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25 CENTS

Appointments Procedure Splits Faculty

By Miguel Rodriguez

HLS Dean James Vorenberg has altered the faculty appointments process, and has split the faculty, by requiring a *tenured* faculty vote on all faculty appointments recommended to the Harvard University governing boards' Joint Committee on appointments. The new voting requirement adds a further step to the appointments process and "insures" that an appointment recommendation will be made only with the approval of two-thirds of the tenured faculty.

Vorenberg asserted he made the decision to institute the tenured faculty voting requirement after private consultation with various members of the faculty. The requirement guarantees that recommendations to the governing boards of the university have strong support among the tenured faculty. According to Vorenberg, "the tenured faculty are best suited to evaluate a candidate's teaching ability, and, more importantly, a candidate's scholarly writing."

Some faculty members, however, have expressed the view the move was made to enhance the legitimacy of the law school faculty's proposals in the eyes of President Bok and the University's appointments committee.

Asking not to be identified, one of the non-tenured professors who felt disenfranchised responded that

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Greg Peterson

Supreme Court Justice William Brennan addressed a packed house before he judged the final round of the Ames Competition. See story page 2.

Fried Considered for Justice

Prof. Charles Fried is among the final candidates being considered by the U.S. Dept. of Justice to replace Harvard Law School's Prof. Paul Bator as the Reagan administration's appointed Deputy Solicitor General.

Another Deputy Solicitor General, Lawrence Wallace, stated that



Charles Fried

Fried had been appointed and would assume the office in 1985.

While Fried and Bator both refused to comment on the issue, Fried has informed his first-year Contracts class he has made arrangements to be absent for the rest of the year and implied that he would take the position were it offered.

Other sources in the Solicitor General's office confirmed Fried was high on the list of those being considered, but asserted no decision had yet been reached.

The *Harvard Crimson*, however, has reported that Fried has already received the appointment.

Bator's position is the only political appointment among the five Deputy Solicitors General and it is likely that his replacement would be called upon to argue the administration's conservative stands.

S.J.C.

Brennan Not Bitter But Beseiged

By David Zensky

United States Supreme Court Justice William Brennan charmed an overflowing crowd of approximately 250 students on Monday

November 19 as he fielded questions for 45 minutes in Austin North. The event was organized by the Civil Rights/Civil Liberties (CRCL) Law Review which was able to organize the talk because of Brennan's visit

to campus in order to judge the Ames Moot Court finals.

Brennan, '27, covered a diverse range of topics, including why and how he became a New Jersey State Court judge and later a Supreme Court Justice. He also discussed judicial activism, the difference between the Warren and the Burger courts, his relations with other justices and changing ethical considerations within the bar. He was quick to refer students to specific majority or dissenting opinions in answering their questions. A substantial amount of time, however, was spent on questions regarding the "radically conservative turn" taken by the court in its last term and the possibility of Reagan appointments to the court.

Vandals Strike Harkness

By Susan Smith

Plagued by vagrants and prompted by vandals, the law school locked the doors of Harkness Commons (the Hark) for two consecutive weekends as it formulated a plan to deal with these problems.

The problems began the week of Nov. 12, when three men, with backpacks, started sleeping overnight in the Hark. Officers of Harvard University Police Department (HUPD) arrested one of them on the morning of Wednesday, Nov. 14, after he refused to leave the building. Around the same time period, Game Room consignment checks, inadvertently left out overnight, were stolen. The theft, however, has not been linked to the three men.

The situation peaked at six o'clock on the morning of Friday, November 16, when it was discovered that someone had broken into the kitchen on the second floor of the Hark. Ketchup, beer, soda, and food had been strewn about the facility. Additionally, large quantities of food had been stolen. "We found food scattered all up and down Everett Street," asserted HLS Facilities Supervisor Richard Manetta. Police suspect the vandal was inadvertently locked in Thursday night.

On Saturday, Manetta was on campus tending to another matter and stopped by the Hark, where the HUPD was dusting the scene for fingerprints. He was surprised to find students in the Hark at 10 A.M. on a Saturday morning when neither the Game Room nor the Pub was open.

"I asked the security guard on duty when the Game Room opened. She said she didn't know, that it opened at a different time every day. So I told her to lock it [the Hark]

up except for Game Room hours."

Callers to the HUPD, complaining about the closing, were given the explanation that the Hark was closed "except for Game Room hours" by order of "Dean [sic] Richard Manetta."

The Game Room did not open that weekend. Game Room manager Arturo Gonzalez, 3L, was never contacted about the closing nor questioned about the hours that the Game Room was scheduled to be open.

"At seven o'clock [Saturday night]," continued Manetta, "Dean [of Students Mary] Upton called me and told me there was supposed to be a [Harvard-Yale] party that night in the Hark." Manetta then notified the police to open the Hark for the party. The building remained closed Sunday.

Recognizing the lack of organization in the management of the Hark throughout this episode, an ad hoc committee consisting of Upton, Manetta, Simone Reagor, Gonzalez, and Pub Manager Richard Levine, 2L, met Tuesday, November 20. The committee decided to leave the Hark closed throughout the Thanksgiving weekend and to announce new Hark weekend hours this week (10 a.m. to 2 a.m. Saturday and noon to 9 p.m. on Sunday).

Additionally, the person responsible for closing the Pub at night will ensure that the building is empty before notifying HUPD to lock it. Finally, according to Manetta, a new position is being created by HLS administrators and possibly its responsibilities will include overseeing the Hark. It is hoped that such oversight will help the administration to coordinate the operation of the facility.

Just Wait

"Wait until the end of this term," Brennan told a student who asked if last term marked the beginning of real assertion by the conservative majority. "It just happened [last term] that five cases went the way of the government against the individual. But they were very special kinds of cases."

In addition, Brennan refused to accept, "the American Civil Liberties Union's [interpretation that] the end of constitutional government protecting the individual," is

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"BETTER BUYS AT BRINE'S"

William Henry Hastie: Jurist, Scholar, Friend

By W. Burlette Carter

Harvard Law students studying in the Elihu Root room of the HLS library may look up from time to time and see, among the several portraits hanging there, one by artist Gardner Cox. The portrait is of William Henry Hastie (1904-1976). If they don't know already, these students should soon know who Hastie was — and why his portrait hangs in the Root room.

A major exhibition, on display in Langdell Hall until Feb. 2, 1985, tells the story of Hastie's life and work. Entitled "The High Mountain: William Henry Hastie, Jurist, Educator, Public Servant, Humanitarian," the exhibit is the result of a gift of the Hastie papers to HLS by Hastie's children, Karen Hastie Williams, Esq. and William Henry Hastie, Jr., Esq.

It is also the "brainchild" of HLS Curator of Manuscripts, Erika Chadbourn, who concluded that the world should have the opportunity to see the contents of the Hastie gift.

A New Portrait

The story of how Hastie's portrait came to hang in the Root room actually has at least two versions. According to one version, one day a Black student lamented to Prof. Louis Loss that the portraits of distinguished lawyers, jurists, and educators which hung on the walls of law school buildings featured no Black Americans. As Prof. Loss remembers, the Rev. Dr. Martin Luther King, Jr. had only recently been assassinated. The student suggested that the law school commission a portrait of Dr. King.

