in courthouse interiors. Plates of the Lawrence and Worcester courthouses show the grand features of these buildings: the Doric columns, Crystal-Palace ceilings, and vaulted domes.

When focussing on interior detail, Peet and Keller are at their very best. An empty judge's chair behind a carved desk becomes a repository of wisdom and power. One gets to see the chandelier of the Northampton Courthouse that most people probably never stop to look up and see.

The book also contains some humorous shots. A majestic marble Zeus, flanked by cork bulletin boards and directions to the cafeteria is found in the Worcester

Courthouse (Plate 10). Plate 13 shows a stairwell with signs pointing up to the "Law Library" and the "Dog Officers". A great bird's-eye view into the Salem Courthouse library reveals a man reading a newspaper amidst cluttered books. Apparently, the room has too many portraits and someone has begun hanging them from the mezzanine railings.

Dramatic juxtapositions are rare; more a matter of style than a shortcoming. One dramatic contrast between two facing plates is the Barnstable Courtroom and a new Cambridge courtroom (plates 18 and 19).

In his essay, John C. McConnell points out that the Barnstable courtroom may be the most resplendent in the Commonwealth. With its Ionic columns and Greek palmette frieze, it is certainly one of the most traditional. From the ceiling, a "Sacred Cod" hangs in almost humorous testament to the New Englandization of neoclassical styles.

On the opposite page, the futuristic Cambridge courtroom looks more like a starship bridge than a chamber of justice. Devotees of 2001 could look at this photograph and imagine a HAL-like voice saying, "I'm sorry, Dave. I can't accept that appeal."

Sports Quiz

By Walter "Mag" Waitt

Olympics

1. What athlete has won the most gold medals in the history of the modern day Olympics?
2. Who holds the Olympic record for most consecutive individual gold medals in the same event?
3. Name the 10 events in the Olympic decathlon.
4. Two athletes have won all three Alpine gold medals in the same Olympics. Name them.
5. What is the Olympic motto?

(Answers on Page 17)



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Book Review: *The Structures of Justice*

The creators of *Courthouse* have wisely chosen to include plates showing the darker side of these houses of justice: dilapidated unused rooms, battered furniture in storage, sculpted ceilings collapsing in disrepair, and old prisoner facilities. All show that the legal world is yet a human world, not immune to the harshness of time.

Yet one gets some sense of an editor's uneasiness in presenting that aspect of the courthouses. None of the color plates feature these unhappy conditions and few of the black and white photographs show dreary spaces such as jails and detention cells. While all other photographs are presented with only the courthouse and county noted, plates showing dilapidated conditions all say something like "under

renovation," "awaiting renovation," or "old holding cell" — as if to rebut that such conditions exist in judicial headquarters.

John C. McConnell, who teaches architectural history at Boston College, provides an essay following the plate photographs. His essay often allows the reader to see behind the facades into the history that built them. For example, his explanation of the Dedham Courthouse brings an awkward-looking building to life even if it does not make it more visually cohesive.

But, unfortunately, McConnell, at times, almost sinks under the weight of the background information he provides. At first, his text seems noticeably divorced from the photographs. His section on Henry Hodson Richardson is fine, but has

little in the way of photographs to which one can relate the information. A few plates devoted to Richardson's Northampton Courthouse might have cured this.

McConnell's details of courthouse development in the state seems to better parallel the photographs, as illustrated in his discussion of the Richardsonian Taunton Courthouse. Yet his extensive discussion of the Classical revival — what he calls "Academic Eclecticism" — has little to address in the way of photos. An exterior photograph of the Lawrence Courthouse would have corrected this defect.

Those at HLS who have suffered through life in the Gropius complex will particularly appreciate McConnell's savaging of modernist architecture in its legal world manifestations.

The noted shortcomings should not detract from *Courthouses of the Commonwealth's* strengths. It is a beautiful book, one which law firms and law libraries should buy.

Its publication is testimony to the power of symbols of law and justice. Its photographs are silent testimony to the beauty and grandeur that has been wrought as part of our pursuit of justice. ❦

RECORD Judged Best Paper

The American Bar Association's Law School Division recently announced that the RECORD was the winner last year in the overall category of the ABA's annual law school newspaper competition.

The contest is divided into eight categories with two classes in each. Schools with fewer than 700 students compete in Class A and schools with more than 700 students, including Harvard, compose Class B.

Entries in the overall category are rated in three areas: writing/reporting, copy-editing/layout and editorial judgment/content.

Grenada Editorial Wins

The runners-up in the Class B overall category were the *Georgetown Law Weekly* and Temple University's *The Jurist*. In Class A the *Penn Law Forum* and the *Louisville Law Examiner* tied for first place followed by the *Villanova Docket*.

