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25 CENTS

Faculty Approves Curriculum

By W. Burlette Carter

At its meeting on Wednesday, Jan. 30, the HLS faculty approved a teaching program for the 1985-86 academic year. Approximately 60 faculty members attended the meeting, including visiting and assistant professors.

The meeting was also open to a limited number of students. Five spots were made available to interested students.

The new program was coordinated by Dean James Vorenberg working with Profs. Frank Michelman and Richard Stewart, both acting in their capacities as Associate Deans. Faculty members submitted their teaching preferences, also indicating any new courses they would like to teach, as well as desired leaves of absence.

Speaking with the RECORD, Vorenberg called the task of putting the program together "complicated," but indicated that the faculty was "very cooperative."

New Experiments on 1Ls

The teaching program approved for next year is essentially the same as that of recent years. There are, however, a few new developments, most of the substantive changes involving first year students.

In recent years, for example, one first year section, dubbed the "experimental section," has been used

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Lori Nuckolls

Panel members, l-r: Caron Chess, Charley Richardson, moderator Steve Kelman, Harry Fatkin, Nicholas Ashford.

Conference Explores Toxic Problems

By Russell Marsh

The *Harvard Environmental Law Review* [HELR] sponsored a symposium on "Controlling Chemical Contamination In The Workplace" on Saturday, February 2, 1985, in the Ames Courtroom.

Among the topics for presentation and discussion were "toxic torts," right to know legislation, worker's compensation, and the Agent Orange settlement.

The symposium began with a morning session in which papers were presented which will be published in an upcoming edition of the HELR. This was followed by a panel discussion in the afternoon.

Attorney Norman Landau of New York City, author of the book *Toxic Torts*, spoke on litigation strategies in the environmental tort field, in-

cluding the importance of establishing a prima facie case, and methods of presenting a case to jury.

In a highlight of his presentation, a student walked into the Ames Courtroom covered from head to toe by a green protective suit. Landau said that when a jury sees that this is what workers wear when they produce the chemicals involved in a lawsuit, they realize that those chemicals are probably dangerous to handle.

Landau pleaded that lawyers be more receptive to handling toxic tort cases: "Don't just out of hand turn them down."

Landau was followed by Boston lawyer Laurence Locke, editor of the Mass. Practice Series on Worker's Compensation, who discussed problems with workers' compen-

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"Mothers In Law" Meet For Mutual Support

By Gregory Klima

Besides complex tax questions and difficult criminal law policy issues, some law students face problems with misbehaving children, insufficient time with their children and dealing with crisis situations which occur while they are in class. "Mothers In Law" could help law school women facing these and other problems.

"Mothers In Law" is a new group being formed by Dr. Angela Gillem, psychologist, and Dr. Jessica Oesterheld, psychiatrist, both of whom are counselors to law students.

The main purpose of the group is to provide support for women attending law school and raising children at the same time. According to Oesterheld, women in this situation often experience stress when they try to fill both roles. Also, when they devote time to one of the roles, they often feel guilt and concern that they are not devoting time to the other.

The group will try to help the members overcome these feelings. Gillem commented that such support can usually not be met by non-parents.

Gillem said that the problems of a law school mother are similar to, but worse than, those of a working parent. Most working parents can leave their jobs at work, but a law student must often study during the evening as well as on weekends. This limits the time that the law school mother can spend with her child. When these time constraints are combined with limited finances, the situation can cause great stress.

Besides emotional support, Gillem and Oesterheld both hope the group will serve a social function. Oesterheld said that being a law student and mother simultaneously causes isolation. "The time constraints are so phenomenal," she said. "It is difficult to have enough energy left to reach out for social contact." The group will be a way for women to meet each other and hopefully develop friendships.

Gillem believes there will be a practical side to such acquaintances, which she calls "concrete support."

This concrete support includes exchanging advice on special problems and time management. If the group develops well, the concrete support might even include arrangements for car pooling or baby sitting.

