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Attorneys Assault Apartheid

By Michael Malamut

Lawyers Against Apartheid, an informal coalition of attorneys throughout the country, sponsored a rally and forum in Boston on Tuesday, January 15, 1985. Law School Dean James Vorenberg spoke at the rally. The Boston effort organized by Margaret A. Burnham, Director of the National Conference of Black Lawyers, was held on the anniversary of the Reverend Dr. Martin Luther King Jr.'s birth.

The events were informally coordinated with efforts across the country protesting the racist policies of the South African regime. Other events included recent rallies in New York and Washington where several prominent lawyers, among them Robert Drinan, Ramsey Clark, and New York Attorney General Robert Adams, were arrested for acts of civil disobedience.

The purpose behind the protests is to focus attention on lawyers struggling to obtain the rule of law (i.e. international human rights) in South Africa. The sudden flurry of protest has been caused, in part, by the recent crackdown on South African labor organizers and civil rights advocates.

On January 4, 1985 a letter, signed by leaders of the Boston Bar including Vorenberg (solely in his private capacity), was circulated among area attorneys and law stu-

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Teresa Miller

The Reverend Jesse L. Jackson at the Pulpit in Memorial Church.

Jackson Commemorates King Urges Path of Compassion

By Steve Cowan

On Tuesday January 15, the Reverend Jesse L. Jackson delivered a sermon commemorating the birthday of the Reverend Dr. Martin Luther King, Jr. The primary focus of Jackson's address to a standing room only crowd in the 1,200 seat Memorial Church was the elimination of hunger.

Another central theme of his speech was the maintenance of personal values despite a culture of individualistic Yuppiedom.

Jackson urged his audience to eschew this "Yuppie" culture of materialism. "Our society has elevated greed and profit to sanctified levels," he said. "Most of you attending this historic institution will have a world of opportunity at your command. Many of you will in a number of

years be able to afford cars and clothes and things of materialistic value, but what about your values," asked Jackson. "Translate your prestige into mercy," he advised.

Yuppie Nationalism

"Courses in this very institution can teach you hundreds of ways to avoid paying taxes — but few will teach character . . . to love, to share and to care for the less fortunate," observed Jackson. He suggested, however, that by studying the life, "and example of Dr. King, like that of Gandhi and Jesus, you will learn that these values of love and generosity and unselfishness were what motivated them."

Using the Reagan administration's defense expenditures as an

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Program Provides Tutors for First Year Students

By Russell Marsh

This spring, after First Year Ames is completed, a number of first year students will begin meeting with 2L and 3L tutors in an effort to improve their writing skills. The 1L Writing Program is probably the Law School's most obvious attempt to provide "direct assistance" to students who do not perform well on law school exams.

Assistant Professor Louis Kaplow, now in his second year of supervising the program, says that the program is "designed to assist 1L's having difficulties with writing, most importantly, writing exams." Kaplow heads a program oversight committee made up of two faculty members, two administrators and a counselor. The program is based on the assumption that many first year students have problems with exams not because of failure to comprehend course material, but because of writing deficiencies.

While the number of students in the program and its selection criteria remain confidential, Kaplow did admit that the selection process is somewhat overbroad. "Not all selection criteria are targeted specifically at writing difficulties." Over the course of the program, tutors are helpful in targeting those who most need help with writing. Thus, a tutor may realize that writing is not a particular student's main difficulty and recommend that the student drop out of the program.

Participation in the writing program is entirely voluntary. According to Kaplow students are told at the outset that they may leave the program "at any time."

The tutors are an important part of the program's success. Each year,

applications for positions are solicited by an announcement in the *HLS Adviser*. Particular attention is paid to teaching experience and in recent years, tutors have been almost exclusively students who have taught before. According to Kaplow, "the people who are most qualified to be tutors [also] seem to be the most interested."

Tutors work with the 1Ls on a one-to-one basis over a 4-6 week period. While the approach often varies in individual cases, a common starting point is going over old exams. Some tutors also use practice exams, with emphasis on rewriting and model answers. Although the focus of the 1L writing program is on writing in the exam context, the program also tries to stress skills important in all aspects of legal writing: organization and concision.

Asked to comment on the effectiveness of the program, Kaplow noted that the Law School data on student progress is confidential, but added, "there is a general sense that it works." From talking to tutors, Kaplow also has the sense that "a good portion of the participants feel they get a significant amount out of it." The tutors are especially "enthusiastic," he commented. All of last year's tutors who were not 3Ls are returning to this year's program.

The success of the 1L Writing Program could possibly serve as a model for using tutors to help first year students with problems in specific subjects (i.e., torts, contracts, property). Kaplow, for one, is seriously in favor of more extensive use of teaching assistants in the first year curriculum.

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Ames Courtroom Used for Mass. Justice

By Gregory Klima

The Ames Courtroom is the current site of the First Civil Jury Session of the Massachusetts Superior Court. The Honorable William G. Young presides over the session, which consists of two civil actions. The session started on January 7, 1985 and will continue until Friday, February 1, meeting Monday through Friday from 9:00 A.M. until 1:00 P.M.

This is the second time that the Courtroom has been used for actual trials. Judge Young once conducted a civil case involving the New England Patriots football franchise in Ames.

The first of the current cases, *Karen Ryan, ppa, et al. v. Warren*

Becker, is a tort action involving alleged obstetrical malpractice. The case presents issues of negligence, causation and damages.

The second case, *Adelaide R. Bacon, et al v. Federal Kemper Life Assurance Company*, is also a tort case. It involves alleged wrongful death and conscious pain and suffering. The plaintiff contends that the defendant insurance company negligently changed the designated beneficiary on the decedant's life insurance, when it should have known that this would target the decedant for murder; and that the decedant was then fatally poisoned.

According to Assistant Dean Stephen Bernardi, when the Ames Courtroom was redesigned it was hoped that it could be used by local courts. But after the Patriots case a few years ago, no other sessions were held. Last November, Dean Vorenberg suggested trying to schedule another session. Bernardi contacted Young and made arrangements.

Young was in a good position to conduct the trials for the short session. He was recently nominated

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Visiting Prof. Stimulates Local Planning Discussion

Professor Robert H. Freilich is completing his short three-week stay at HLS during which he taught a Winter Term course in Local Government Law. Freilich is the Hulen Professor of Law in Urban Affairs at the University of Missouri — Kansas City School of Law and is considered an expert in local government and land use matters.

In addition to his teaching duties, Freilich has served as both attorney and consultant for a host of municipalities, concentrating his efforts on issues of local planning and growth management. "I don't try cases," said Freilich. "I'm called in to cities to serve as consultant and shape programs for litigation which may ensue. I also usually argue [the cases] on appeal."

Perhaps Freilich's best known project involved the work he did in the *Ramapo* case in New York establishing the constitutionality of timing and sequential controls in zoning and planning. "*Ramapo* involved extending the third and

fourth dimension into local planning law. The principle of timing and sequencing of development tied to a long term capital plan," he said, has made possible "whole new ways of organizing regional and metropolitan development."

High Enrollment

Freilich was pleasantly surprised by the student interest that his course received at HLS. He had expected enrollment of about 70 students, but considerably more than 100 joined the class by the end of the add-drop period. "It was a good opportunity to take advantage of the perspective of a visiting professor while at the same time getting a concentrated exposure to an area of the law I find very interesting," observed one student.

Freilich's course covered a wide spectrum of local government issues ranging from creative urban financing to antitrust.

Freilich infused an element of practical understanding into the course which culminated with a two-hour panel discussion on development in Boston. The panel, which was comprised of a Boston real estate attorney, a local developer and a representative from the Boston Redevelopment Authority (BRA), discussed Boston's policy of extracting benefits from downtown developers to aid other parts of the city.

Commenting on the winter term at HLS Freilich said, "on the neg-

ative side, it's probably too much to ask anybody to teach 15 hours a week; the students get information coming at them too fast. On the plus, however, the student only has one class on which to concentrate and the law school benefits from having varied professors."

Special Master

Currently Freilich is the Special Master on a case in federal court involving a hazardous waste site in Missouri where more than 250 defendants are alleged to have dumped toxic material. As Special Master Freilich's recommendations to Judge Scott Wright, U.S. District Court for the Western District of Missouri, will cover a range of issues including claims of sovereign immunity by various municipalities and state entities under the Eleventh Amendment of the U.S. Constitution, discovery of documents produced under the Superfund's "National Contingency Plan" and whether federal agencies may be named as defendants in a suit which the federal government initiated as plaintiff.

Freilich has involved HLS students Paul Cappuccio, 2L, and Miguel Rodriguez, 2L, in his research. According to Rodriguez, "this is the kind of research work students at HLS should get involved in more often. It sure beats subciting for one of the HLS journals."

Great Time

Cappuccio, with black circles under his eyes and a sleepless expression on his unshaven face, agreed saying, "I'm having a great time mucking around the library on weekend nights, weeding through *Congressional Records* and spending hours at a computer keyboard. I only hope the work never ends."

"In all seriousness," Cappuccio continued, "this is a great opportunity to get involved in practical legal research and writing outside the context of pure advocacy."