The RECORD was also awarded first place in the editorial category "On Broader Aspects of the Law" for "Think Like Lawyers," (RECORD

Nov. 4, 1983, Vol. 77, No. 6) an editorial concerning the Reagan administration's invasion of Grenada.

S.J.C.

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A Tragic Loss

We deeply mourn the passing this week of Indira Gandhi, Prime Minister of the world's largest democracy. Her assassination was a cruel and barbaric act of political desperation.

Her leadership was marked by great vision and resolve. To preserve and steward a pluralistic democracy in this factious nation of 750 million is a formidable task. The extent of her success in this regard was remarkable.

India's size and the diversity of its ethnic, religious and linguistic groups clearly distinguish it from other attempts at parliamentary governance. In her effort to hold this union together Gandhi occasionally transgressed the fine line every democracy must draw between the sanctity of the nation and individual liberty. But even these excesses were forgiven by her electorate. Sweeping back into power in 1980, Gandhi vindicated her actions with a landslide political mandate.

It was precisely these attempts to hold together the nation which so infuriated her detractors both within and outside of India. In the final analysis, however, it may well be that the very actions which were most widely criticized were also those most necessary for the survival of her country, history's largest and most challenging experiment in democracy.

Seizing upon the vision that Mahatma Gandhi laid for India at its inception as a republic, Indira Gandhi struggled to harmonize relations between the disparate factions which compose India's population. Indira's task and vision was to integrate the Mahatma's values into the industrializing India of today. In pursuit of these goals Indira was a consummate political pragmatist. She carried this pragmatism into the international arena, where she assured India's position of continuing leadership among the non-aligned nations of the world.

In the wake of this tragic political assassination, we should pause to consider that while the Republic of India could not have been born without the unflinching idealism of Mahatma Gandhi, it just as surely could not have endured without the pragmatic rule of Indira. It remains to be seen whether the Prime Minister's successor can so deftly combine an understanding of the exigencies of the moment with a sense of India's destiny and moral purpose.



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Fenno

One would have thought that after all these years even Fenno would have gotten the hang of interviewing. He was confident enough of his legal abilities but was deathly afraid of having to deal with an interviewer for 20 minutes.

Still reading Baker & McDonald's firm resume, Fenno stumbled into the Sheraton Commander. The firm sounded great: unstructured, informal, unlimited *pro bono* opportunities and, best of all, no corporate clients!

Fenno sat nervously, legs crossed, outside the hotel bedroom where the interview was to be held. It was 15 minutes past the scheduled time and he had already knocked on the door twice. Was this just another interviewing tactic designed to show who was in control? Finally, the door opened.

"Hi, I'm Kappy Williams and you must be Mr. Fenno?" inquired the interviewer.

Fenno felt as if she was looking him over head to toe. "Maybe I should have worn my grey suit, it's more traditonal," thought Fenno compulsively adjusting his clip-on.

"So, Mr. Fenno, why are you interested in our firm?" the interviewer asked. Fenno heard the question but couldn't respond. He was paralyzed by the thought that there was a bed in the room.

"Uh, . . . um, you see, all I wanna do is practice law," stammered Fenno.

"Well, we've been known to do a little of that," the interviewer quipped.

"A little of what — what's that supposed to mean?" asked Fenno defensively.

"Nothing, Mr. Fenno, it's just a little joke," she replied apologetically. "Where do you see yourself in 10 years?"

"I don't know," said Fenno. "Besides, what concern is that of yours? I may want to spend some time with my wife and kids in 10 years!"

"Actually, Mr. Fenno, I was looking for an answer more like New York, Washington, Los Angeles or San Francisco."

"Well," continued Fenno regaining his composure, "if the last 20 years are any indication, I might be in Cambridge in 10 years . . . unless, of course, they move the Law School."

"I noticed from your resume that you've got a great deal of summer experience. As a matter of fact, it looks like you've worked for every major firm in Newark."

"Ah," thought Fenno, "here's my chance to impress her with my favorite canned answer. 'I'm glad you brought that up,' Fenno beamed, 'I've had some great summer experiences. In fact, I almost got an offer from one firm back in 1965 . . . and there was the summer of 1972 when I . . .'"

"... A lite beer to cheer you up, Mr. Fenno?" inquired Fenno's long-time bartender-friend. "I've been telling you for years not to use *that* canned answer about your summer experiences."



Letters to the Editor of the Record

Chayes Unpatriotic

To the Editor:

I have read, with some concern, the article in your September 21 issue by Miguel Rodriguez, for which the headline is "Chayes Readies Nicaraguan Attack." The article contains several statements in quotation marks, so I presume that it correctly states the facts, especially with respect to the positions advanced by Professor Chayes.