"Mothers In Law" was Oesterheld's idea. As a professional and a mother, Oesterheld was personally aware of the problems that can develop. Encouraged by a conference on the needs of working mothers and by comments from several persons at the law school expressing a need for such a group, Oesterheld invited Gillem to join her in organizing the group.

In the beginning, the "Mothers In Law" will meet for an hour or half an hour each week. The meetings will mainly consist of discussion and socializing. "Anything outside of the meetings will be left to the members, depending on if the group is successful," stated Gillem.

Because Oesterheld and Gillem are waiting for a few more women to join, the group has not yet begun to meet. Although the original idea was for a group for both single and married women, the group is currently leaning toward being one for single mothers.

Oesterheld commented that the reason for the shift in emphasis is that most of those persons currently

interested are single. "We are trying to fit the needs of the community," stated Oesterheld. Since mothers with different marital states or with children of different ages have different problems, the group will try to target the largest number of persons first.

Neither Gillem or Oesterheld rule out other parent support groups. If a number of law student fathers expressed a desire for such a support group, one would be arranged. A mixed group might even be possible.

Gillem stressed that the "Mothers In Law" will not be a therapy group and that a mother need not be experiencing serious problems to attend the meetings. The group also wants to attract parents with ordinary problems in raising children and attending law school. Mothers who are handling the situation successfully can be a resource for helpful suggestions and advice.

Both Oesterheld and Gillem earnestly invite anyone even remotely interested in the group to contact either one of them. One of them can then discuss the group with the interested party and help them decide if it can be useful for them. Dr. Gillem can be reached at 495-2967 and Dr. Oesterheld can be reached at 495-4414.

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BLSA Sponsors Black History Month Activities

By Paul Weisenfeld

February is nationally recognized as Black history month and this year the Harvard Black Law Students Association [BLSA] is planning a very ambitious program. BLSA hopes this commemoration will heighten the understanding and appreciation of the history of Blacks as a people.

The program was kicked off on Friday, Feb. 1, with a barbecue dinner in the Harkness Commons. After the dinner, BLSA sponsored a showing of the film *Black Orpheus* in the Ames Moot Court room. *Black Orpheus* transforms the events of the Greek tragedy *Orpheo and Eurydice* within the setting of a Brazilian "carnival."

BLSA is also planning a series of "Coffee Houses" on every Sunday of the month. These events will offer entertainment in an informal atmosphere. The first coffeehouse was held on February 3 and featured artist Nymah Kumah who performed with African storytelling and played African folk music. Other "Coffee Houses" will feature music ranging from classical violin to Latin jazz.

BLSA is planning approximately three events per week. Some of the major ones include scholar Aly Hashim who speaks numerous an-

cient languages and will delve into Black history by "unraveling centuries of hidden truth" on February 7, and a panel discussion on "The Black Family" on Feb. 9.

Pam Moore, 2L, the coordinator of the Black History Program, says that the program is designed for all members of the Harvard community. The purpose, says Moore, is "to inform with the purpose of raising consciousness."

Moore says that "BLSA has taken a lot of positions in the past which were unpopular and at times has been viciously attacked for those positions." However, she insisted that people often fail to understand that these "... positions are based on the kinds of experiences we [Blacks] have had, individually as well as collectively." In this respect, the Black History Program aims at giving the larger community an op-



Teresa Miller

Students join BLSA for Black History Month dinner.

Besides the goal of informing others, Moore hopes the program will commemorate a historical experience and offer other perspectives about what is going on in the greater society. Thus, the events planned will address a wide range of economic, political, sociological and historical issues, as well as cultural concerns. Backgrounds of the speakers will vary, to provide those attending the events with a range of perspectives.

portunity to gain insight into those experiences and perspectives.

Finally, Moore says that in the long run, "... our goal is to build bridges on several different levels: within the BLSA family, with the larger Harvard community, with other students at other law schools in the area, and with the larger Boston community."