It was then that Prof. Loss, feeling that the portrait should be of someone involved in the legal profession, suggested William Henry Hastie. The student didn't even know who Hastie was.

There is also another version of how Hastie's portrait came to be dedicated to the library in 1973, a version which elucidates the appropriateness of the offering of

Hastie's name. That version begins in 1904, in Knoxville, Tenn. where Hastie was born. It continues to Amherst College where he graduated Phi Beta Kappa and to Harvard Law School ('30) where he was on the board of editors of the *Harvard Law Review*. (Hastie later returned to earn a Doctor of Juridical Science degree in 1933.)

The story takes us to Washington, D.C., where he served as Assistant Solicitor for the U.S. Dept. of the Interior, dean of the Howard University Law School, civilian aide to the Secretary of War during World War II. It takes us to the Virgin Islands where he served as a federal district court judge and later as governor.

And it takes us to Philadelphia, to the U.S. Court of Appeals for the Third Circuit, where he served as associate justice, and later Chief Justice until his retirement to senior judge status in 1971. As all evidence suggests, Hastie's thoroughness and graciousness earned him the respect and admiration of both the bar and bench.

Neither version of how Hastie's portrait came to hang in the Root room could be told properly without reference to the fact that he was a Black American. The significance of the point in appreciating the scope of Hastie's accomplishments is aptly stated in an introduction to a commemorative catalogue which presents the Hastie exhibition. In that introduction the Honorable Wade Hampton McCree, Jr. describes the situation facing Hastie upon his graduation from Harvard Law School in 1930:

The Harvard Law School class of 1930 was the first to be graduated into a nation stricken by the Great Depression and the employment prospects of its members were discouraging. For William Henry Hastie, whose opportunities for professional placement would have been bleak even in a prosperous economy, they were almost non-existent.

[I]n 1930 America was essentially two nations . . . America's population in 1930 consisted of approximately 100,000,000 people,

10,000,000 of whom were black, but of her lawyer population of 150,000, fewer than 1,200 or less than 1% were non-white. And small wonder, because in many communities, particularly in the South, black lawyers were not permitted to enter the courthouse by the front door or to drink from a public water fountain unless it was clearly marked "colored." The American Bar Association's application form inquired of race and a person who was not white was not accepted. What client with a choice would retain to assert his rights a lawyer who could not vindicate his own?

It is little wonder then that the civil rights struggle underlies much of Hastie's life. Thus, the exhibit shows us a Hastie who resigns his position as civilian aide to the Secretary of War in protest of the continuing racism in America's armed services. We find a Hastie who, in 1939, joins Howard University and others, including Eleanor Roosevelt, in sponsoring contralto Marian Anderson's concert at the Lincoln Memorial after the Daughters of the American Revolution refuse to allow Ms. Anderson to sing at Constitution Hall. We see a Judge Hastie who responds affirmatively to an urgent 1957 telegram from the Rev. Dr. Martin Luther King, Jr. asking for his advice in support of civil rights efforts in the South. We meet a Hastie who retains his composure during confirmation hearings on his appointment to the Third Circuit, even as some members of Congress attempt to bog down the hearings and others, pointing to his activities with the NAACP, attempt to brand him a Communist.

"Presence"

On Friday, Nov. 16, one day before what would have been William Henry Hastie's 80th birthday, Harvard Law School invited his family, friends, colleagues and those who did not know him to pay tribute to his accomplishments in a commemorative symposium. Those who spoke included a former colleague

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JD/MBA's Lose a Year, Gain a Degree

By Jack Robinson

Of all the graduate degree programs at Harvard, the JD/MBA program is perhaps both the most maligned and most praised of them all. The joint business-law program is a four-year program coordinated between the Harvard Business School (or the B-School, as it is affectionately referred to across the river) and the Harvard Law School.

Participants spend the first two years enrolled in the first-year curriculum at each school. Candidates split the last two years between the B-School and the Law School, taking courses at both schools simultaneously.

JD/MBAs must also complete a paper and/or joint program seminar in the fourth year to integrate their business and legal studies. Contrary to popular belief, JD/MBAs receive *both* degrees at the end of their four years and not a "combined" degree.

Who are these strange creatures who spend anywhere from one to two years extra at Harvard for a degree that they can't even place at the end of their names? More importantly, what do they actually do once they have received both degrees?

A starting point in unraveling this mystery is the official JD/MBA

program brochure published jointly (of course!) by both schools' admissions offices. The brochure states that the joint program "is designed to train students for careers in which management and law overlap." For many, this training has led to investment banking, traditional law firm practice or management consulting careers.

Thus, the majority of JD/MBAs choose the same career paths as their one-degree classmates. The obvious question is why should someone spend four years in school to end up doing what everyone else does after only two or three years?

One JD/MBA in his fourth year of the program, responded with a familiar cliché: "We do it to keep our options open three years down the road." When asked about his immediate employment plans, he responded, "I'm going to a white-

shoe Wall Street law firm for a couple of years for polish; then I'll go down the block to a major investment bank to make some money!"

Of the thirty or so JD/MBAs who graduate each year, almost half go directly into law upon graduation. The reason offered is that one can always leave a law firm after two or three years but trying to enter a firm, after spending a great deal of time out of the profession, is almost impossible. Another reason for going into law directly is that, as one student put it, "it's easier to make contacts through a law firm for possible senior management positions in the corporate world."

A substantial number of JD/MBAs go directly into investment banking after graduation. Another fourth year said of this career path, "I know I could have done this after

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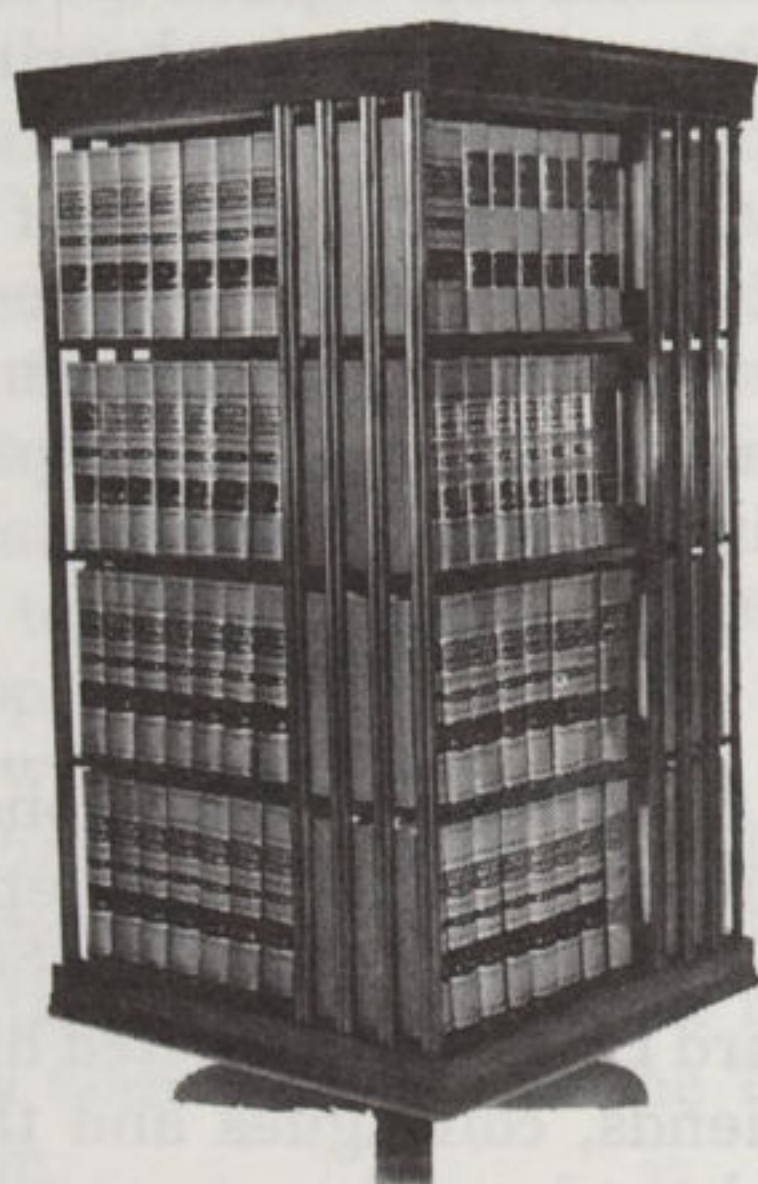
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LSC Presses Survey's Recommendations