As I understand the history of the activities of the United States which resulted in the filing of this action before the International Court of Justice ("World Court"), the first step taken was the announcement of the United States that, for two years, it would not consent to World Court jurisdiction over actions involving Central America. You fixed that date at April 8, 1984.

On its face, it would seem reasonably clear that by making this announcement, the United States was acting in reliance upon the so-called Connally Amendment or reservation. This impression is rather obviously supported by the statement of a direct quote from Chayes that "Nicaragua has no interest in using the World Court to influence U.S. domestic politics."

The relationship becomes obvious upon consideration of the precise terms of the Connally reservation. This is incorporated in Senate Resolution 196, 79th Cong., 1st Sess.

I have not seen the 370-page memorial which you say was filed by the United States on August 17. From other sources, I have inferred that the United States has raised the issue that the World Court does not have jurisdiction, because Nicaragua had not accepted its authority. I do not know that our original position has been abandoned.

You note adequately that under Article 51 of the United Nations Charter, the United States might be able to assert the defense that its action is justified because of Nicaraguan support of subversive activities in El Salvador.

What I find most objectionable in this en-

tire proceeding is that Professor Chayes represents a foreign government, that of Nicaragua, in a direct controversy with the United States over a matter of foreign policy. That is certainly not patriotic. If such conduct is not now illegal, it should certainly be made so.

Lee C. Bradley, Jr., '21
Birmingham, Alabama

Fantasy or Insult

To the Editor:

The editorial on the male/female ratio at HLS ("The Tradition Continues" in the October 5 RECORD) typifies the discriminatory attitude of many so-called activists purportedly out to eradicate discrimination.

First let's look at the relevant facts: (1) Only 38% of the applicants to HLS (or any other law school) are women; (2) Slightly fewer than 38% of HLS's offers go to women; what could be more fair to everyone than for the HLS offer rate to match the women's application rate? (3) The number of women who accept the offers is a few percent less than the number of men.

How does this prove discrimination by Harvard? The women make the decision to accept the offers, not HLS. Are we to believe that chauvinistic HLS cleverly gives offers to women who will not accept them? Or, as the editorial implies, are women so craven that even a rumor of discrimination will send them running? The former is a fantasy, the latter a clear insult.

So much for the allegations. What of the proposed solution? To suggest, as the editorial does, that HLS should draw 1/2 of its students from 1/3 of its applicant pool is to suggest a discriminatory policy because it gives advantage solely on the basis of sex. To further contend that because other law schools do so, we should too is to descend to a level of argument most of us abandoned in grade school.

In my innocence, I thought that the activists were trying to get rid of arbitrary sex-based advantage. I now see that they

have no objection to discrimination at all. They only want to be the discriminators instead of the victims or opponents of discrimination. Hardly a noble goal.

Tim Hartin, 1L

Undisciplined

To the Editor:

I recently wrote a letter asking that my subscription to the HARVARD LAW RECORD be cancelled. However, I am still receiving it.

The chief reason is the complete lack of discipline in the Law School and the persistent tendency of both faculty and students to substitute politics for legal studies. This would be easier to absorb were it not for the fact that it is very hard to find anything of a political nature which does not concentrate on condemning the United States and its policies in opposing Communism.

I am somewhat familiar with Professor Chayes' case before the World Court, which I find to be ridiculous and, indeed, a direct blow at the efforts of our government to preserve Central America from being overrun by the Cubans and the Soviets.

Technically, the paper is beyond criticism, and I should make it clear that my remarks are not directed at this aspect of the publication.

Matthew E. Murray, '35

Sports Answers

1. Paavo Nurmi (12) — "The Flying Finn"
2. Al Oeter (United States) — won discus 1956-68 (4 times)
3. 100 meter dash, 110 high hurdles, 400 meter run, 1500 meter run, long jump, high jump, pole vault, discus, shotput, javelin.
4. Jean Claude-Killy (France) 1968
5. "Citius, altius, fortius" — i.e. faster, higher, braver

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PROFESSOR MICHAEL JOSEPHSON

Professor Michael Josephson, a graduate of UCLA School of Law in 1967 (where he was selected Valedictorian of all graduate departments and also co-authored the *Handbook of Appellate Advocacy*), is nationally known for his excellence in the art of communication as a lecturer and author. He is noted as the nation's foremost authority on the examination process in law school and for bar examinations. Professor Josephson has taught at the University of Michigan Law School, Wayne State University Law School, UCLA School of Law, and is a full-time professor at Loyola Law School, Los Angeles.