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Mediators Train for Small Claims Settlement

By George Golder

This weekend, the Harvard Mediation Program will hold one of its twice-annual training workshops. The training is designed to prepare HLS students and other members of the community to act as mediators in several area courts and in other settings in which the Mediation Program is active.

Since its founding in the Spring of 1981, the Mediation Program has successfully worked with local small claims courts to help disputants resolve their problems themselves and avoid the need for judicial involvement. It has expanded the number of courts in which it is active and has also moved into other areas of mediation besides small claims.

According to Scott Wasserman, 3L, the Mediation Program's Director of Training, student mediators involved with the Mediation Program spend one morning or afternoon every two weeks in a local small claims court. There, as the court clerk calls the roll and when both parties to a given dispute are present, mediators are assigned to cases. They do not know beforehand who the parties are or what the dispute between them is about.

Wasserman, who said he has been involved with the Program since his 1L year, indicated that mediation is a satisfying experience, though it can sometimes be an anxious one. "None of the ones I've been in have ever come to blows," he explained, although "Sometimes tempers run high, sometimes it gets violent, sometimes it's scary."

"But," he added, "it usually works."

The Program's History

The Mediation Program was founded in the Spring of 1981 by Karen Green (then Karen Falkenstein). She was encouraged to do so by Judge John Cratsley, then a Superior Court Judge in Suffolk Superior Court. She was clerking for him through a course she was taking at the time. He suggested specifically that she begin a mediation

program in the court in Quincy.

Green said Judge Cratsley believed that mediation could often be better than court-imposed solutions because a judge can only mandate monetary remedies while the parties are often more interested in some kind of specific performance and would be willing to compromise to get it.

The new program's first training workshop, organized by Green and a member of the Phillip Brooks House, was held in the early months of 1981. Approximately 20 to 25 students participated. Two-thirds were from HLS and about one-third were members of Phillip Brooks House.

Green said there was at first some resistance among the staff of the Quincy court to mediation by the students. Others there supported the Program's efforts, however, and that support combined with the volume of the cases in the Quincy court to insure that the Program's mediators were able to get the chance to show what they could do.

The Program became a success. Soon, Green said, more cases were being settled through mediation than through any other means.

The Mediation Program is still as successful as at its beginning. Sally Burger, 3L, the Mediation Program's Chief Director, was hesitant to state any specific figures

A MESSAGE TO HARVARD & RADCLIFFE STUDENTS REGARDING NOMINATIONS FOR THE COOP BOARD OF DIRECTORS

If you, as a Coop member and a degree candidate, are interested in serving as a Student Director for the Harvard Cooperative Society for the next academic year, you should obtain an application from the General Manager's office in the Harvard Square store. Completed applications must be returned to that office by Friday, February 15, 1985 for consideration by the Nomination Committee of the Stockholders of the Harvard Cooperative Society.

The Coop's Board of Directors has a total of 23 members, 11 of whom are students from M.I.T. and Harvard, 11 are members of the faculty and staff or alumni of M.I.T. and Harvard, plus the General Manager of the Society. The Board oversees the operation of The Coop and sets a policy for The Coop's operation. The Board meets monthly during the academic year.



Efforts

for the rate at which the Program's mediators are able to help disputants to reach settlements. She explained that the rate of success varies, even for an individual mediator. Nonetheless, "the settlement rate is significant," she said, citing the Quincy court's requirement that parties to a small claims dispute attempt mediation before they can go before a judge. "The Court feels the settlement rate is high enough that this is the most efficient use of resources."

Burger noted that this semester the Program is collecting statistics on the settlement rate the Program's mediators achieve and on the parties' rate of compliance with those settlements over time.