By Joe Brandolino

As the semester winds down, the Law School Council (LSC) is continuing to address student concerns at HLS. (See RECORD September 21st) Student concerns as reflected in last year's comprehensive student survey remain the LSC's top priority said LSC President Eddie Vela.

On November 27th, LSC members met with Dean Vorenberg to discuss recent changes in the faculty voting procedure for the appointment of professors as well as the overall role of students in the faculty appointment process.

This fall, Dean Vorenberg proposed a change in faculty voting procedure for appointments of assistant professors and professors. As a result of Vorenberg's action, such faculty appointment recommendations now require two votes: the approval of two-thirds of the entire faculty and of two-thirds of the tenured faculty.

Constructive Dialogue

In response to a request by the LSC, Dean Vorenberg issued a memo to HLS students on October 30th, outlining in detail the procedures for faculty appointments. In meeting with the dean, LSC members say they hope to engage in constructive dialogue, clarifying any existing formal mechanisms for student involvement so that students can understand and readily participate in the appointments process.

In addition, the Council says it hopes to balance its perception of the important role of student input with that of the dean. From the

LSC's viewpoint, the dean's perspective puts less emphasis on student input in the hiring process.

In response to student dissatisfaction over the present system of reporting grades, the LSC surveyed students for their preferences. Response to the survey was low; about 250 responded including 128 1L's.

The overwhelming majority of respondents preferred the mailing of grades over standing in line to receive them at a designated time and place.

The LSC favored a hybrid plan of grade distribution, only to find that such a system presently existed. Although not widely known, a student may currently receive grades through the mail by notifying the registrar in advance. The LSC plans to increase student awareness of this option.

Among the activities of student committee members currently in progress, Legal Education Committee members Don Carlson and Tom Baker are responding to concern over the "upper-class apathy" evident in last year's student survey results. Carlson stated that the need for smaller classes continues to be the most often-cited student concern in this regard; thus, it will continue as a top priority of the committee representatives.

Another idea considered by Carlson and Baker includes "mini-sections" for second-year basic courses. Students taking second-year basic courses would register for groups of professors, thus creating "mini-sections" similar to sections which exist for some first-year courses. Students reacted negatively toward this proposal, however, feeling that

such a move would constrict choices available to students, both as to professors and course-combinations. Concern was also expressed that "mini-sections" would channel students into a certain molded curriculum. Carlson noted that the committee will continue to search for new ideas to dispel upper-class ennui. The committee representatives are also currently considering problems in the registration process, operation of the yearbook, and the legal methods program. Carlson and Baker stated that any student input is welcome.

In response to student concern that financial aid policies too strongly influence career decisions, a student work group headed by Paul DiDonato has been active since last year in overseeing/revising the Low Income Protection Plan. The Financial Aid Committee approved revisions of the plan last year which went to the faculty for final approval late last spring.

DiDonato is pleased that the faculty approved most of the revisions. Some of the changes included: an increase in the principal forgiveness percentage, an increase in the income cap for married students and a decrease in the time period before forgiveness commences. The details of these changes will be publicized soon.

DiDonato noted that many policy decisions concerning the plan, such as the refinancing structure, are left to the discretion of the Financial Aid Office. These decisions influence the scope and effect of the plan on students. Thus, the work group will continue to cooperate with Financial Aid Director Renda Johnson to insure that policy decisions are in harmony with the overall purpose of the plan. If necessary, further revisions will also be considered.

The LSC will soon distribute a newsletter to students which will explain in more detail Council and Committee business. Vela and other Council members encourage students to submit feedback concerning present activities or any other proposals which students feel appropriate for LSC action.

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Greenfield Advocates Media's Self-Restraint

By Susan Smith

"I entertain the shocking hypothesis that if everyone is criticizing us [the media], . . . we could be doing something wrong," asserted *Washington Post* editorial page editor Meg Greenfield to a Harvard Law School Forum audience on Thursday, Nov. 15.

itself and to voluntarily withhold information regarding exit polls and the like.

"You don't want laws [to control the media] because these things invariably end up penalizing us for what we've done right and not what we've done wrong."

Greenfield also pointed out that in a presidential campaign, the size

As an example, Greenfield discussed a Hart campaign stop in an Alabama shopping mall, where virtually the entire crowd consisted of members of the press. "On the TV news, it looked like the Pope in Poland."

In an election contest, the press is often reduced to a need to "find" news. Citing coverage of the 1980 Democratic convention, Greenfield reported that since Carter had already "locked up" the nomination, the "drama" for the media was the manner in which Ted Kennedy and Carter would shake hands at the close of the event.

Greenfield also noted that in an election year, the closeness of the press corps and the candidates affects what gets reported and what doesn't. Often the candidates come to know the press fairly well and "they're stunned when you file a report."

"Pack Instinct"

Greenfield admitted that a "pack instinct" among the media results in the spilling of more ink than necessary on insignificant issues — such as Hart's real name and age. First, she said, there's the news story; then the catch-up news story by other members of the press, then the reaction from the people, and finally the analyst and columnist step in. "We have become, in some sense, a terrible overkill machine."



Meg Greenfield

Greg Peterson

Greenfield, who has been with the *Washington Post* since 1968 and also writes a biweekly column for *Newsweek*, focused her remarks on the media's role in elections, especially its role in the recent presidential campaign.