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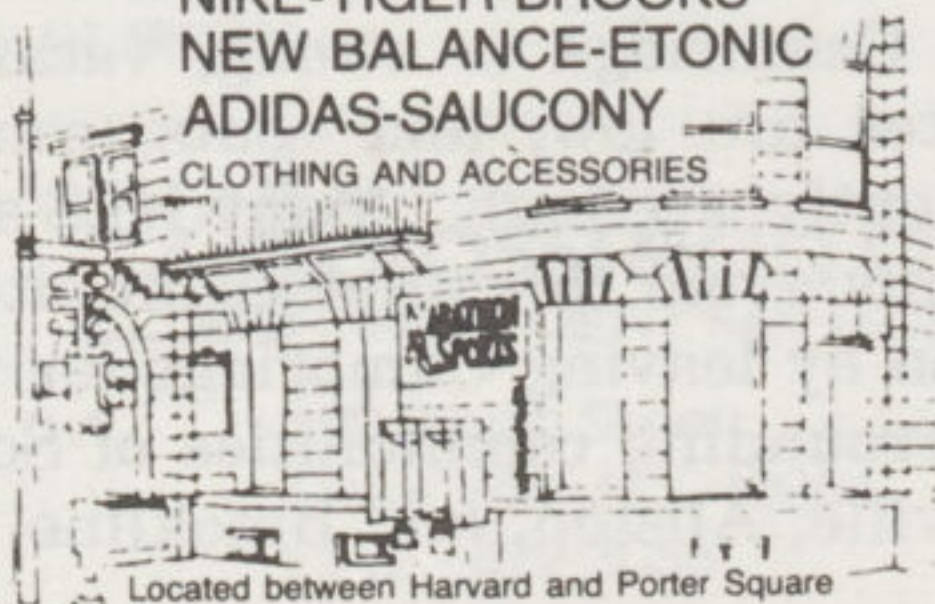
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Housing Search Haunts Harvard Law

By Risé Peters

Around this time each year, entering and returning HLS students face a difficult choice: whether to enter the dormitory housing lottery, or venture outside the confines of the Law School in search of the mythical *Cambridge apartment*.

Each living situation has advantages and disadvantages. The dormitory dweller is close to classes, facilities and friends, and need not worry about monthly rent payments and utility bills. However, he or she may find that stress is hard to discharge while surrounded by other, equally tense law students. Apartment residents enjoy greater space and privacy than is available in the dorms, but may feel isolated from the HLS community, which some may consider a bonus.

The search for housing can be a time-consuming, tiring, expensive, thoroughly unpleasant business. A systematic, well thought-out approach can save time and trouble. The searcher who has arranged his or her priorities carefully may also be rewarded with a more satisfactory living arrangement.

Houses and apartments in Cambridge vary widely in age, structural

condition, spaciousness, cleanliness, safety, convenience of location, and price. Before plunging into an examination of apartment listings, one should consider not only what the ideal living situation would be, but also which trade-offs are acceptable and which are not.

Where to Start

The best place to start apartment hunting is the Harvard Real Estate (HRE) Housing Office at 7 Holyoke Street, Cambridge (495-2675). The resources of the office are available only to Harvard University affiliates; students must show either a valid student ID, or letter of admission, and a picture ID.

HRE has listings of affiliated, open and outside housing. Affiliated housing is open only to full-time, regularly enrolled degree candidates at Harvard University and regular employees and officers of the University. Open housing is owned by Harvard but open to affiliated and nonaffiliated persons. Outside housing is owned by local landlords.

The office also maintains an extensive file of "shares," cards submitted by people looking for roommates. Information is also available

on houses for sale, housing/work exchanges, child care, moving companies, furniture sales and rentals, and real estate agents.

HRE's Medical Area Housing Office, at 107 Louis Pasteur Avenue, Boston (732-1630) maintains similar listings for housing and facilities in the Mission Hill neighborhood of Boston and the town of Brookline.

More Sources of Listings

The Boston *Phoenix* runs classified ads for apartment and house rentals, shares and sublets. The amount of housing available varies by season; many leases in the predominantly student-occupied areas of Cambridge, Somerville and Allston run out at the end of August. Because the better offers tend to be taken fastest, one shouldn't wait for the weekly distribution of free issues in the Harkness Commons.

The *Cambridge Chronicle*, a local community newspaper, runs listings of housing available in the Cambridge area.

The *Boston Globe* has housing listings for all of the communities in the Boston metropolitan area. Many of the listings are placed by realtors who may require lessees to pay a realtor's fee of either a half-month's or full month's rent.

In addition, students looking for roommates or wishing to sublet housing often post notices on bulletin boards around campus. Check the boards in the Harkness Commons and the free-standing signboards on the grounds of Harvard/Radcliffe College.

Fleeing Cambridge

As the introductory brochure distributed by HRE points out, "the demand for apartments and houses in Cambridge is strong, vacancy rates are low, and rents, consequently, are high." Many HLS students avoid this unpleasant situation by leaving Cambridge for the surrounding communities of Somerville, Allston, and Brookline.

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Grads Pursue Alternative Careers

By Raoul Cantero

Most students who come to Harvard Law School do so with the express intention of practicing law when they graduate. Upon graduation, many will work for private firms, government agencies, or public interest organizations. Others will clerk for judges, work as legal counsel for corporations, or become professors of law. Whatever they do, they will be directly applying their legal education and using their legal skills on the job.

Consistently throughout at least the last ten years, however, about ten percent of the graduating class has decided, either when they graduate or shortly thereafter, not to practice law. These have chosen careers in unrelated areas. Some, while not actually practicing law, are rather intimately connected with the profession. Others seek careers in business, using their legal training only marginally. A few never use their legal skills at all,

having developed expertise in other areas.

One popular alternative is journalism and publishing. Nancy Johnson, '75, works for a company more familiar to many of us than we'd like it to be: West Publishing. Ms. Johnson, along with an entire committee comprised of a dozen law school graduates, is in charge of assigning casenotes to newly-decided cases.

Johnson has been at West Publishing since she graduated in 1975. She says she went to West because she wanted to go back to her native Minnesota. Upon graduating, she intended to practicing law eventually, but she initially wanted to do something different because "I became less enthralled with law as law school progressed." Prior to law school, Johnson was a college professor. Feeling her professional future in teaching limited, she thought of law as a romantic, exciting profession. Like many others at the time, Johnson studied law

because "everyone was going to law school."

Asked if she second-guesses her decision to establish a career in publishing, Johnson answers that instead, "I second-guess myself about going to law school."

It took two weeks for Steven Adler, to decide against a career in law and go into journalism. During that period he had begun working at a major Washington law firm. Before law school he had worked as a reporter for various city newspapers, including *The Democrat*, of Tallahassee, Florida.

Adler thought a law degree would be a good way to move up within the competitive field of journalism. While he was in law school, however, he "got caught up in the whole Wall Street mystique" and interviewed with a few law firms. When one made him an offer, he accepted.

Then, barely before he had organized his office and written his first memorandum, Adler heard about a vacancy on the editorial staff of *The American Lawyer*. He seized the opportunity. As managing editor, he now writes features, reads manuscripts before publication, and helps set management policy.

Despite the path of his career, Adler does not regret going to law school. He asserts that as a result of his legal education, his writing is more accurate and more thorough than it would otherwise have been. Also, he has a solid knowledge of what lawyers do and how they think.

Many of those who decide not to practice law go into business joining established companies or trying out their entrepreneurial skills. Doug Carlston, '75, for instance, is now president of Broderbund Software, a company he founded with his brother.

Carlston had worked for a seventy-lawyer firm for three years before establishing his own firm in Maine. He became involved in computer programming, one of his pastimes at Harvard. Soon he was making a substantial income writ-

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Dershowitz Blind to Civil Rights

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Editor's Note: For background on the issues discussed here, see RECORD, Vol. 79, No. 5, November 2, 1984.

Before, during and immediately after the recent trial of Vanessa Redgrave's case against the BSO, Professor Alan Dershowitz conducted a sustained verbal assault on Miss Redgrave. Prof. Dershowitz accused Miss Redgrave of supporting terrorism, of being a hypocrite, and (as we read in the Harvard Law RECORD of November 2, 1984) of "spread[ing] anti-Semitic canards." And when asked to comment on the verdict, he told the press: "Vanessa Redgrave was the biggest loser."

Prof. Dershowitz's comments are, we believe, terribly misguided. His ideological distaste for Miss Redgrave evidently has made him unable to appreciate the importance of her case.

The BSO engaged Miss Redgrave in April of 1982, to perform the role of narrator in *Oedipus Rex*. When one of the BSO's trustees learned of the engagement, he urged the BSO's General Manager to break Miss Redgrave's contract because he and others in the Jewish community in Boston opposed her support of the Palestinian people's rights to self-determination. The General Manager said that to put Miss Redgrave on the BSO's stage would be to endorse her political views, and that was a problem because her views on the Middle East were so controversial. A day or two after that memorandum was written, a matter of days after Miss Redgrave was hired, only two days before these long-planned concerts were to be held, and in the midst of a media blitz on the subject, the BSO cancelled the concerts. The BSO announced the cancellation by means of a press release that stated that the BSO had to cancel for rea-

sons beyond its reasonable control — language which tracked the escape clause in Miss Redgrave's contract.

Miss Redgrave sued for breach of contract and for violation of her right under a newly enacted State civil rights statute.* At the trial, the BSO contended that it was not liable because the concerts had to be cancelled for reasons beyond its control — principally, the supposed threat of violence or disruption if Miss Redgrave performed.