An active leader in legal education, Professor Josephson is a frequent consultant and guest lecturer at law schools, law seminars and conferences. His two-volume work, *Learning and Evaluation in Law School*, has been adopted by the Association of American Law Schools (AALS), and, by invitation, he has written a major article and critique of bar examinations in the United States for the National Conference of Bar Examiners publication, *The Bar Examiners* (May, 1984).

Professor Josephson is past Chairperson of both the Teaching Methods and Litigation Sections of the AALS. He is the founder and Executive Director of both the Bar Review Center of America, Inc. (BRC), and the Center for Creative Educational Services (CES), publishers of the *Sum & Substance of Law* and *Essential Principles of Law* legal series. His teaching areas include Evidence, Criminal Law and Procedure, Professional Responsibility, and Examsmanship.



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HLS Investigates Future Space Use

(Continued from Page 7)

discussed, including razing currently existing structures. Tearing down an existing building, however, would add costs to acquiring land.

Along with current consideration of issues regarding library crowding, space issues in general are also being examined. "It is really not an issue of not enough space," commented Ms. Simone Riegor, Assistant Dean of Finance, "but it is instead one of poor use."

Riegor stated that what is happening now is really an examination of how the Law School uses space.

Riegor does not believe that much of the space use here is rational.

Riegor and Vorenberg both stated that one pressure point on the use of space is the expanding faculty. Vorenberg commented that many of the programs the law school is experimenting with, such as a small sections in the first year and collaborative teaching, require additional professors. Additional professors require additional space.

On the subject of the dorms, Vorenberg stated that there are currently no plans to replace them. He added that each year the school tries to improve them in some way. But

he also commented that replacing the dorms with plush new ones would result in very costly on-campus rooms. This would defeat the objective of trying to provide students with comfortable but affordable living space.

In conclusion, Vorenberg stated that aside from the library, there are no current demands for a large amount of new space and that no urgent space problems currently exist. But instead of simply letting things follow their course unwatched, Vorenberg stated that the administration wanted to take the opportunity to look at future needs and anticipate any issues before they became problems.

The administration is currently looking at space needs for the next 5, 10 and 20 years and will then decide what would be needed to prevent any future crisis.

Vorenberg stated the investigation will examine three main issues. The first is to decide on an alternative for book storage. Next, changes in the school's physical facility will be examined to make it more usable and adaptable to future growth. Finally, questions concerning class size will have to be answered and future patterns of change predicted.

20 Years Ago At HLS

Vol 39, No. 5
Nov. 5, 1964

The topic of last Thursday's Law School Forum was "Civil Rights-1964" — but rather than limit the discussion to the headlines of the past year, Whitney M. Young Jr., Executive Director of the National Urban League, gave his audience some indication of what to expect in 1965 and beyond.

Mr. Young called for a "crash program," "a new Marshall Plan," directed at changing the present status of Negro housing, education and vocational training and retrain-

ing. "That's what the revolution is about," he said. Pointing out that the United States gave Europe seventeen billion dollars after World War II, he asked, "Why not give the Negro something?"

Mr. Young met the contention that the Negro should not be given "preferential treatment" with an analogy of a person with an injured hand: treatment of one hand is not "preferential," but necessary if the entire body is not to be infected. Any massive program of aid to the Negro would be a necessary and long-overdue balancing of the scales of justice.



The Forum Institute of Politics

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- **Dan Connell**, Executive Director of Grassroots International, former Lebanon Project Officer, Oxfam America (moderator)

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Pendleton Assails Affirmative Action

(Continued from Page 1)

to debates preceeding the passage of the 1964 Civil Rights Act. Proponents of the Act, Senators Williams, Muskie, and Humphrey, denied the allegation that practices such as using hiring quotas would be tolerated. Title VII, it was argued, could not support policies which use the same distinctions it purported to eradicate.

Pendleton claimed that by the 1960's there was widespread support for "racial neutrality." In reference to the Title VII debates, he said, "These legislative pronouncements reflected a national consensus that racial classifications are wrong.

They are morally wrong, and are not to be tolerated in any form for any reason."

Pendleton noted a change, however, in this national consensus over the last fifteen years. "The quest for equal opportunity gradually evolved into an insistence on equality of results. The concept of race neutrality blurred into a concept of race balance."

According to Pendleton, the pursuit of racially balanced results during the 1970's led to an emphasis on group entitlements rather than direct redress of individual victimization. Pendleton referred to the phenomenon as "civil rights politics."