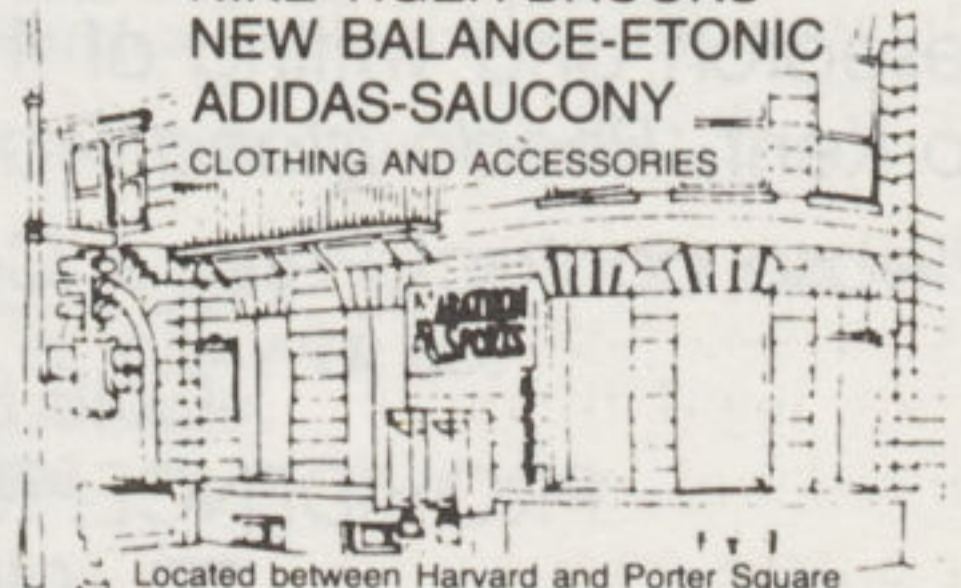
While she conceded that "good politicians" are aware of "the media's need to have a story," and that such politicians "seek" to manipulate the media, Greenfield does not feel that governmental control is the proper cure.

First Amendment

"The best solution is self restraint," she asserted. "People talk about the First Amendment considerations. We can't be told to withhold information, but we withhold information all the time: remarks made off the record, indiscretions on the press plane. . . . There's some selectivity going on," and it is proper for media to police

of the media creates its own problems. Where a candidate is surrounded by a large number of press personnel — for example, the 80 on Hart's press plane alone or the 15,000 reported to be at the San Francisco convention — "that is the beginning of our creating the event." The fact that many persons are involved, even though they are all theoretically just reporting the story, "bestows importance on that event."

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Moot Teams Split Honors in Final Foray

By Raoul Cantero

Nav.

On February 19, a capacity crowd gathered in the Ames Courtroom to observe the climactic Final Round of this year's Ames Moot Court Competition. Justice William J. Brennan of the United States Supreme Court presided as chief justice over final argument.

Joining Justice Brennan at the bench were Judges Stephen G. Breyer of the First Circuit Court of Appeals and A. Leon Higginbotham, Jr. of the Third Circuit Court of Appeals.

The mock case, developed by Prof. Larry Tribe and his assistant William Hunter, involved an infant who had been born handicapped. Corrective surgery would not have significantly increased the baby's life expectancy. Based on the physician's recommendations, the infant's parents decided to forego the surgery. The state of Ames subsequently suspended the physician's license,

and the physician filed suit.

The facts of the case raised several constitutional issues. At the time of the hypothetical suit state proceedings were in progress to determine whether to revoke the physician's license; thus federalism was an important issue.

Second, the physician was asserting the third party rights of the parents to privacy; and whether he had standing to do so was another issue.

Another federalism issue was whether the concept of state sovereignty was offended by Congressional attempts to condition the apportionment of federal funds. In the case, a federal statute required that states maintain a program for preventing child abuse in order to receive federal funds for medical care.

Representing the petitioners were Josephine Foehrenbach (oralist), Michael Tankersley (oralist), Jean Marie Brescia, Jay Rothman, Karl Thurmond, and Dennis Waggoner,

all 3Ls. The respondents were represented by Chai Feldblum (oralist), Robert Thomas (oralist), Charles Blanchard, Elizabeth Harper, Richard Keck, and Bruce McCoy, also 3Ls.

The argument lasted about an hour and a half. Coincidentally, many of the relevant cases cited contained Brennan dissents, and on several occasions "Mr. Chief Justice" Brennan did not hesitate to jokingly remind oralists of that fact.

After the argument the justices commended all counsel for their excellent advocacy. In particular, Breyer lamented that the quality of representation on the bar in general was not comparable. Tankersley received honors as the Best Oralist, while the respondents were awarded the Best Brief and Best Overall honors.

For the participants, the argument represented the culmination of a long and arduous competition that began over a year ago. Materials for Upper Round Ames are handed out in early October of the 2L year. The briefs are due just two and a half weeks later and oral arguments take place in mid-November. The four top teams advance to the semi-final round, which begins in February. In that round, each team argues one of two cases, and the winner in each case advances to the final round, held the following fall.

Each qualifying round team consists of four members: two appellants and two appellees. Each team argues one of three cases twice against other teams, with each team arguing a total of four times. Teams are scored by the judges in various categories, and the top team in each case advances to the semi-finals, along with a wild-card team. Each team may then add two more participants to its ranks. This year twenty teams competed in the Qualifying Round.

Even as 3Ls finish the Final Round, 2Ls are preparing for the semi-final round for the next year. Four teams have made it to the semi-final round, which will begin next February.

New Technologies Engender Novel Law

By Gregory Klima

The Harvard Law and Technology Society hosted its first event on Wednesday, November 14, 1984 — a panel discussion entitled "Emerging Issues in High-Tech Law." The event featured five speakers who briefly discussed different technology-related legal areas. A question and answer period followed.

The first speaker was William Rogers from Gaston Snow & Ely Bartlett who presented an introduction to start-up financing. Rogers emphasized that much of the work in this area does not involve the law by stating, "A lot of the time you find yourself doing things that aren't strictly legal . . . Let me clarify that, legal in nature." Among the non-legal activities were advising clients on the proper business approach to take and acting as a

broker for clients in finding marketing specialists and financing. The start-up lawyer should also be well-versed in his or her client's business. This includes reading trade magazines as well as learning the business environment and language of the client's industry.

The lawyer's role continues well beyond getting the business started and obtaining financing for the new company, Rogers commented. The lawyer will then find him- or herself getting involved in a wide variety of business concerns — from dealing with securities, to determining pricing policies, to deciding who will sit on the company's board of directors.

Rogers counselled students to use discretion in choosing to follow up an idea for a client. The start-up lawyer needs to determine whether an idea is worthwhile or will simply

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There He Goes Again

Late last Friday afternoon, November 23, the Reagan Administration announced the appointment of eleven directors to the board of the Legal Services Corporation. These appointees are the same people who failed to receive Senate confirmation earlier this year. Once again the Reagan Administration has resorted to its recess appointment power in order to circumvent the Constitutionally prescribed legislative checks on executive appointments. This is Reagan's latest move in his crusade to eliminate the only realistic hope of legal representation for the nation's poor. This campaign against legal aid dates back to Reagan's reign as governor in California.

As President, Reagan's first assault urged the removal of all funding for poverty law. Although Congress agreed to cut the corporation's budget, it refused to oblige with the dissolution of Legal Services.

Reagan's next gambit was to fill the LSC's board with directors as hostile as he to the corporation and its goals. Again Congress balked. Finding this option foreclosed, Reagan has resorted to appointing his directors while Congress is not in session.

Ignoring the legislature's mandate that the administration execute the Legal Services Act, Reagan has appointed a series of temporary directors who, despite their failure to receive Congressional approval, may sit through the legislature's session.

During his four year tenure Reagan has failed in his legal duty to nominate a slate of directors acceptable to the Senate. He has repeatedly been forced to rely upon these recess appointments because even the Republican controlled Senate finds his candidates' antagonism to legal services unpalatable. Including last week's appointments, Reagan has installed forty directors through this recess maneuver.