The jury returned a verdict in Miss Redgrave's favor on her claim for breach of contract and awarded her \$127,500. Of that, \$27,500 was her contract fee for the *Oedipus Rex* narration, and \$100,000 represented damage done to her career by the cancellation. The jury found for the BSO on the civil rights claim. However, in an extraordinary letter to the court written (without prompting) ten days after the verdict, the entire jury stated that Miss Redgrave should have prevailed on the civil rights claim, too:

We [i.e., the jurors] were convinced that there was indeed an abrogation of Ms. Redgrave's civil rights by the BSO. We were convinced that one of the primary reasons that the BSO cancelled the arrangements for Vanessa Redgrave to appear as narrator in the performances of Oedipus Rex, was that the agent(s) who acted for the BSO in making the decision to cancel were willing to cooperate with members of the broader Symphony community (i.e. season subscribers, ticket holders, and supporters of monetary contributions) in the desire by members of that broader community to fire Ms. Redgrave because, and only because, of the disagreement with that group with political views that Ms. Redgrave had publicly expressed.

That group expressed its demands in terms of politics and threats, expressed or implied, to withhold money. The BSO's agent(s) knew this to be so. They knew further that to accede to these demands was to violate Ms. Redgrave's civil rights. . . .

*We thought [this] was clearly proved by a preponderance of the evidence [but] we could find no way to express [it] within the confines of the verdict questions and your [i.e. the court's] explanation to us as to the parameters within which the law required we must decide.**

The BSO tried to suppress this letter, by moving for an order to put it under seal. That motion was recently denied, and the letter became public.

Victory for Civil Liberties

Redgrave v. BSO represents a significant victory for civil liberties. Consider:

1. The jury's verdict of liability on the contract claim affirms that a performer's contract may not simply be ignored, and an escape clause invoked, whenever there is a whiff of controversy about a performer. (That verdict also reminded the world that, far from jeopardizing performances in which she appears, Miss Redgrave greatly enhances them by virtue of her talent.)

2. It was particularly important to explode the BSO's claim that there would have been violence if the concerts went forward with Miss Redgrave in them. Historically, claims of feared violence have frequently been used as a rationale either to silence people or otherwise to deprive them of their rights. For example, throughout the desegregation efforts, those opposing desegregation insisted that desegre-

* The verdict questions referred to in the jury's letter were multiple special jury questions by which the Court required the jury to return its verdict. The content of those questions is the subject of post-trial motions now pending before the court.

* Kornstein, Veisz & Wexler, in New York City, represented the plaintiffs in *Redgrave v. BSO*. McCabe/Gordon P.C. served as local counsel.

Breakthrough in Redgrave v. BSO

gation should not be required because it would threaten peace and order. See, e.g., *Buchanan v. Warley*, 245 U.S. 60, at 81 (1917) (housing discrimination); *Cooper v. Aaron*, 358 U.S. 1, at 16 (1958) (school segregation); *Watson v. City of Memphis*, 373 U.S. 526, at 535-36 (1963) (segregation of city parks). And people such as Paul Robeson have been deprived of work because of supposed fear that to let them work would cause disruption. Thus, as in *Redgrave v. BSO*, a supposed heckler's veto is often merely a pretext or mask that hides something much more insidious.

3. The truly path-breaking part of the case concerns the new remedies it establishes for actors, writers and other people whose careers are threatened because of political opposition to them by others. During the McCarthy period, people lost their livelihood because of their political views (or because of what some perceived to be their political views) yet had little or no legal recourse. Few such people went to court at all, and those few who did obtained no relief. See "Political Blacklisting in the Motion Picture Industry," 74 *Yale Law Journal* 567, at 567-69 (1965). The jury's award to Miss Redgrave of \$100,000 in consequential damages, in addition to her contract performance fee of \$27,500, to compensate her for the damage to her career caused by the BSO's wrongful cancellation, was the first time, it appears, that consequential damages to a career were awarded for breach of an employment contract. The case therefore represents a significant development in the common law of contract in which the common law was used to protect civil rights.

4. The case also represents a significant development in statutory civil rights law, specifically Mass. General Laws, Chapter 12, Secs. 11(H) and (I). The BSO twice moved before the trial to have the civil rights claim thrown out, but the

court denied those motions. By surviving those motions, the case established the principle that any employer who discharges someone because of disagreement with their political views faces liability under the Massachusetts civil rights statute, or any comparable statute. Until *Redgrave v. BSO*, that remedy was not recognized. Consequently, even if Miss Redgrave were not ultimately to prevail on the facts on her civil rights claim, the case nonetheless would pave the way for other victims of political retaliation to obtain relief under the civil rights statute. Moreover, Miss Redgrave's own civil rights claim may yet be sustained — as a result of the pending post-trial motions or on appeal.

But whatever the outcome of the pending motions, it seems to us, for the reasons stated, that Prof. Dershowitz should be hailing this case as an important advance for the cause of civil liberties. Instead, Prof. Dershowitz has done nothing but heap personal abuse on Miss Redgrave and distort what is at stake in her case. We cannot help but think that, if the plaintiff had been anyone other than Vanessa Redgrave, Prof. Dershowitz would be appraising the case very differently and that he has, therefore, violated the cardinal principle of a civil liberties lawyer.

Right to Disagree

Prof. Dershowitz of course has every right to disagree with Miss Redgrave's political positions and to voice his disagreement. But Prof. Dershowitz's recent remarks about Miss Redgrave are virtually devoid of substantive comment about her politics and consist instead almost entirely of vicious personal attacks.

Prof. Dershowitz's accusations are, first of all, wrong. His accusation that Miss Redgrave is hypocritical concerns a motion that she made to her union at the time of what she, and others, perceived as a military invasion of Lebanon.

That motion proposed that her English union take action similar to action that many people in this country have long urged be taken by private and public groups with respect to South Africa. As the text of the motion reveals, what was proposed was not any kind of reprisal against individuals for their political beliefs, but international action to demonstrate disagreement with a foreign government's policy. Whether or not one agrees with Miss Redgrave's analogy between the Lebanese situation and the South African situation, there is a world of difference between such a call for political action at the international level, on the one hand, and reprisals by employers for the personal political views or actions of their individual employees, on the other hand.

Opposed to Terrorist Tactics

Miss Redgrave also testified at the trial about her political views. She testified that she is, and has always been, unalterably opposed to terrorist tactics or actions, by any group, and that she supports a negotiated settlement of the Middle East controversy, with the Palestinian Liberation Organization, which she views as their only legitimate leadership, negotiating on behalf of the Palestinian people. She believes, furthermore, that Jews and Palestinians should have equal rights and equal status and that there should be no state religion. Such changes, she believes, should be brought about by democratic means. Her views on these Middle East issues, furthermore, are part of her much broader political philosophy, which urges political action and change by democratic means in many countries, including her own, where she has stood as a candidate for Parliament.

Some may think that Miss Redgrave's views on the Middle East

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Dangerous Disregard for the Law

Shortly before his inauguration last week, President Reagan announced plans for the US to walk away from Nicaragua's case against it in the World Court. The suit, says the State Department, is political, and therefore may not be resolved in a judicial proceeding. Relationships between governments are always political, however, and only governments have standing in the ICJ. The Administration's arguments stem from a parochial view of separation of powers. In international law, with neither legislature nor executive, this perspective is inappropriate. In fact, few issues could be more apt for consideration than one nation's accusations that another is meddling in its internal affairs.

The Administration's reaction, of course, is not a novel one. Iran responded identically to the US suit following the seizure of American diplomats. Now, just as then, this reaction is an admission of guilt. The US withdrawal is a far more incidious blow, however. While self-righteously calling on others to adhere to the rule of law, the US has turned around and flouted the court's impotence. This administration is showing once again its belligerent disregard for the already tenuous civility between nations.

A Message of Value

The Reverend Jesse Jackson's inspiring address Tuesday, January 15, pointed to a particularly poignant dilemma for many of us at HLS. Within his discussion of racism, apartheid, disarmament and hunger there was also a more general theme: that we not abandon our social values amidst so much materialistic temptation.

These pages have often criticized Harvard Law School. But in underscoring the school's faults, we should not lose sight of the unusually rich environment it provides for personal and academic growth. This school offers unique opportunities for experimentation and cross-fertilization between fields and within the legal profession.

These opportunities attracted most of us in the first place. Yet, once integrated into the Law School's environment, this is easy to forget. In our first year the need to pay two more years' tuition combines with curiosity in taking us to our first law firm. In later years this trek just seems inevitable.

There is a powerful seduction here. Year after year talented people are swept into this cycle. First it's only a summer or two. Then just for a couple years. Finally just until we make partner . . . and what fool would leave then?

Speeches like Reverend Jackson's help rekindle those commitments which burned in us before contracts and torts. Jackson's words remind us again of the enormous potential Harvard and its prestige permit us to realize if we treat HLS as more than a placement service for Wall Street. More importantly, he reminds us that what ever route we take, we mustn't lose our compassion.



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Fenno

Fenno had many fond memories of first-year Ames moot court, except for the year he had actually been a participant. He remembered mistaking the Ames instruction sheet for the facts of the case and giving a brilliant speech on why Ames was unconstitutional under the third amendment. Had he not won the Callipygous A. Sacrum award for third amendment analysis, his enthusiasm for Ames would surely have been crushed.

This year, he was not performing, but instead instructing a merry group of 1Ls on the finer points of Ames. Unlike disenchanted upperclassmen, thought Fenno, 1Ls were completely harmless.