Pendleton said that the emergence of group rights "encouraged new groups to spring forth claiming that they had suffered the same

Racial Violence

(Continued from Page 6)

ienate people, undermining my ability to preach, to move people." Yet, some politicization is necessary — "my public role ought to be to speak to public issues." The Archbishop views striking this balance as the biggest challenge that he and the Catholic Church face in coming years.

The Racially Motivated Violence Project was founded last Spring to investigate the question of racially motivated violence on the part of the majority against minority racial and religious groups. The project possesses a budget of roughly \$20,000 which supports a speakers program, seminars, and other projects designed to increase awareness of racially motivated violence.

Last year, the Project sponsored speaking appearances by Kenyatta, Yale Law Prof. Drew Days III, author David Kairys, B'nai Brith spokesperson Leonard Yakin, civil rights and child advocate Hayes Mizeh, Rutgers Law Prof. Charles Jones, as well as a debate between a Reagan administration official and Judge William Naruntani, a Japanese-American who served on the congressional committee investigating the Japanese internment.

The Project also sponsored a course on racially motivated violence. This fall, the Project offers no analogous formal course and some of its organizers feel that this factor has caused a decline in its level of support. Last spring, students played the primary role in organizing the Project's activities, but this year the Center for Criminal Justice has done the major organizational work. The Project's organizers hope that a formal course offering this spring will renew interest and inspire more students to join the program and to play a large organizational role.

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Seeks to Narrow Suspect Class

deprivations as those suffered by blacks" and demanding the same types of remedies. Special protections initially intended to correct years of racial discrimination were gradually extended to many "suspect classes" identified by other characteristics. Today, according to Pendleton, approximately thirty-seven classes qualify for affirmative action, and 85% of Americans belong to at least one of these groups.

Pendleton noted that this classification of people into groups was systematized by the bureaucracy, Congress, and the courts as an "unfortunate but necessary means" to end discrimination. But he claimed that a system of classification is itself inherently discriminatory, and therefore self-defeating.

As one example, Pendleton referred to problems of using mandatory busing to achieve racial balance in public school systems. He contended that strong public sentiment against busing ultimately eroded community support of urban public schools and decreased their ability to provide quality education. Thus, he argued, "the promise of *Brown v. Board of Education* re-

mains unfulfilled."

The Commissioner warned that even the "allegedly benign use of race" or of any other class distinction to reach a socially desirable goal threatens personal freedoms and preserves a kind of "caste system."

Citing affirmative action in employment and in college admissions as illustrations, Pendleton argued that such policies present the danger of polarization among groups and even among group members. "Predictably, this race- and gender-conscious approach to the allocation of social benefits has often led to bitterness and disharmony, not to acceptance and harmony." Pendleton concluded that aggressively eliminating discrimination through what he called discriminatory practices is not only ineffective and harmful, but it is also analogous to the very wrongs which the Civil Rights Acts were intended to eliminate.

Pendleton said he views favorably the approach of the current Supreme Court in protecting individual rights. During the past Supreme Court term, said Pendleton, "the rights of individuals regained the

constitutional recognition they once had enjoyed and group entitlements were effectively relegated to the sidelines, where I believe they belong."

According to Pendleton, last year's decisions reflected a renewed interest in aiding victims who suffered from *proven* discrimination — "those who have [themselves] in fact been injured" — as a more effective and constitutionally proper enforcement of civil rights. The Commissioner concluded that with so many Americans included in the ranks of protected classes, affirmative action and other group preferences have no real justification. They are unwieldy tools of "victim-blind" discrimination remedies, he argued.

Pendleton said that protection of individual rights forms the foundation of civil rights, and any policy which undercuts individual rights violates civil rights. Thus, although giving preference to certain groups may serve a "conglomerate interest" it displaces individuals and "overrides the most fundamental of all personal rights: equal opportunity."

Observing that recent Supreme Court decisions on individual rights generally involved reversals of lower court decisions, Pendleton rejected the analysis that the move constituted a "retreat from established civil rights values." Instead, he said, the Supreme Court has come full circle by returning the focus of the inquiry to where it should be: individual victims and the ideal of equal opportunity. "Our freedoms are undoubtedly more secure as a result."



Last Sunday, three HLS shells competed in the 20th Annual Head of the Charles Regatta. The Men's Canadian National Team upset Navy in a unprecedented victory.