Congress' cuts in LSC funding are a tragic loss which have aggravated injustice and resulted in severe hardship for the indigent in need of legal assistance. Congressional tenacity against dissolution, however, is as commendable as the administration's attempts to eliminate legal representation for the poor are deplorable. Reagan's actions have proven this is not enough. Congress must curtail the administration's evasion of its executive duty, and divest the corporation of officers who seek to dismantle legal aid.



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 bastian Hoppe, Jane Kaufmann, Bruce Kelly, Russell Marsh,
 Mike Medina, Vinny Pitaro, David Price, Shari Rabinowitz,
 Jack Robinson, James Ross, Stephanie Young, David Zensky
 SPORTS EDITOR Rick Schlesinger
 PHOTO EDITOR Teresa Miller
 PHOTOGRAPHY STAFF: Lori Nuckolls, Greg Peterson

Fenno

Fenno was aimlessly leafing through his recommended daily allotment of rejection letters from prestigious Wall Street firms when the phone rang. He quickly put down his affected yet ineffective Antitrust case-book, and dashed to the phone. Perhaps Cravath had changed their mind.

"Hallo, this is Carlton Ashton Stillwell, III," said a pleasant, friendly voice. "Please don't hang up your receiver." Whenever law students hear a pleasant, friendly voice on the other end of the line, they think it's someone trying to sock them for money. They say they've given up telephonic communications for Lent, or that they're dead, or that they're at the library studying — all obvious lies. "I'm wondering if you could spare a few billable minutes of your time."

"Well, I, uh..." said Fenno, pointedly.

"Good! I'm calling for SOAPIL, Students Organized Against Public Interest Law. We're a group of students who are sick and tired of pinko, patsy, leftist Harvard law students with prosperous parents who forsake the lucrative work of serious law firms and run off instead to public interest groups. We are asking students in the graduating class to pledge *not* to give a dime of their first year's income to their classmates doing public interest work. How about you? You're graduating, aren't you?"

"Well, I wouldn't bet the ranch on it," replied Fenno. "Anyway, my Uncle Lemmox from Frunge, New Jersey once had a dispute with his landlord. He couldn't afford a real lawyer, so he went to Legal Services. Not only did the lawyer there offer to take his case for free, he even lent Unc some money to tide him over. Unc took the cash, bought a gun, and shot his landlord — so the case never even went to trial."

"Fenno," said Carlton Ashwell Stillton III, "You don't seem to understand the gravity of the problem. When public interest lawyers represent the poor, every so often they win a case. When this happens, money is transferred from the haves to the have-nots. Pretty soon all the money gets transferred and what do you get? Massachusetts, Nicaragua — then COMMUNISM. The Free World is at stake here, Mr. Fenno."

"Look, I'd love to help," said Fenno, as he prepared to rip his pay phone from the wall, "But to be perfectly honest, I don't have a job offer for next year."

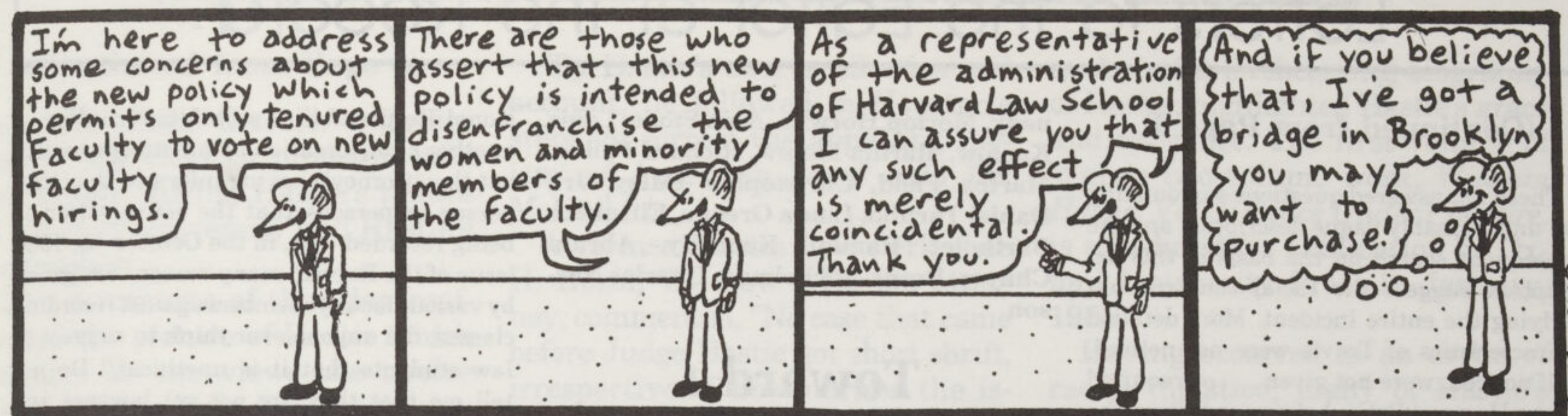
"Wwwell, in that case, good bye. If you don't have any money, you certainly can't give it away, can you?"

Fenno, dejected and angry, hung up the phone. He wondered if he'd ever get one of those high paying jobs at a law firm.

"I may not," lamented Fenno, "but I'll show them. I'll become an HLS Prof. — depending, of course, on who can vote."

Rat Race

by Lily Wyatt



Letters to the Editor of the Record

Faceless Stereotypes

To the Editor:

I was certainly glad to read in the last edition of the RECORD that the faculty, in its last meeting, addressed the concerns of many students on campus concerning the carding of two Black law students on campus several weeks ago. This incident, also reported in the last edition of the RECORD, occurred while Harvard Police were seeking to remove law student impostor, Steven Travis, from the campus. I must say, however, that I am both disturbed and disappointed by the suggestion made at the faculty meeting (as reported in the RECORD) that in future inspections, security personnel should be accompanied by a member of the law school administration. If this suggestion is indicative of the level of discussions and suggestions surrounding this unfortunate incident, then I am afraid that those participating in that discussion failed to recognize the obvious racial implications underlying the entire incident.

It is important to note first that the objectionable nature of this incident stems not from the fact, alone, that two Black students were asked to identify themselves on campus, but rather, from the obvious racial implications of the unreasonably vague description given by [Law School officials] to the Harvard Police and the subsequent search on the basis of that description. No one, I think, would argue that Black students or any other members of the Harvard community ought to be immune from reasonable requests to produce identification. The issue here, however, is whether the description and the subsequent search were reasonable. The description given . . . to the Harvard Police described the impostor as a Black male with a mustache wearing a dark suit. There are 75 or so Black males enrolled at the law school. During the month of October two-thirds of these students, like other second and third year students, participate in the on-campus interview process. Dark suits are the standard attire. Since many Black males have mustaches, the description given . . . accurately described most of the Black males

on campus, including Assistant Professor Randall Kennedy. How could such a description possibly constitute a reasonable basis for a search? The unreasonableness of both the description and the subsequent search is underscored by the available opportunities to obtain a more specific description of the impostor.

Travis had regularly attended and participated in Section One classes for nearly two months. Certainly students or even instructors who eventually discovered his identity would have been able to give a more detailed description of the impostor. Furthermore, Dean [of Students] Mary Upton, after learning of Travis' presence on campus, personally called him into her office and talked with him for over an hour. How is it, then, that [the Law School] could only give a vague description of Travis as a Black male with a mustache, wearing a dark suit? Why didn't Upton or the Harvard Police seek further descriptions from the students or faculty of Section One?