"The first part of your brief contains the 'Questions Resented,'" said Fenno in his best fake professorial tone. "This is where you write down all the questions you don't want the judges to ask you. Understand?"

The 1Ls responded with hostile stares.

"W-w-why the hostile stares? Frug was on leave last semester," stammered Fenno.

"We're one-point-five Ls now and we don't take nothin' from nobody," yelled one of the larger 1Ls, sharpening a pencil with her teeth.

Fenno took a sip of Wild Turkey and tried to go on with the lesson. "If you're the defendant, simply bring a motion to dismiss on the grounds that Ames isn't a real state."

"This Ames stuff is ridiculous," called out another, "You do everything a real lawyer does — except get paid."

Fenno took another, larger, sip. "And remember, all cases in Ames consist of two major issues. If you divide your case into three major issues, the opposing counsel will be completely baffled as neither of them will know who should take the third issue."

By now the pack of 1Ls had developed into an unruly mob. Several 1Ls hurled bluebooks at the portraits on the wall. Another lit a copy of the Ames Rules & Regulations, creating a blaze that nearly engulfed the room. A stack of Special Brief Paper was heaved at Fenno, who was spared injury only because a NE2d pocketpart, nestled under his shirt, deadened the blow.

"Whatever happened to the New Patriotism?" demanded Fenno, as he attempted to get through one of Pound's permanently locked windows. "Where's your willingness to sacrifice all for God, country, and Mary Lou Retton? You know Ames is an important stepping stone across the ocean of life."

In an instant, the 1Ls were quiet and in their seats. The TV minister smiles had returned to their faces. "A close call," thought Fenno, "Next time, I'll be sure to bring enough Wild Turkey for everyone."



Letters to the Editor of the Record

Brennan's Class

To the Editor:

The November 30, '84 issue was most enjoyable, especially the articles concerning Justice William Brennan and Judge William Henry Hastie.

One correction — Justice Brennan was in the Class of 1931 not 1927.

Victor S. Gettner, '30
White Plains, N.Y.

Founded on C-Men

To the Editor:

A most informative and provocative article entitled "A Profession under Review" by Rupert Warren, '31, appearing in the January, 1985 issue of the *New York State Bar Journal* should be read by all serious lawyers and law students as well. Quotations therein from two of our professors lead to the following comment:

Professor Duncan Kennedy advises young corporate lawyers "to undermine their employers — by resisting work for clients 'who want to fight unionization . . . ' and by openly opposing 'the hierarchy of senior partners. . . . ' " In substance you are encouraged to "sass the boss." Would it be impertinent to inquire how often he "sasses" Dean Vorenberg, President Bok and the Board of Overseers?

Perhaps more serious is Professor Charles Fried's assertion that "There is no reason why bank trust departments should not actually write wills as well as serve as trustees and executors." As pointed out by Mr. Warren, this would involve a clear conflict of interest. Just to elaborate the point: The bank as drafter of the instrument is of course the prospective fiduciary. To what extent will the bank be inclined to limit its powers and discretions, to minimize the input of co-executors and co-trustees, to insert broad exculpatory clauses and abbreviated accounting provisions? Further, in order to perform adequately, the bank must be given full information regarding assets, family relationships, etc. None of such information would be immune from prying eyes or hostile examination. Finally the books are full of cases involving the construction of poorly drawn instruments. Few bankers have the necessary expertise to explain and provide against the impact of gift and estate tax laws.

If an old-timer may be permitted to reminisce, we studied under such men as Wiliston, Beale, Pound, the two Warrens and Scott. They taught us the rationale of the law. They occupied their non-teaching time

in preparing case-books, writing law review articles and treatises (some still authoritative and current) and serving in the preparation of the Restatements, some even as reporters thereon. By their example they taught us ethics. I do not recall any discussion of the bar except that "Joey" Beale once told us at a dinner of the Beale Law Club that the A and B-men mostly became teachers or judges but that the law school's reputation was founded upon and enhanced by its C-men, whose careers were devoted to the practice of the law.

John W. Munro, '29
Fayetteville, N.Y.

Equal Representation

To the Editor:

It was most interesting to note on Page 9 of your December 7, 1984 issue two opposing views of the function of a lawyer in the representation of clients.

The letter of Mr. Dumbauld praised Professor Chayes who served as counsel for Nicaragua against the United States before the International Court of Justice. He quoted John W. Davis who said that "a lawyer sells his services but not his soul", and concluded that Professor Chayes can still be a patriotic citizen.

On the same page titled "15 Years Ago At HLS" is the story of how forty HLS students protested Cravath, Swaine & Moore's representation of clients with interests in South Africa.

If every client or litigant is entitled to legal representation, it seems that both Nicaragua and clients doing business with South Africa are so entitled.

Henry J. Stein, '32
Boston, Massachusetts

Practitioners Unqualified

To the Editor:

A letter to the editor published in the November 30, 1984 edition comments on the problem of appointing a faculty.

I would suggest that faculty appointments be made by a distinguished panel of school alumni . . .

Paul E. Knag '70

I dissent.

Without intending to malign my fellow practitioners I can think of no less qualified group to appoint a faculty than a panel of lawyers, distinguished or undistinguished.

The old adage certainly would be applicable in this instance.

"A cobbler waxes meddler in theology".

A rather close analogy is having a panel of distinguished university graduates help the public library choose books.

It is not our cup of tea as lawyers to meddle with that vast and dark labyrinth known as tenure.

After all, we lawyers could not even agree on the competency of Mr. Justice Brandeis.

George M. St. Peter, '35
Fond du Lac, Wis.

Passive Participation

To the Editor:

Mr. Clinton's letter regarding Harvard's investment in South Africa (RECORD 1/11/85 at 10) reflects a common ignorance so deep and pervasive that a response is required.

Like many others, Mr. Clinton believes "that the university has no business participating in the internal politics of South Africa or any other foreign country, whether by divestment or by other means of protest." However, this attitude totally fails to understand that the *fact* of investment is both participation in and support for an illegitimate minority white government which virtually enslaves the indigenous black majority. Importantly, it should never be forgotten that Harvard, being Harvard, not only invests money — it also invests its integrity and the legitimacy that follows.

The question is not whether to participate or intrude in South African politics; it is,

(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.

Letters to the Editor of the Record

"Should we *continue* our participation in that country?"

The letter also focuses on another common, although much more disturbing, argument against divestment: the "primary consideration" of Harvard's portfolio should be the "soundness" and "yield" of the investment. Indeed, the tone of the letter leads one to believe that this should be the *exclusive* focus. But, if this were forty years ago, would investment in sound, secure, and high-yield Nazi industries be appropriate? Money making may be a foremost concern of investment, but it should never be allowed to eclipse a moral crime of the magnitude of South Africa.

The problem is not, as many suggest, subordinating investment policy to every passing political cause however small the support — the South African issue is a difference in kind from all other issues in the investment area. To believe ephemeral political or social issues would rise to the importance of South Africa is to misunderstand the issue itself as well as the depth and breadth of the divestment movement.

To the shame of the self-proclaimed enlightened western world, avaricious, mammon-motivated profiteers willingly accept apartheid as an appropriate profit maximizing investment center and trading partner. For Harvard to have over one-third of its investments in companies involved in South Africa is wholly inconsistent with this university's purported goals of promoting freedom, human dignity, and the value of each person — black or white, American or African.

Dennis M. Kelleher, 1L

Once Again

To the Editor:

I have enclosed a copy of a letter which I delivered to [Harvard University President] Derek Bok. If it is consistent with The RECORD's editorial policies, I would be pleased if The RECORD would run the letter.

January 16, 1985

President Bok:

It is the saddest of ironies that I must write you on this day to inform you of an incident which took place last evening in Harvard's Indoor Athletic Building (IAB).

My brother and I arrived at IAB shortly after 6:00 P.M. We displayed our Harvard identification cards to the door monitors and then proceeded upstairs to the weight room. Upon the completion of our workout, we proceeded into the hall leading from the weight room to the stairs. We observed a security officer walking towards us. As we approached the officer, he stopped us and asked whether we had properly identified ourselves upon entering the building. We produced our student identification cards, informed him that we had done so when we arrived, and asked him what the problem was. The officer stated that at least one Black male had entered the building and had refused to present identification upon request.