All three HLS boats felt con-

fident about their performances, reports Linda Dakin, captain of the HLS Women's Crew. Harvard B-School shells did not fair as well, however. Both of their boats were disqualified

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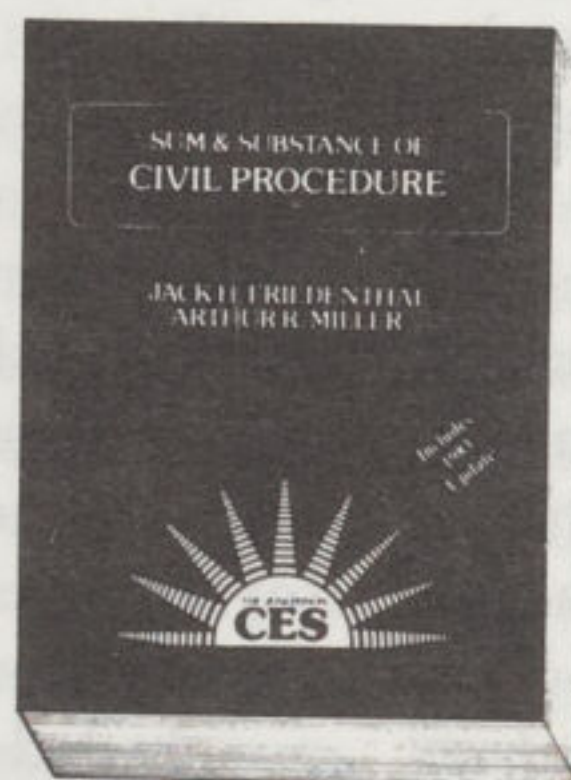
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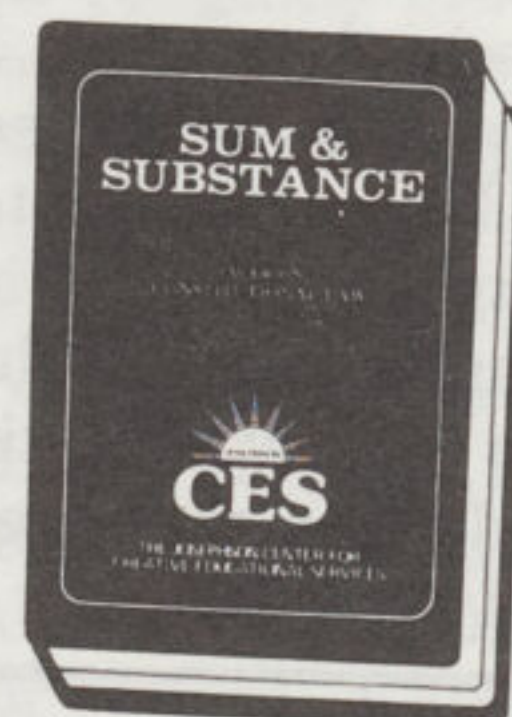
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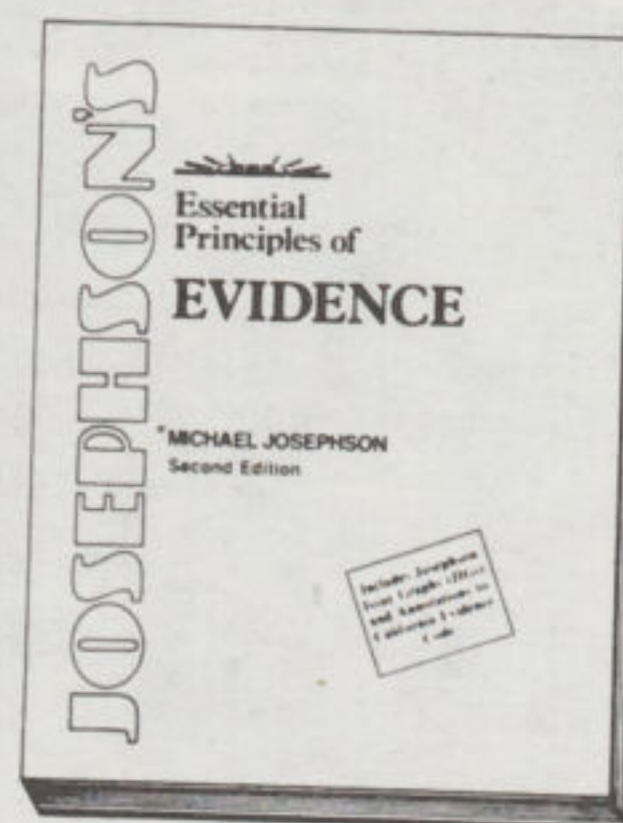
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Murray Decries the Great Society

(Continued from Page 4)

Murray suggested that these programs had to be carefully evaluated before reforms were made because "we have very little margin of error."

Second, Murray urged that we try to help those whom we *can*. By yielding to a compulsion to try to help everyone, reformers have sacrificed the majority of the poor who could have been made better off.

In this respect, Murray argued that "we have done net harm." Policies were aimed not at those willing to struggle hard to advance, and who had some education, but at the relatively small "hard core," who had resisted the educational system and the job market.