(Continued on Page 10)

Letters Policy

The RECORD's policy on letters is simple. We read all of them. We do not usually acknowledge receipt of them. We print many of them, subject only to editorial discretion. We encourage letters on any subject, and particularly concerning subjects that have been covered in the RECORD. Short letters are more likely to be printed. In no event will we print individual letters longer than 700 words.

Letters should be typed and must be received by 2:00 P.M. on the Tuesday before the issue. Letters should be addressed to the RECORD rather than to third parties. In no event will the RECORD publish letters by writers who have not identified themselves to the RECORD. Organizations should identify the specific individual(s) responsible for approving the letter.

35 Years Ago At HLS

November 30, 1949
Vol. 9 No. 9

The World Law Group held its third and final luncheon-seminar of the current series on Atomic Energy Control at the Hotel Commander, last Tuesday, November 22. Mr. Cord Meyer, Jr., and Mr. McGeorge Bundy, spoke with the group on the general topic, *The Political Problems of Atomic Energy*.

Mr. Meyer stated that according to the best estimates the U.S. now has about five or six hundred atom bombs of varying destructive ability while the U.S.S.R. has had at least one and is presumably presently

engaged in the manufacture of many more. With two major antagonists possessing the atom bomb, he went on, the U.S. must, under the existing relations with the U.S.S.R., expand its power to the point of safety. This policy, he thought, if pursued alone, would require the decentralization of industry the enforcement of which might seriously affect our civil liberties and might also lead to a preventative war. Therefore, as an alternative to this very likely unsuccessful short term power policy, Mr. Meyer suggested a limited world federal government with powers similar to our federal government and, most important, with ability to put an end to the national war making power.

✽

Letters to the Editor of the Record

(Continued from Page 9)

These unanswered questions surrounding the unreasonably vague description and the subsequent search on the basis of this description suggest the racial concerns underlying the entire incident. More detailed characteristics of Travis were not noticed, or if noticed, were not given . . . or required by the Harvard Police before conducting the search because in their eyes no further description was necessary. The basic unspoken and perhaps unnoticed premise underlying the descriptions given by the law school and relied upon by the Harvard Police in conducting their search was that there are no significant distinctions between Blacks. [No one] thought it necessary to distinguish this impostor from the 75 or so other Black males on or visiting the campus. Such a search is not only unreasonable and unwarranted but is also extremely insensitive to the Black males potentially subjected to the search.

I, along with Dean Upton, regret the entire incident. The incident, however, provides an opportunity for us all to pause and evaluate the conditions under which Blacks continue to exist, not only at Harvard Law School but in this country. It is an example, once again, of how Blacks are stereotyped and unreasonably categorized into a single group, which facilitates the subversion of our individual and collective interests as autonomous members of the larger community. Until we recognize Blacks as individuals, rather than as parts of a faceless subgroup, until we see Blacks as members of our community possessing privileges and interests to be protected, I am afraid that we are doomed to repeat such regrettable and embarrassing incidents as those surrounding the removal of Steven Travis.

Kenneth W. Lewis, 2L

Faculty for Divestiture

To the Editor:

We the undersigned members of the Harvard Law School Faculty disagree with the conclusions of Harvard University President Derek Bok's October 1, 1984 open letter on divestiture. We urge the Harvard Corporation to implement the recommendation of its Advisory Committee on Shareholder Responsibility that Harvard unconditionally divest its holding in companies that operate in South Africa.

Profs. Gerald Frug, Clare Dalton, Jeanne Charn, Gary Bellow, Deborah Anker, Richard Parker, Duncan Ken-

nedy, Morton Horwitz, Alan Stone, Louis Kaplow, Martha Minow, Richard Fallon, Martha Field, Christopher Edley, Jr., Daniel Tarullo, Linda Greene, Elizabeth Bartholet, Randall Kennedy, Abram Chayes, Frank Michelman, Charles Nesson

Toward a Diverse Faculty

To the Editor:

I read the editorial in your October 19, 1984 issue and thought perhaps it should have been dated April 1, 1985.

You speak of the fight for "greater diversity" and less "homogeneity" among the law school faculty, but then you admit that "the overwhelming majority of the thirteen [junior] faculty members . . . have traditionally voted with the faculty's most liberal block."

If the newer faculty members are persons who are overwhelmingly in the "most liberal block" of a very liberal faculty, it appears clear that the present system has discouraged heterogeneity and diversity.

Dean Vorenberg's apparent proposal *does* discourage diversity not because it moves away from the present, disastrous status quo, but rather for the reason that it does not change that status quo enough. It discourages diversity because it leaves in control of the hiring decisions the same group of senior faculty members who supported the appointment of the present non-diverse group of extremely liberal junior members, and provides for a supermajority vote which will enable the blackballing of any faculty applicants who are insufficiently liberal or left-wing in their political views.

Instead of what Dean Vorenberg apparently suggests, I would suggest that faculty appointments be made by a distinguished panel of school alumni, pledged to the values of diversity and heterogeneity within the faculty, with selection based on academic excellence and merit, and without discrimination against moderately liberal, moderate, or even conservative applicants.

The stakes involved in this matter are high, for without a climate of academic freedom and diverse thought at the law school, its status as the nation's leading law school will surely not endure.

Paul E. Knag, '70

Unethical Taping

To the Editor:

My recollection is that the Code of Profes-

sional Responsibility prohibits recording of another's conversation by an attorney without the attorney's having informed the other person or persons that the conversation is being recorded. Yet, in the October 12, 1984 issue of the RECORD many reasons are given by various faculty members against recording classes; did anyone ever think to suggest to law students that it is unethical?! Do not tell me that they are not yet lawyers and therefore not yet bound by the Code. Ethics are ethics. Further, when, if ever, are they going to "learn" the Code?

John T. Ballantine, '57
Louisville, Kentucky

Taping Classes: 50 Years Ago

To the Editor:

Your recent article "Faculty Forbids Recording Classes" really took me back to my own years at HLS.

"Taping" was a problem even back in my days — some fifty years ago. Of course, I don't think that the recording was done on tape, but rather on some form of disc or even wire.

A friend of mine — not a classmate — used some kind of brief case/attache case which he had ingeniously adapted to carry his recording device. Of course, he attended all the lectures because, as I recall, he was probably the only one in his class who did recording of any kind.

I learned about his methods because he sometimes asked me to check my handwritten notes from the year before against his own transcriptions. Apparently, his "gadget" did not work as well as he had expected.

He later told me that he had had some problems as an undergraduate — not at Harvard — because he had recorded a certain class and then had published a "book" which he apparently had tried to sell the following year. His college professor learned of this and really cracked down.

Incidentally, as I recall, despite all his ingenuity and the possession of a pretty good mind, he ended up in about the middle of his class.

If there is a moral to this story, I suppose it is simply that times and methods may change, but people don't.

Morton J. Simon, '35
Jenkintown, Pa.



Legal Leader Memorialized at Meeting

(Continued from Page 3)

from the Third Circuit, a former Hastie law clerk, a professor who had taught during Hastie's tenure at Howard University and Hastie's biographer.