My brother and I then proceeded down the stairs until we were confronted by a second officer, who also stopped us and asked whether we were Harvard students. We again produced our student identification cards. The officer took out his eyeglasses and inspected the cards commenting on the fact that the last names were the same. He then directed to the monitors the question

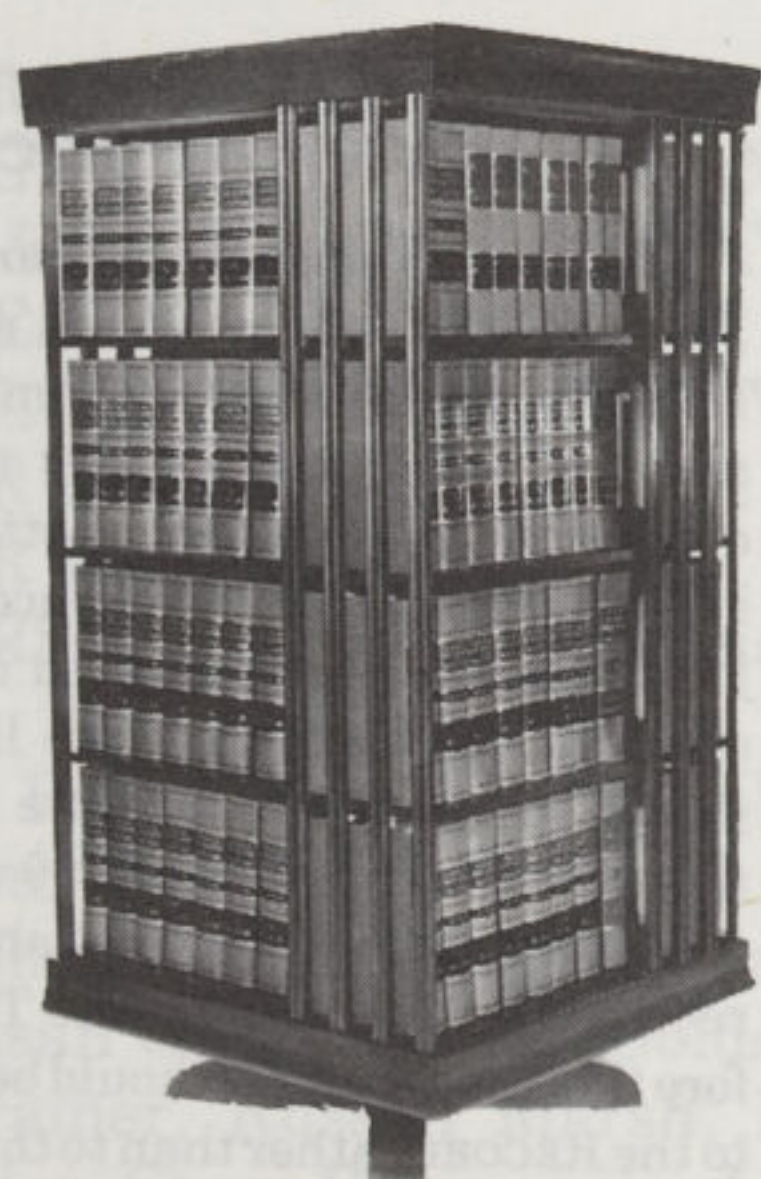
whether we were "the ones." One of the monitors stated that we were not — that "one of them was tall." The officer then returned the cards and walked on.

I am 5'9" and my brother is 5'8". Doug Flutie would not describe either of us as being tall. However, he would describe us as being Black. I may be wrong, but I believe it is a fair reading of the facts to say that these officers were informed simply that one or more Black males had entered the building without identification, and on the basis of this "description" alone, the officers set about ferreting out the suspects.

I need hardly remind you that two Black law students were recently required to identify themselves on the law school grounds when Harvard security officers sought a "Black male with a mustache and wearing a dark suit." I am amazed that the University has failed to take corrective action.

I neither indict nor condemn, but I do make a demand upon you and this University. I simply refuse to believe that Harvard security would seek to apprehend a "white male" who had entered a Harvard building without proper identification — or even a "white male with a mustache and wearing a dark suit" — without obtaining further descriptive information. Yet, I know that last night, officers twice stopped me, my brother, and I suppose, several other Black males in IAB — or at least the "tall" ones — until they apprehended the offending parties. This University owes an explanation to its Black students, faculty and personnel, as well as the the rest of the "Harvard Community." And it owes that explanation long before the next January 15th. I anxiously await your response.

Ronald Ross, 3L



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Cambridge Chinese Restaurants

By Justin Hughes

With the exception of Boston's Chinatown, Cambridge may have the highest concentration of Chinese restaurants in New England. Some of them are excellent and, unlike Washington or New York, the excellent ones are still affordable for students. Unfortunately, restaurants in Cambridge have never adopted any standard romanization for spelling the names of Chinese dishes. Spellings that follow are based on what many of the restaurants use. Be creative when looking for particular dishes; the restaurants certainly have been when spelling them.

THE BEST

MARY CHUNG'S, 447 Massachusetts Avenue, 2 blocks east of the Central Square T-station.

The food at Mary's is one of those little known laws of the universe that the MIT community would happily keep from Harvard types. But tooting Mary's is not divulging any great secret: the restaurant was voted Best Chinese food of 1982 in Boston magazine.

Whatever politics have allowed others to win the award since, Mary Chung's remains excellent. The Peking duck is always very good and sometimes as good as any found in the city, Kung Pao Chicken is precisely as hot as it should be, the sweet and sour dishes are better than any in Greater Boston, and Mary has Cambridge's best Yu Shiang dishes.

Mary's best achievement is an appetizer called Suan La Chow Show, a dish of meat-filled wontons served on a bed of sprouts with a simple, almost perfect, hot sauce. The spiciness of the sauce has been known to vary and the dish is hidden from all but the cognoscenti by its listing under "soups". Still, this does not prevent Mary from selling about 100 servings of the appetizer

everyday in her small, 50 seat restaurant.

A few dishes do not live up to Mary's usual standards. The wonton soup is a bit boring and the Pineapple or Orange flavored chicken dishes are too sweet for many palates. Otherwise, you are safe ordering just about everything at this honest, reasonably priced, number one choice restaurant.

CHING HUA GARDENS, 24 Holyoke Street.

This is probably the best Chinese food in Harvard Square. The Peking ravioli is outstanding as is the beef teriyaki appetizer. Walnut Chicken and the sesame chicken appetizer are good, although the latter is too much like Chicken McNuggets. CHING HUA has the best sweet and sour dishes in the Square. Possibly, the same goes for their hot and sour soup.

The summer sesame noodles, listed on the back of the menu, are an appetizer you will not get at many Chinese restaurants. The kitchen does a fine job with this Thai-inspired dish. The Peking Noodles (noodles served with a hoisin based meat sauce) are filling and tasty. At CHING HUA, like other Chinese restaurants, this dish is a massive bowl for a low price: the ultimate Chinese econo-dinner.

CHING HUA GARDENS is reputed to be Dean Vorenberg's favorite Chinese restaurant. This is one place where the RECORD and the Dean may actually agree.

JOYCE CHEN, 390 Rindge Avenue.

JOYCE CHEN has been the diva of New England Chinese cooking since before you thought of going to law school, so it is no surprise that her restaurant would rank as a favorite.

JOYCE CHEN's is unique among Cambridge Chinese restaurants in many ways. The interior is attractive with the feel of a Scandinavian's vision of a Chinese country home. Waiters communicate orders to the kitchen via a computer. A display case in the atrium hawks the pro-

prietress' wares: Joyce Chen woks, knives, and cooking scissors. A valet parks your car. This last point should not unduly frighten you. Despite the pomp and name recognition, two can have dinner here for less than 20 dollars.

Nor should all the atmosphere hide the quality of the food. The hoisin and ginger sauces are exceptional. The Kung Pao dishes are moist without being too oily. Joyce Chen conscientiously offers sweet and sour dishes with or without breading and seems to use fresh pineapples in both. Unfortunately, the sauce is much too thick, sweet, and mundane. Joyce does better on hot, spicy entrees.

CHANGSHO, 1720 Mass. Avenue.

This is the closest outpost of Chinese food to HLS and, luckily, it is also one of Cambridge's best. Try the House Special Wonton if you have been bored by fried wonton in the past and like very pungent sauces. The Orange flavored beef is a winner. The dishes with fresh asparagus in season, especially beef with asparagus, are usually very good. The same goes for the Moo Shi and sweet and sour dishes. Changsho Chicken with Pignolia is a mild, but interesting specialty of the house. It's chicken and cellophane noodles wrapped in lettuce. The Peking Noodles dish — this time with peas, scallions, and bean sprouts — is the best in the Square.

THE SECOND STRING

COLLEEN's, 792 Main Street.

This used to be the flagship of Central Square restaurants. Unfortunately, Colleen's has never recovered from its chef's defection to another restaurant. It remains a pleasant place with a beautiful interior, but with prices reflecting its former glory. Some people swear by the Peking duck, and beef dishes are usually good, sometimes great. The Suan La Chow Show is a disappointment. If the line at MARY CHUNG's dissuades you, try this

Cambridge A Wealth of Chinese Cuisine,

place. There will most probably be an empty table.

THE MANDARIN, 322 Mass Ave.

The restaurant has a new exterior and interior decorating. It's good they've spruced up the place; before you had to put up with a somewhat seedy atmosphere for their fine food. THE MANDARIN excels at Peking Duck (their specialty) and Peking ravioli. Reasonable people have often celebrated each as the best of their kind in Cambridge. Their Yu Shiang sauce is one of the better in Cambridge, but is no competition for MARY CHUNG's. Dishes are served with ample amounts of vegetables. The egg rolls are good. The sweet and sour dishes tend toward what Chinese cough syrup might taste like.

CHANG FENG, 289 Beacon Street.

This restaurant is geographically in Somerville, but spiritually in Cambridge. For students who live north of HLS, it may be the closest Chinese restaurant. CHANG FENG is an OK neighborhood restaurant that does hot, spicy dishes well. The restaurant has a clean interior, a helpful menu, and below-average prices. CHANG FENG was discovered by a Boston magazine not long ago. The story since is not a happy one: the food has been compromised just as expectations have increased. Today, the food is respectable, but as I said, it is a neighborhood restaurant — only worth going to if you are in the neighborhood. The take-out containers have been known to leak like sieves.