Training and education were consequently "watered down" to the lowest common level, where they ultimately benefited neither the hard core nor the aspiring majority who could have succeeded.

Finally, Murray urged that we think more about the most effective means to achieve results in an affluent country like the United States. In the 1930s, Murray pointed out, there was a small pie to divide. Today, it is large and growing. "We don't know, for example, if states, local governments, and private organizations can pick up the slack or part of it."

The greatest pitfall is being "stuck in escapist thinking toward helping the disadvantaged in America." He concluded, "It is time that we stop and look at what we are doing and think about how to do it better."

Prof. Kristol praised Murray's book as an honest and valuable account of what has gone wrong, and

what have been the actual effects of these social policies. He added that neither the Republicans nor the Democrats are motivated to rethink social policy in a fundamental way: "The 'ins' won't do it because they have no political motivation; the 'outs' won't do it because they are responsible for the policies."

According to Kristol, the current administration does not have an alternative vision, but is merely a "stingier funder of the same leftist programs." The book, he concluded, would be best used by leaders like Congressmen Jack Kemp and Newt Gingrich, who favor reforming policy to help the poor help themselves through such projects as tax-free "enterprise zones" in inner-city areas.

Kristol argued that true reform requires a much broader reconstruction of beliefs about work, family, and crime. While he praised Murray's suggested guidelines, he pointed out that there are limits to the effectiveness of reforms that are

based upon economic incentives, such as those proposed by George Gilder in *Wealth and Poverty*. "You cannot restore those beliefs by economic incentives alone," Kristol contended. "They are matters of long-term interest, and not short-term gain."

"To get people to act in their long-term interest," Kristol said, "requires a network of social mores, moral beliefs, and religious groundings. Once you destroy that constellation of beliefs it is very difficult to put it back together." Such a reconstruction, he suggested, would require a much broader outlook.

In conclusion, Kristol warned that we must not be pushed into programs and policies simply because serious social problems exist. He characterized this as a "television news understanding of the world," which failed to recognize that reforms may not only fail to improve conditions for the poor, but they may actually make things worse. ❧

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Program Investigates Dilemmas of the Poor

(Continued from Page 5)

newly-created wealth." The critical factor in doing this, he said, is education.

"People will say you can't throw dollars at [poverty]," Anderson said. "What you do is throw education at it."

Anderson's own organization, the NASP, works on a more general level. One of its results, however, sometimes is better education for poor children.

Anderson said the median family income in the NASP's target areas averages \$4,500 per year, while poverty further manifests itself in the use of shacks for housing and the lack of running water and toilet facilities. The target areas are 30 to 80 per cent black.

In these areas the NASP sets up representative bodies known as "Assemblies," which are designed both to help members with personal difficulties and to mobilize collective efforts on the part of the entire community.

Once an "Assembly" is organized in a community, the NASP stops playing an active role. It remains available to provide assistance if necessary.

The successes of the NASP and the "Assemblies" have been achieved largely without the assistance of lawyers, according to Anderson. The role of attorneys and legal work in the activities of the "Assemblies," Anderson said, is limited primarily to solving technical problems facing their programs.

However, Anderson, who graduated from the University of Michigan Law School, stated that legal training helps the activities of the NASP in an indirect way. He said that it enables an individual to approach difficult problems in a sophisticated manner and in that roundabout way facilitates their solution.

The issue of the direct involvement of lawyers in poverty-oriented legal work was addressed more thoroughly last Thursday night in a panel discussion which comprised

the second part of the Poverty Program's "Options in Poverty Law Practice."

Among the panelists were Regina Lee, who is managing attorney of the Legal Services Center; Kurt Pressman, who has what he described as a "community law" practice; Dennis Sweet, of the Southern Poverty Law Center; and Robert Hays, who founded the Coalition for the Homeless in New York City.

Lee said the practice of the lawyers at Legal Services involves issues of housing, immigration, welfare and family law. Lee noted she enjoys her work now as much as she did when she began. Moreover, she indicated that hers has been a professionally rewarding practice as well. "I can honestly say that I haven't had to make professional trade-offs."

However, Lee noted that there are what she termed "personal trade-offs" in a Legal Services practice. The work is stressful and time-consuming, she said. "Burnout" is a big problem.

Kurt Pressman described his "community law" practice as something between Legal Services and a "downtown" practice. As he explained it, he and his partners do traditional legal work to pay the bills and then, with the balance of their time, take cases they consider to be politically and ideologically satisfying. The effort, he said, is to "try to integrate our practice and political goals with trying to make a living."