The comments of that day reaffirmed the picture of Hastie which emerges as one views the twelve glass cases which display the exhibit.

Attorney William Coleman, '43, who served as Secretary of Transportation during the Johnson administration and who was a personal friend of Hastie, spoke of the thoroughness and thoughtfulness with which Hastie approached his job as judge. Referring to the times he had argued before Hastie, Coleman said, "I can't recall that I could ever say that Hastie [in an opinion] took a brief of mine and simply rewrote it."

Coleman also commented on Hastie's "presence." "There is a greatness about some people that you just feel.... William Henry Hastie was one person in whose presence you felt it."

Judge Collins J. Seitz, senior judge on the U.S. Court of Appeals for the Third Circuit, spoke of his former colleague's unwillingness to embarrass lawyers in his courtroom: "For Bill Hastie the Socratic method was a teaching tool. He intimidated lawyers only by the compulsion of his logic. Lawyers left with their [pride] intact."

Judge Seitz added a comment on Hastie's strong respect for dissent recalling a time when Chief Judge Hastie, considering a strongly divided panel, "cast the deciding vote for rehearing en banc, even though he'd written the majority opinion."

Dr. Genna Rae McNeil spoke of the parallel careers of Hastie and his illustrious cousin Charles Hamilton Houston, '22, S.J.D. '23. McNeil is the author of the Houston biography, *Groundwork: Charles Hamilton Houston and the Struggle for Civil Rights*, (Univ. of Pa. Press, 1983) which recently won the American Bar Association's Silver Gavel Award.

"By Hastie's own recollection and account, he followed in Houston's steps 'to correct the appalling racism' of American Law," said Dr. McNeil.

A former Hastie law clerk, Lee H. Kozol, '57, now a Boston attorney, commented, "No case that came before Judge Hastie got short shrift, irrespective of how narrow the issues were." Kozol highlighted Hastie's concern for the court's institutional legitimacy: "I had not been in Philadelphia long before I realized that as committed as Judge Hastie was to the principle of *Brown v. Board* he was deeply concerned about sitting on such cases."

Prof. J. Clay Smith, Jr. of the Howard University Law School spoke of Hastie's work as professor and dean at Howard. Smith offered the comments of Hastie's former students as evidence of Hastie's insistence upon excellence — an insistence which Smith reports subjected Hastie to accusations of trying to "Harvardize Howard."

Prof. Smith also commented on Hastie's efforts to involve the Howard faculty in the important civil rights cases of the day. "Those with meritorious claims could always find help [at Howard]."

Dr. Gilbert Ware, Prof. of Political Science at Drexel University and

author of a forthcoming biography of Hastie, highlighted Hastie's grace and reticence. The first volume of Ware's two-volume work, *William Hastie, Vol. I: Grace Under Pressure*, is scheduled for publication by Oxford University Press in January, 1985.

Having occurred in an arena of racial injustice, many of Hastie's accomplishments also offered him the lamentable distinction of being "the first." Hastie was the first Black American to sit on a federal court (and the first on either a district or circuit court.) He was the first Black governor of the Virgin Islands, the first Black to hold a government position as high as civilian aide to the Secretary of War — and the first Black to have his portrait on a wall at Harvard Law School.

For a time it was also true that Hastie had the distinction of being *the only* Black American to have been in his position. Fortunately, today, that distinction is no longer valid.

Hastie's having been the "first" and the "only" has historical significance, yet it is not those distinctions which describe his significance to history. As his biographer, Dr. Ware, noted "[h]is having been first is a matter of sequence.... His significance lies not in the order in which he came to his positions but in his accomplishments when he was in those positions."

It is probable that students in the Elihu Root room will look up from their studies every now and then and see the Hastie portrait. It is to be hoped that after this exhibit has run its course, those students, and others, will better understand and appreciate who Hastie was — and why his portrait hangs there.

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Intellectual Property Poses Persistent Dilemmas

(Continued from Page 7)

lead to a wild goose chase. Wild goose chases should be avoided, warned Rogers, because they lead to work for which the client will not pay.

Newton White from the firm of Nutter, McClennan & Fish was the second speaker. He discussed legal aspects of consulting agreements. White stated that two main kinds of consulting agreements exist: those which provide for a "spot employee" who is hired for a certain amount of money per hour and those which arrange for an expert in the industry to provide an answer to specific questions confronting the company.

It is of utmost importance to establish that what the spot employee creates during his employment with the company is the property of the company.

Among the aspects of a consulting contract are who will own the patent rights of the creation, who will own the trade secrets developed or revealed in the process of creation, and how to protect the company's goodwill, trademarks and copyrights. The contract must also determine if the consultant will assist the company with the patent process.

The third speaker of the evening was Constantine Alexander, also of Nutter, McClennan & Fish. His topic was "Legal Questions Surrounding Biotechnology". Among Alexander's first remarks was the comment that there simply is not enough biotech law work to be done. Thus it could not be the only area in which one would specialize.

Alexander described the practice

of biotech law as encompassing issues of corporate law, government regulation and the relationship between the university and business. Among the corporate issues addressed by a biotech lawyer are financing the industry's "thirst for capital," trade secret law, contract law and patent law. The government regulation areas included working with the Food and Drug Administration, the Environmental Protection Agency and zoning boards. Alexander commented that the zoning issues arise because of public fear that has resulted from great misinformation.

Don Ware of Foley, Hoag & Eliot then addressed the audience on the topic of "Computer Software: Marketing and Copyright." Ware explained that many thorny, unresolved issues exist in the computer software field, making for an interesting practice. These unresolved issues are the result of the explosive growth and changes in the software field and because legal principals do not fit the resulting issues very well.

The main issue involved in software law is the protection of software creations, according to Ware.

This includes establishing that the software is really the company's property when it is developed. This can be difficult because so much software is being created and any new program that is not truly novel will not be protected or copyrighted. The problem of preventing customers from making illegal copies of the software also exists.

The final speaker of the evening was David Wolf of Wolf, Greenfield & Sacks.

Wolf discussed "Developing Areas in Patent Law." The practice of patent law, according to Wolf, addresses anything which relates to protection of intellectual property rights. These issues range from licensing, filing applications and litigating infringements.

Wolf commented that the area of patent law has been growing for two reasons. First, there is an increasing willingness of courts to protect intellectual property rights by upholding more patents, and additionally, there is an increasing willingness of many companies to use a patent before consulting a lawyer and then to litigate the issue of patent infringement.

Correction

In "Democrats Acclaim Hart in Support for Mondale," Volume 79, Issue No. 2, the RECORD attributed the quotation "A vote for Reaganism is a vote for Satanism," to Maurice Kane, Jr., 2L. This attribution was incorrect.

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Brennan Seeks Improved Oral Advocacy

(Continued from Page 2)

at hand. "The Constitution was structured . . . not to protect government but to protect the individual. . . . I don't think the Court's going to forget it," he remarked.

Brennan further asserted that, "there hasn't been that much dilution . . . of [liberal] Warren Court precedents yet. There's [just] been some trimming at the edges," in the areas of Fourth Amendment and establishment clause questions. He emphasized that while he now files more dissenting opinions than ever, he is not discouraged, but expressed doubt that the Court would revise

its position on their good faith exception to the exclusionary rule this term.