HUNAN, 700 Mass Ave in Central Square and at 617 Concord Avenue near Fresh Pond.

So many people hate this restaurant that if I loved it, I could not put it in the winning category. So many people love this restaurant, I couldn't put it among the losers if I wanted to. Suffice to say the Hunan is known for its cheap buffet, but the a la carte food is better.

YENCHING, 1326 Mass Ave, next to Holyoke Center.

This restaurant has an inexpensive lunch buffet popular with students. Service can be abrupt, but

is usually competent. The Peking ravioli seem to lack filling, but the sauce that comes with them is much better than average. Moo Shi dishes tend to be oily, but pieces of Moo Shi vegetable and meat are larger than what many restaurants serve, making the texture better. Sweet and sour should be avoided at YENCHING, but the hot and sour soup is quite good. Many people swear by the spicy/hot dishes and, in fact, milder dishes like wonton soup often have a strange spiciness to them. Perhaps things are cramped in the kitchen.

TA CHIEN and WEI TA are sister restaurants south of the Square on Elliot and Winthrop Streets.

They are reputed to be favorites of several professors. I have no idea why. The WEI TA interior is a cross between a disco and a seafood restaurant; it looks like a set from the *Poseidon Adventure*. Most dishes will leave you totally unimpressed; indeed, you will not remember them. The crispy fish is a delicious exception to this and can be heartily recommended. The same goes for vegetarian dishes which seem to be more than an afterthought to their

Students Flee Cambridge Housing Headaches

(Continued from Page 4)

Housing outside the immediate vicinity of the Law School can be evaluated, not by distance, but by accessibility. Direct-line measurements are often irrelevant, once cold weather makes walking unpleasant and ice and snow make bicycling risky.

The recent extension of the MBTA's Red Line to Porter and Davis Squares renders these areas much more accessible to HLS students. The MBTA also runs a great variety of buses and trams. Unfortunately, the public transit system shuts down every night by 1 A.M., leaving students to take a cab home or to walk through neighborhoods that may not be safe.

Neighborhood safety is a factor to consider when choosing an apartment. Although Harvard chooses not to publicize incidents of theft or violence in which Harvard students are victims, students should be aware that no neighborhood in the Cambridge area is completely safe. Some neighborhoods are less dangerous than others; the prospective inhabitant should talk to people who live in the area. The local police may also be helpful. In addition, the apartment-hunter should inspect the security mea-

sures taken in each building. Adequate lighting, sturdy doorlocks and similar measures can deter intruders and help to protect persons and property.

Coming Down to the Wire

Thus, the housing situation for law school students, while difficult, is not impossible. If one has not found a place by the beginning of Fall term, one can enter the HRE rush in late August, when Harvard housing becomes available on a first-come, first-served basis. The queue often begins well before dawn. A few HLS dorm rooms, usually restricted to men, usually open up in October as no-shows and jittery 1Ls leave empty spaces.

In the meanwhile, most upper-class students can move from one friend's couch to that of the next while looking for a place to live. One-Ls, while in a harder predicament, often can bunk in with friends from undergraduate schools. Others live in boarding houses until they become desperate enough to beg temporary refuge from O-group acquaintances. So far, however, there have been no reports of HLS students in shelters for the homeless.



Harvard Square Boasts Some of the Best

meat counter-parts. The family is consistent. TA CHIEN is no better.

THE HOUSE OF PEKING, 1105 Mass Avenue.

This restaurant has sauces which a Boston publication described as "unctuous". The restaurant advertises this quotation, but the author probably meant "unctous" by its first definition: "fatty" or "oily". They plan dishes with the same care as advertisements.

THE WORST

THE PEKING DUCK, Central Square at 485 Mass Avenue. They do not even make their namesake well. If you are in the area, walk a little further to one of the restaurants above.

LUCKY GARDEN, 282 Concord Avenue.

LUCKY GARDEN has the distinction of having soups for under a dollar (egg drop, wonton, hot and sour). Lunch specials are also inexpensive. Unfortunately, the food tastes it. Breeding on sweet and sour dishes is too thick, peking ravioli look and taste deep-fried instead of pan-fried, and MSG seems present in many dishes. With Moo Shi, the filling is drab and the pancakes rubbery. The sauces are heavy. The best thing about this restaurant is the menu which lists chow mein and chop suey dishes under a heading "San Francisco Inventions". This place was once much better; now you could do better without going to the Bay City.

HONG KONG, 1236 Mass Avenue.

The HONG KONG occupies the only pink and red building in Harvard Square. They display a similar culinary aesthetic.

If you know what you are doing, you are going to get blitzed on a mammoth rum/fruit juice concoction called 'Scorpion Bowls'.

The HONG KONG's food is abysmal. It sometimes seems that the only people who eat it are people eating late (the Hong Kong takes orders til at least 1:30 A.M.) or underage youths who use dinner as a pretext to order Scorpion Bowls

without being carded.

YOUNG AND YEE, 29 Church Street. This restaurant is best described as a 'survivor'. It has that green vinyl and aged fluorescent light ambience of Chinese restaurants during the early sixties. If Casablanca had been set in Hong Kong, a scene — any scene — could have been shot here. The menu is equally vintage and dishes that are new in popularity have been scribbled in. Moo Shi dishes are much too oily; sweet and sour dishes are just sweet; chop suey is too thick and flavorless. YOUNG AND YEE does, however, seem to have the Square's only Char Sui Bau or 'pork buns', wonderful dumplings with a core of slightly spiced pork. Pork buns are better in Chinatown, but YOUNG AND YEE's version might deserve your attention if you have never had them before.

AKU-AKU, 149 Alewife Brook. This is Fresh Pond's version of the Chinese-Polynesian shopping mall

restaurant. It is complete with tacky decor, surly waiters, and exotic drinks. The drinks must be the draw because the food is not. Mild foods are generally tasteless and Chinese dishes tend to be 'polynesian' — if that is a four-syllable way to say sickly sweet. The Egg Foo Young is tolerable, but you could always make an omelet at home.

The EMPRESS, 575 Memorial Drive. High atop the Hyatt Hotel near MIT. This restaurant has a spectacular view and even more spectacular prices. Many of the dishes seem about as Chinese as George Plimpton's fireworks. Someone in the kitchen slaved over the elaborate combination of flavors on your plate, but something less-baroque and more authentic would have done nicely. Still this is the only 'Chinese' restaurant in Cambridge where you are served by tuxedoed Caucasians and can dine to the august melodies of der Weiner Blut.

Justice Found in State of Ames

(Continued from Page 2)

for a position on the United States District Court for Massachusetts. As a result, the Chief Justice of the Supreme Court of Massachusetts has been assigning Young to short cases. The two cases in the First Session were well suited for these circumstances.

The Massachusetts Rules of Court allow sessions to be held in other places than the usual courthouse. These sessions, according to Young, are to meet the public convenience. But Young also stated that non-courthouse sessions were infrequent, with only two or three occurring in the past two or three years.

No current plans exist for more trials in Ames, Bernardi stated that more will be scheduled during the normal semester. Among the considerations involved in scheduling further trials is accommodating the additional people needed for the trial. This includes locating chambers for the judge, offices for the

attorneys and a room for the jurors. During this session, those involved with the trial have been sharing rooms with student organizations and others. This is sufficient for temporary use, but would probably not be suitable for permanent arrangements.

Another important consideration is student attendance at the sessions. Bernardi stated that student attendance at the sessions has been low, but that some non-students have been present. One reason for the low turn-out is the peculiarities of winter term schedules. Most students have classes in the morning during winter term and could not attend the sessions.

Bernardi heartily recommends students to stop at the Ames Courtroom, even if for just a short while. In recommending even short visits, Bernardi said, "The cases are simple to understand and very interesting. You can walk into the courtroom at any time and immediately tune into what is going on."

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Alums Capitalize on Varied Options

(Continued from Page 5)

ing home computer games. In the midst of his success, Carlston decided to start his own company. The company now specializes in the home computer market, and has produced the "Program of the Year" in each of the five years of its existence, a first in the computer industry.

Robert Doris, '78, is also involved with computers. He is the General Manager of Droid Works — a subsidiary of Lucasfilm, Inc. The company designs editing and sound mixing systems used by filmmakers, and, like many Silicon Valley companies, is constantly developing new computer technology.

A high-tech entrepreneur with both a J.D. and a masters' degree in business administration, Doris felt uniquely qualified for the job when George Lucas, creator of the *Star Wars* movie series and a pioneer in the field of film technology, was seeking someone to manage the computer division of his enterprise. Thus, two and a half years ago, after working for a business consulting firm for a few years, Doris joined Droid Works.

Doris says his legal training helps in some unexpected ways. Not surprisingly, it helps him in drafting contracts and negotiating. But Doris says it also helps him to spot potential legal problems. While other businesspeople may give perfunctory attention to such issues, Doris always investigates them and is careful to obtain good counsel.

From Clerk to Car Dealer

William Cramer, '77, is General Manager of Tommy Thomas Chevrolet in Panama City, Florida. When his brother-in-law, also a car dealer, offered him the job, Cramer said "No" at first. He had just finished a clerkship in the Eleventh Circuit and envisioned himself utilizing his legal education. But after some thought, Cramer agreed. He's been selling Camaros ever since. Although he never expected to go into the car business, Cramer says now

that, given the choice again, he'd stick with the Camaros.