Pressman emphasized that his sort of practice requires some compromises and a certain realism. The "threshold question of our office is making a living," he said, despite the fact that the "threshold purpose is not."

Dennis Sweet said that his practice with the Southern Poverty Law Center involves various sorts of poverty and public interest work in the southern U.S. He works with issues involving employment discrimination, voting rights, the death penalty, and the Ku Klux Klan.

That the last sort of case was still necessary surprised him, Sweet said.

He claimed he had thought the Klan was not very strong anymore. Then his offices were bombed and burned. And he became involved in a case in which the Klan chose a black man at random and lynched him. The Klan, he said, is doing better than he had thought.

Sweet emphasized the need for people to do poverty and public interest law. He said that he works in an office of five lawyers and that they have to turn away cases. The rewards of such a practice may not be great financially, he said, but "you can see yourself playing a part."

Robert Hays used to be with Sullivan & Cromwell. Now, with the Coalition for the Homeless, he works to spur the provision of shelter for New York City's homeless. He got his start with that type of poverty law as "extra-curricular" work while he still had a corporate practice.

Hays encouraged students and lawyers to dare to do work for the poor even if no one else with whom they worked did. It is important to be willing to be "eccentric," he said.

Moreover, he said that if a person wants to go out and do public interest work full time, it is possible to find funding via grants. "If anyone has a sense of fire and passion; sees something wrong and wants to do something about it, all he or she has to do is write a proposal for a foundation."

Despite his enthusiasm, Hays noted that sometimes the work he does is not completely successful in producing tangible results.

"Getting court orders is often the easiest part of litigation." Seeing that they are enforced is often more challenging, he said. Moreover, litigation and the legal process often is not an effective tool to accomplish social goals, he admits. "Education and propaganda are frequently more important."

Regina Lee agreed with this point. "Litigation is probably the last tool you want to use for social change," she said.

Blacklists Inspire Fear of McCarthy

(Continued from Page 1)

ceeds of which were to be contributed to her suit. Outside, Prof. Alan Dershowitz distributed leaflets in an attempt to publicize "the hypocrisy" of Redgrave's views on censorship.

In those leaflets, and in one of his weekly syndicated news columns, Dershowitz alleged that Redgrave was more than merely a supporter of the PLO. According to Dershowitz, the actress is an "active participant in the work of the most militant and violent faction of that terrorist organization. She has attended training sessions at their camps; urged them to continue their promiscuous slaughter of men, women, and children; and called for the total destruction of Israel."

Dershowitz contends that Redgrave praised the PLO attack on the Tel Aviv road in which 34 civilians were slaughtered. He says that she has "spread the anti-Semitic canard that American Jews control our media and wealth" and she "called for the overthrow — a euphemism for assassination — of Anwar Sadat."

Yet, despite his disagreement with Redgrave's personal convictions, Dershowitz believes that, consistent with principles of civil liberty, the BSO was wrong to cancel Redgrave's performances. According to Dershowitz, members of the BSO who did not want to associate with a PLO supporter should have been excused from playing.

He says an analogy can be drawn to American musicians, such as the late Metropolitan Opera tenor Richard Tucker, who refused to perform with conductors who had been Nazi collaborators. Nevertheless, the concert, says Dershowitz, should still have gone on.

According to Redgrave's own "hypocritical principles", however, Dershowitz argues, the BSO's action was correct. Saying that Redgrave has argued that art and politics should not be mixed, Dershowitz insists "it is she who has made the mixture and stirred the waters. It is she who has urged artists throughout the world to refuse to perform in Israel or with Israeli artists." Referring to a motion submitted by Redgrave and her Workers Revolutionary Party to the British Actors Union, he asks "How is that kind of 'blacklist' any different than those about which she complains?"

Dershowitz points to other ways in which Redgrave has mixed art and politics, including her repeated exploitations of her performance of Holocaust survivor Tania Tenelon. "For Vanessa Redgrave," says Dershowitz, "there is no separation of art and politics—except when it serves her political interest to invoke such a separation."

Redgrave also invokes the First Amendment and decries the return of McCarthyism. However, argues Dershowitz, she supports the PLO policy of assassinating West Bank Arabs who express views contrary

to PLO policy. "If assassination is the ultimate form of censorship — as George Bernard Shaw once wrote — then Redgrave supports a brand of deadly blacklisting that even Joseph McCarthy never practiced. . . . Vanessa Redgrave does not believe in the right of free speech for everyone — only for those with whom she agrees."

Dershowitz has challenged Redgrave to a debate both personally and publically in an article appearing in the *Boston Herald*. Redgrave declined, stating that she cannot act as a spokesperson for her Workers Revolutionary Party without consent of that Party. ❦

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