But Brennan refrained from criticizing the motives or beliefs of any of the conservative justices. "So far as I'm concerned, every one of my colleagues has just as much integrity about his position and his responsibilities as I hope I do — every one of them," said Brennan. He added jokingly, "[But] I do think some of their reasons are nuts."

Brennan had nothing but praise for Justice Sandra Day O'Connor. He said she does not fill a token spot on the bench, rather, "she is a very, very capable lawyer — particularly when she agrees with me." Turning more serious, he said, "We do not have any consciousness at all that she is a lady colleague. . . . She is one cracker-jack lawyer and she makes a very, very real and constructive contribution to the work of the Court." Brennan predicted that inevitably more women will join the Supreme Court. Of the

other justices, he said that Justice Rehnquist is probably his "closest buddy."

Regarding potential Reagan appointees, Brennan said it is not automatic that, once appointed, justices "adhere to the potential beliefs of those who appointed them." He supported this assertion by reminding those in attendance that he had been appointed by Eisenhower, who later considered Brennan's appointment to be one of his biggest mistakes.

On a lighter note, Brennan inquired "Is this Austin?" and reminisced about his days spent in Austin Hall listening to Prof. Williston's lectures. He later told a student that he had never thought of being, nor desired to be, a judge while in law school.

Brennan closed by revealing his desire that the quality of oral advocacy in the federal courts would improve. He said many representations are of inferior quality.

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JD/MBA Students: Why Do They Do It?

(Continued from Page 4)

only two years at the B-School, but my legal education will be valuable to me not only as an investment banker but later on if I decide to accept a top management position in a company or start out on my own."

One third year student, when asked why she entered the joint program, offered a response usually given to explain the choice to attend law school: "I wasn't sure what I wanted to do." Another student said that "fifteen years from now, wherever I am, I don't want someone to be able to say that I'm not qualified for the job." Both of these students plan to go into investment banking upon graduation.

What about the people who do not go into investment banking, law or consulting immediately after

graduation? These JD/MBAs are relatively scarce. But one such student who plans a career in the venture capital field stated that "venture capital is the perfect JD/MBA career because it's the only place where law and business really overlap in a functional manner."

An area of special concern to the JD/MBA is the summer job search. JD/MBAs have three summers in which to work as opposed to two (JD) or one (MBA). Many believe that this situation is both an advantage and a disadvantage. It is good because JD/MBAs have three summers to try out different areas of the country as well as different careers. Also, for those who want to prolong their student lives, the program offers an extra summer or two for carousing.

The main disadvantage of the program is that summer employers often doubt a JD/MBA's resolve to enter a particular field upon graduation. A second year puts it this way: "They [employers] feel that since I won't be graduating until 1987, I really don't know what I want to do and thus they're not interested in me until next year."

Another student claims that it is fairly difficult to get a job in investment banking after the first or second year of the program. She says

that "they are only used to seeing people who are going to graduate the following year; so when you say you won't be graduating for two to three years, they say come back during your third year in the program." Apparently, the same is true of consulting firms.

Thus, most JD/MBAs in the first and second years of the program work for law firms the following summer. The reason for this, a student says, is that "law firms are used to hiring people who might not walk through the door for two or three years [1Ls and people accepting judicial clerkships.]"

Another obvious disadvantage of the program is having to pay Harvard an extra \$15,000 for tuition and fees. Also, because of conflicts in both schools' calendars, students forego a spring recess in their third and fourth years of the program.

Given all of these added headaches (academic, financial, etc.), one might ask again, "Who are these people and *why* do they do it?"

One third year put it this way: "JD/MBAs are a different breed of student and person. They're hungry for quick fortune and maybe fame. They're opportunists who, because of their training, expect to be doing something substantial within fifteen years."

When asked what was meant by "substantial" the student responded, "helping to run a Fortune 500 company, being a high level government official or being in the Forbes 400," (which is, by the way, a listing of the 400 richest people in America).

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Appointments Process Creates 'Second Class' Status

(Continued from Page 1)

"the dean's reasons for the tenured faculty vote requirement are not compelling since you don't have to be a good teacher to recognize a keen ability to teach; moreover, since tension among the faculty is at a new high, subscription to the principle that the tenured faculty are better evaluators of scholarship seems suspect."

"Presently there are 13 assistant professors while only four years ago there were five," Vorenberg further explained. To compensate for this sharp increase in the number of young faculty the new tenured faculty voting requirement "preserves the 'long practice' that primarily the tenured members of the faculty make appointment recommendations."

Immediately following the dean's decision to alter the faculty appointments process the Law School Council and Third World Coalition expressed fear that diversification of the HLS faculty would be hindered. In particular, these groups were concerned that minority and women appointment recommendations would be fewer without the assistant professors' votes.

"I think the new requirement dilutes the voting power of assistant professors and weakens the more liberal voting bloc," stated Prof. Parker. "Though it's too early to tell, it may have a substantial effect on minority and female faculty appointments."

Prof. Tarullo pointed out that women and minority appointments may not be affected at all. "Whether there will be fewer minority appointments depends on the people who push for them in search committees."

According to a memo by Dean Vorenberg on October 30, 1984, "there are two special search subcommittees of the Appointments Committee, one for minorities and one for women, with responsibility to seek candidates and to bring their names to the attention of the Appointments Committee. Those subcommittees seek information about possible candidates from faculty and students here, from persons at other law schools, and from review of published articles. They also contact lawyers in private practice, government, legal services and public interest work, and judges and others who may have promising suggestions. All of the foregoing committees and subcommittees are comprised of full-time faculty members, appointed by the dean."

Most faculty members contacted, however, feel that the new tenured faculty voting requirement will have virtually no impact on who is recommended for appointment. "The practical effect will be negligible because to win approval of the entire faculty in the initial vote almost certainly requires two-thirds approval of the tenured faculty," observed Prof. Steiner.

"The real effect of the new voting requirement is psychological since

it tends to alienate the assistant faculty members," Steiner said. "It creates a feeling of disenfranchisement."

Asking not to be identified by name, another assistant Professor commented that "no one would deny that the liberal faction is negatively affected and a 'second class' status has been created though I don't think the latter point was intended."

"It seems like a logical category where those voting on granting tenure should themselves be part of the community into which they are accepting someone," observed Tarullo.

"With respect to assistant professors the dean's reasoning doesn't seem as convincing," Tarullo continued. "The application of the requirement to tenure-track or assistant professors is particularly disappointing because there we're not talking about people voting to admit someone to a status which they don't occupy."

In agreement, Prof. Frug noted that the new tenure voting requirement "creates a class among the faculty whereby the nontenured faculty cannot cast a full ballot."

"The new rule also undercuts the degree of permanence and belonging which assistant professors have traditionally felt," Frug observed.

"I think Dean Vorenberg recognized the great psychological effect and minimal practical effect of the new requirement but went ahead with it because the unity of the HLS faculty was falling apart," commented a tenured faculty member who wished to remain anonymous.

Reportedly Dean Vorenberg was under pressure to present an appointment to the Harvard University governing board which had overwhelming support. One faculty member suggested that Vorenberg may have feared that "for the first time a law school appointment may not go through."

In summing up the current sentiments regarding responsibility for appointments to the HLS faculty an assistant professor commented that "we should be happy since now we are not being focused on — in a sense, the heat is off."

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