Driven to Drugs

Dennis Langer is a research chemist at Abbott Laboratories. As Director of Chemical Drug Development, he makes decisions about the types of clinical research done on new products, both those already marketed and those not yet approved by the Food and Drug Administration. He also contracts with investigators and universities in seeking support and approval for new products, reviews advertising, and researches the possible adverse effects of these products.

Langer finished medical school in 1975, then did his residency in psychiatry at Yale. While at Yale, he became interested in the legal and business aspects of drug development and the regulation of health care, so he decided to go to law school.

Although he now works mostly in the research and management areas, he is occasionally asked to give his expert medical opinion in

product liability cases. Langer enjoys his work at Abbott Labs but says he would have been equally happy had his career been in the legal profession.

The vast majority of law school graduates still do, and probably always will, join the legal profession. Those graduates who pursue other options, however, prove that a legal education does not necessarily lead to a career in law.

These graduates also provide needed encouragement to those students contemplating careers outside the mainstream. Their message is that not everyone is satisfied with the nature of legal work and accompanying long hours and that some merely follow a risk-averse crowd into interviews they never wanted to attend, fields in which they never wanted to specialize, and cities in which they never wanted to live. For these non-lawyer types, graduates who have put their legal education to use in nonlegal fields have a clear message: there is an alternative.

♦♦♦

INSTITUTE OF POLITICS STUDY GROUPS — SPRING 1985

REGISTRATION: January 30–February 5,
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- Limits of Dissent: The Press and Social Change
- Religious Strife in the Middle East and India
- Issues in Health Policy
- Politics of the American Banking System
- Politics in the Movies
- Women and Political Participation
- The Opinion Industry
- The United States and Sub-Sahara Africa
- Public Policy and Policymaking in the USSR
- The Skills of Political Speechmaking (*limited to undergraduates*)
- Satire
- California Politics
- The South and the Nation
- Trends in Political Realignment: Are Two Parties Enough?
- Polls: The Legacy of George Gallup

Groups are non-credit and extracurricular, and open to all Harvard students. A brochure describing the study group program is available at the Institute.

Lawyers Assail Racist South African Regime,

(Continued from Page 1)

dents and called upon them to turn out for the January 15 peaceful protest and forum.

The heart of the plea centered on the principle that, "We as lawyers, consistent with our commitment to justice and the international rule of law, believe our voices and presence must be counted in opposition to apartheid and its systematic violation of human rights."

Joining other Harvardians in the protest was John H. F. Shattuck, university vice-president for government, community and public affairs, and Martin Michaelson, university deputy general counsel.

After the rally, many of the participants reconvened in the Hall of Flags of the Massachusetts State House for a reception and forum. Among the speakers were Burnham; Dean Vorenberg; Governor Michael Dukakis, '60; Gay Mac-

the Western legal tradition, and that attorneys in this country could add pressure to end apartheid by playing upon this pride.

Vorenberg distinguished South Africa from other rights violators worldwide for its daily abrogation of human rights. "... South Africa's policies are based on race, ... they are built into legislation, and ... they are enforced through the civil and criminal courts."

In light of the past American involvement in legally enforced racial discrimination, according to Vorenberg, United States lawyers are under an obligation to fight apartheid abroad.

Among his suggestions for how



Michael Malamut

Dean James Vorenberg protests Apartheid.

The Law School Divestment Committee, the Black Law Students Association, the Guild, the Alliance for a Better Legal Education, the Human Rights Group and the Third World Coalition sponsored a Harvard Law School contingent to the day's events. Carrying signs calling for Harvard's divestment, the HLS students joined approximately 1000 people in sub-freezing temperatures for the noon to 2 P.M. picket line in front of the J.F.K. Federal Building in Government Center.

At one point the banner-holding Harvardians gathered behind the Dean to emphasize their support of divestment by the University. The Dean is on record as opposing immediate divestment, although he recently supported the divestment of the *Harvard Law Review's* endowment.

Dougall, director of the Southern Africa Project of the Lawyers' Committee for Civil Rights; and Fikile Bam, a Transkei advocate who spent ten years in the Robbins Island maximum security prison.

MacDougall spoke first, emphasizing the harshness of the crack-down on civil rights since the November, 1984 general strike. She stated that during the current administration's attempts to improve the situation through quiet diplomacy, things have only become worse.

The Dean then took the podium. Vorenberg commented upon "the misuse of legal process", in South Africa, which leads to legislation enforcing racial oppression instead of justice. The Dean mentioned that the South African government was anxious to be considered a part of

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lawyers might fight South African racial inequality were: (1) lobbying for legislation prohibiting new investments in and loans to South Africa, and for laws against the sale of Krugerrands in America; (2) observing trials of South African rights activists, in order to bring international notoriety to the misuse of legal process; (3) supporting legal services to the impoverished and apprenticeships for Black attorneys in South Africa; (4) aiding South African exiles with their legal problems and finding them legally oriented work; and (5) propagandizing the legal implications of apartheid, especially among law students.

Vorenberg concluded, "[W]e are still marked by the frightful legacy of the legalized denial of personhood in this country. Lawyers here have played crucial roles in the struggle to prevent law's use as an instrument of injustice. I hope we can commit ourselves to do as much for those who need the law's protection in South Africa."

Bam, who is presently a fellow at Yale, spoke fervently of the difficulties of a lawyer trying to work within the system of a country which denies basic human rights. He said that the brave few attorneys who attempt to take on the apartheid system are threatened, intimidated, arrested, and forced into exile.

He also pointed out that while the United States had a history of racial discrimination, it was under the "separate but equal" doctrine, which the Supreme Court found impossible to support in *Brown v. Board of Education*. In South Africa, on the other hand, apartheid maintains a system explicitly separate but unequal. During his talk, Bam recognized the efforts of Navi Pillay, S.J.D., in the fight against injustice in South Africa. Pillay stood up to

movement would contribute to a solution. She suggested that one way for Boston lawyers to help was to volunteer to defend those arrested for civil disobedience in picketing the offices of Deak Perrera, which sells Krugerrands.

Pillay, who is an attorney in Natal practicing with her husband, has been working to improve the civil rights of her fellow citizens for fifteen years. Reached subsequently for comment, she stated that she



Michael Malamut

HLS students gather for Lawyers Against Apartheid Day.

the resounding applause of the audience.

Dukakis expressed, "moral outrage" at the situation in South Africa and the apparant lack of support on the part of the present administration for active involvement towards achieving change. The Governor stated that if the United States does not "come up with a democratic, peaceloving, and integrated" approach to apartheid, "then the only alternative will be communism." He thus called for the American people, and particularly the American legal profession, to bring its moral and ethical force to bear against the South African regime.

Burnaham emphasized the growth of the anti-apartheid movement in the United States, and expressed her hope that American lawyers taking an active role in the

was moved by the demonstration of opposition to apartheid by the American attorneys. She, "feel[s] she is the eyes and ears," in the United States of the South African legal community struggling against apartheid. She stated that such American anti-apartheid pressure would be a great encouragement for South African lawyers and law students, both black and white, to continue their struggle for equality.

The Natal attorney commented that those who try to fight apartheid within the system, "suffer great disabilities." They are cited for contempt of court for comments on cases both inside and outside of court. When defense lawyers attempt to disqualify testimony gained through harsh interrogation, and even torture, they are accused of being

(Continued on Page 19)

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Jackson Targets Hunger in New March on Washington

(Continued from Page 1)

example, Jackson stated, "The same misguided values that motivate many to personal greed have also led our nation to squander precious resources." Jackson stated that this spending was unproductive and resulted in little increased security.

"Today as the Yuppie celebrates a new nationalism which is actually old fashioned isolationism and chauvinism draped in the American flag -made in Taiwan, with a car made in Japan, and styles from Europe, wearing diamonds and gold from South Africa, the United States is South Africa's number one trading partner. . . . This is a source of shame and disgrace," said Jackson.

Observing that the U.S. and its allies are propping up South Africa's regime, Jackson stated, "Apartheid is a threat to the integrity of democracy. . . . We must change or drown in a cesspool of hypocrisy and shame"

Jackson received applause at a number of points in his address. None was more prolonged, however, than the audience's enthusiastic approval of his condemnation of Harvard's investment in South Africa.

A Marriage Born in Hell

"Harvard's investment in South Africa is morally repugnant," said Jackson. "Harvard's kinship with South Africa gives apartheid credibility, respectability and capital. The Harvard/South Africa kinship is a marriage born in hell. The Harvard/South Africa kinship makes the crimson become red, symbolizing collusion with those who spilled the blood of the innocent in Sharpesville. Every investment is a prison bar holding Nelson Mandela. All who sit here silent living off the prerogatives, the scholarships, the comfort of this alliance betray the oppressed," said the Reverend.

Jackson stated that Harvard's union with South Africa leaves the university with a hollow soul. He labelled this association "institutionalized Yuppieism."

"Today we have a crisis in America," said Jackson. "We are a nation adrift. Our spiritual power and the power of our people is in jeopardy. And nothing better depicts this crisis than the presence of hunger in a nation of wealth."

Attacking the Reagan administration's cuts in social programs and its simultaneous increase in defense spending, Jackson observed, "It is now that we decide whether the B-1 bomber is more important than a child's school lunch. Now is the time to decide whether the MX missile gives us more security than the nutrition programs which feed our families and the elderly."

"We do not have a resource problem," said Jackson. We have a priority problem — a moral problem."

Jackson documented the increase in hunger, poverty, child mortality, low birthweight and malnutrition.

Jackson applauded attempts to eliminate hunger within the last two decades, and expressed dismay that these attempts have ended. "In the '60's America responded to the hungry. We expanded the school lunch program for children, and food stamps for poor families. We started a supplemental feeding program . . . for pregnant mothers and their babies, and we created meals programs for our elderly citizens."

Al Jolson Mask

Ten years later, said Jackson, in the 1970's, "Hunger was virtually eliminated. In 1985, however, "[H]unger and malnutrition have returned as serious problems in America," observed Jackson.

Jackson cited government intransigence as the cause of this increase. "[A] Harvard study has concluded that hunger returned to America," said Jackson, "as a direct result of conscious government policies. . . . [I]n other words, as need increased among our people, our government turned its back."

"Hunger has returned," said Jackson, "because the very programs which once virtually eliminated it were weakened at the time

they were needed the most."

Simultaneously, Jackson cautioned his audience that poverty and hunger are not racial issues.

"We must remove the Al Jolson mask of poverty and show it for what it is, a mainly white phenomena. But whatever color it strikes, hunger hurts. When a baby cries at midnight because it went to bed supperless, that baby does not cry in color, or sex, or religion. It cries in pain. We must ease that pain."

Toward the eradication of hunger, Jackson called for "a new peoples' pilgrimage of conscience to take place on March 11." This march will take place in Washington, D.C., and will resemble the 1968 Poor People's Campaign.

"Today we commit ourselves to ending hunger and malnutrition in America and in the world," Jackson concluded, "we know that it can be done — happy birthday Dr. King. . . . Your living made a difference. . . . You did not die in vain. Thank God you came this way. Happy birthday, Dr. King."

Sports Answers

1. Jim O'Brien.
2. The Oakland Raiders and Los Angeles Rams.
3. Chuck Howley, Dallas.
4. Mike Bass.
5. Super Bowl I.

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"BETTER BUYS AT BRINE'S"

Vorenberg Urges Attorney Involvement

(Continued from Page 17)

communist sympathizers in a plot to overturn the government by discrediting the police.

She stated, moreover, that black lawyers are treated as second class within the court system, in which all judges and nearly all prosecutors are white. Yet, in order to practice, South African lawyers must take an oath of loyalty to the state, and therefore can only attack specific laws and not the system as a whole. She thus, to a certain extent, feels she is taking part in a farce and delusion of her clients.

Pillay contends, however, that when she carries back to South Africa her report on the concerns of American advocates with apartheid, that even white South African lawyers will take notice. Thus, even they may be goaded into support for the struggle for equality by the signs of concern abroad. She added that Dean Vorenberg's comments about aiding black lawyers to complete their articles (a two-year apprenticeship necessary to qualify for practice) was particularly apt. She said that many black law students cannot find a lawyer, within the primarily white legal profession, to sponsor them and wind up not able to enter legal practice.

In addition, Pillay emphasized that grass root support from Amer-

ican lawyers, as shown for example in the January 15 rally, was a tremendous inspiration for South Africans fighting apartheid. One way Americans might help would be to aid South African lawyers with civil rights strategies.

Vorenberg commented subsequently that he felt that apartheid was, "either the major, or one of the two or three major, moral issues in the world today." However, he denied that his support for legislation barring further investment in South Africa was inconsistent with his stand against immediate divestment of Harvard University funds. He felt that such legislation would be an additional source of pressure for reform on the part of the South African government.

Vorenberg expressed his hope that through such pressure the white regime would foresee its violent destiny without change, and would therefore itself plan and carry out reforms. He felt that South African attorneys who are patriotic and proud of their superficially Western legal system, with rights protections, could be influenced by the condemnation of other lawyers internationally to work against the apartheid system.

However, the Dean added that American activists should not kid themselves by exaggerating their own impact on the situation. Yet,

he felt that there was an obligation on the part of the American legal profession and American law schools to disseminate information about human rights violations in order to help people understand the abuses that go on in South Africa.

☛

Sports Quiz

1. Who kicked the winning field goal in the Baltimore Colts 16-13 victory over the Dallas Cowboys in Super Bowl V?
2. What 2 teams have made it to the Super Bowl with mediocre 9-7 regular season records?
3. Who was the only player to win the Super Bowl MVP while on the losing team?
4. Who scored the Washington Redskin's only touchdown in Super Bowl VII?
5. What Super Bowl was covered by 2 networks?

New RECORD Staff

This issue is the last in RECORD Vol. 79. It is also the last for the current masthead. Steven J. Cowan, 3L, and his staff are stepping down. At a meeting held January 9, 1985 the Board of Directors of The Harvard Law Record Corporation elected W. Burlette Carter, 3L, to replace him as Editor-In-Chief for Vol. 80. Her senior assistants will be second year students Risé Peters and George Golder.

20 Years Ago At HLS

RECORD, Vol. 41, No. 2

Tuesday was Ladies Day at the Lincoln's Inn Society. A singing, stomping, drinking group of legal lasses marched and then staged a sit-in demonstration at the Inn.

The gals were demanding equal rights for females — the right to belong to the currently all-male society.

"This is where I take my stand," said William E. Peacock, 3L, President of Lincoln's Inn. "I wasn't elected president of the Inn to preside over the dismemberment of the last haven of male superiority on the East Coast."

Peacock and Membership Committee Chairman Craig Peterson stood at the door of the Inn and, in a scene reminiscent of recent civil liberties confrontations, barred the way of the "attractive nuisances."

In answer to a picketer's sign — A woman's place is in the INN — one society member suggested: "Why don't you try the Harkness Cafeteria!" There also was talk of exchanging Lincoln's Inn memberships for special Wyeth Hall privileges.

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Civil Liberties Crucial in Redgrave's Case

(Continued from Page 7)

are wrong or naive. That is a political judgement which every citizen is entitled to consider. But is there any basis for branding her a supporter of terrorism? Or an anti-Semite? What, besides fourth-hand newspaper accounts and out-of-context snippets, does Prof. Dershowitz rely on to make him so certain that Miss Redgrave deserves such vilification as he has addressed to her? Does Prof. Dershowitz believe that anyone who supports, or urges recognition of, the PLO is a "collaborator" in murder and terrorism? If so, he will have condemned, as "collaborators" in murder, the Government of Austria, the Labour Party in Britain, and perhaps many members of the Peace Now movement in Israel, among many others. Does Prof. Dershowitz believe that Zionists during the struggle for Israeli independence were in active collaboration with killers because of the terrorist acts of some of their number? Is Prof. Dershowitz in favor of resurrecting the principle of guilt by association, as he has resurrected the word "collaborator," from the 1950s? One need not endorse the PLO in order to ask such questions.

The fact of the matter is that Miss Redgrave in her professional life has fought anti-Semitism. For example, Miss Redgrave chose to perform in

Daniel Deronda because that play (from the book by George Eliot) represents an important artistic assault on anti-Semitism. In *Julia*, and in *Playing for Time*, Miss Redgrave's work again reflected her strong views about anti-Semitism.

Miss Redgrave is, of course, opposed to certain policies of the Government of Israel, which she identifies as Zionist and which, in her view, deprive others of their rights and freedoms. Surely, she is entitled to hold and express her views without being branded as anti-Semitic. Those who disagree with her should address the merits of the issue and not engage in vicious *ad hominem* attacks. As Amos Oz recently pointed out in *The Land of Israel*, the debate on this subject has long suffered from far too much heat and far too little tolerance and light.

But perhaps the most troubling thing about Prof. Dershowitz's attack on Miss Redgrave is Prof. Dershowitz's statements concerning the relationship between Miss Redgrave's art and her politics. In an appearance on Ted Koppel's "Nightline" TV program during the jury's deliberations, Prof. Dershowitz made it clear that, in his view, Miss Redgrave simply cannot give a non-political performance — that any performance, of any work of art, in which she appears is automatically transformed into a polit-

ical statement which justifies the most vehement protest from him and from other members of the Jewish community.

Such thinking is highly dangerous. Where is the line to be drawn? Does Prof. Dershowitz believe that Ed Asner and Jane Fonda should receive similar treatment by those who disagree with their views? Are politically outspoken persons to be so hounded by their political opponents that their on-political work is threatened? Such tactics threaten to chill — nay, freeze — our most precious rights. Such tactics are destructive of the spirit of liberty, of which Learned Hand wrote, in language as relevant today as it was in 1944:

I often wonder whether we do not rest our hopes too much upon constitutions, upon laws and upon courts. . . . Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it. . . .

What then is the spirit of liberty? The spirit of liberty is the spirit which is not too sure that it is right.

Prof. Dershowitz seems a bit too sure that he is right, and Miss Redgrave wrong, about how the intractable problems in the Middle East ought to be handled.

Whatever one's views on these various last points, there remains the inescapable fact that Prof. Dershowitz is looking at *Redgrave v. BSO* through a distorted and ideological lens. Let Prof. Dershowitz, if he wishes, exercise his right as a citizen to hand out protest leaflets at every showing of *Julia*, or *Playing for Time*, or *The Bostonians*. As a professor of law, however, he should not let his ideological distaste for a particular plaintiff influence his assessment of a case — particularly a case which so clearly is an important development both in the common law of contracts and in civil rights law.

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