Just of her own experience, however, Burger was willing to be more specific. She indicated the settlement rate in the cases she mediates has been about 60 per cent this year and was about 80 per cent last year. Scott Wasserman reported a similar experience. Additionally, Wasserman noted that whether or not a case will settle is hard to guess beforehand. He said he finds that even the most intransigent of parties will often end up with an agreement. "Even the ones who sit down right away and say 'We don't want to do this' — about 60 per cent of these settle."

Wasserman indicated that even when a settlement is not reached the parties appreciate the mediators' efforts. "Most people are satisfied with us. Even if they just yelled at each other and didn't settle, they thank us."

The court personnel with whom the members of the Mediation Program work also seem to be happy with the Program's efforts. Lorraine Rosenblatt, who is a paid mediator at the Quincy court, called the HLS mediators a "big asset to our court."

Expansion

The Mediation Program's success has led to the acquisition of its own office and the hiring of an Office Manager. Additionally, according to

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Legal Briefs

Prof. Morton Horwitz spoke on "American Jews in Israel" at a Sunday brunch, Feb. 3, sponsored by the Harvard Jewish Law Students Association.

Glenn Falk, 3L, member of the Harvard Legal Aid Bureau, recently won an oral argument before the Supreme Judicial Court of Massachusetts.

Tapes from the Big Dan's Rape Trial have been given to Harvard Law School for use in teaching.

Carol Steiker was elected president of the *Harvard Law Review* on Sunday, Feb. 3.

Prof. Abram Chayes joined members of the Dormitory Student Affairs Council and other students at a DSAC brown bag lunch on Feb. 4.

Students participating in the Cambridge/Somerville Legal Services Center recently were the subject of a resolution adopted unanimously by the Cambridge city council. The resolution commended the Law School's legal services programs and HLS's work in providing representation to indigents.

A \$250,000 testamentary gift from the late **Kurt H. Nadelman**, a former Harvard Professor, will provide funds for work in the area of conflict of laws.

The HARVARD LAW RECORD recently was awarded top honors in the ABA's law school newspaper competition. The RECORD won Best Newspaper Reporting over the Year in its class, Best Editorial in its class on broader aspects of the law ("Think Like Lawyers," RECORD, Vol. 77, No. 6, Nov. 4, 1983).

The Asian Law Students Association assuaged their Spring Term blues by taking to the slopes for a skiing trip to Stowe, Vermont.

Massachusetts Superior Court trials continue in the Ames Courtroom. *Bacon v. Kemper Life Insurance Company* is being tried this week before a jury.

The Harvard Prison Legal Assistance Project held a "Thank Goodness Winter Term is Over and Welcome Back 1Ls party" which they advertised as offering "Food, drink and breakdancing."

The HLS Forum, presented a preview and discussion of an upcoming TV special *The Atlanta Child Murders*. **Prof. Alan Dershowitz** was a member of the panel. (See upcoming issue for story.)

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A project of the Metropolitan Outreach Program of the B'nai B'rith Hillel Council of Greater Boston, 233 Bay State Road, Boston, MA 02215.

Students Roll 'Em Big At Casino Night

By Vincent Chang

"Seven wins." "Pay the pass line." "Got a lucky roller here."

The shout of the tuxedoed dealers filled Pound Hall during DSAC's 5th annual Casino Night, Friday, Feb. 1.

Casino Night transplanted a slice of Las Vegas to Harvard Law School, as Dormitory Student Affairs Council (DSAC) organizer Sandy Thomas mobilized nearly 100 volunteers to staff the roulette wheels, blackjack tables and dice games. "I'm pleased with the great response we've had from even people outside DSAC," said Thomas.

Among those participating were Dean James Vorenberg, who proved to be a surprisingly proficient dealer at the blackjack table, and Accounting Professor Herwitz who, according to Thomas, "showed up out of the clear blue and asked to deal."

A highly paid attendance, including HLS Assistant Prof. Randall Kennedy, guaranteed the event's success. Casino Night turned a profit for the first time in its history, more than covering the \$1000 cost of renting the gambling equipment.

The modest proceeds from Casino Night were donated to the Red

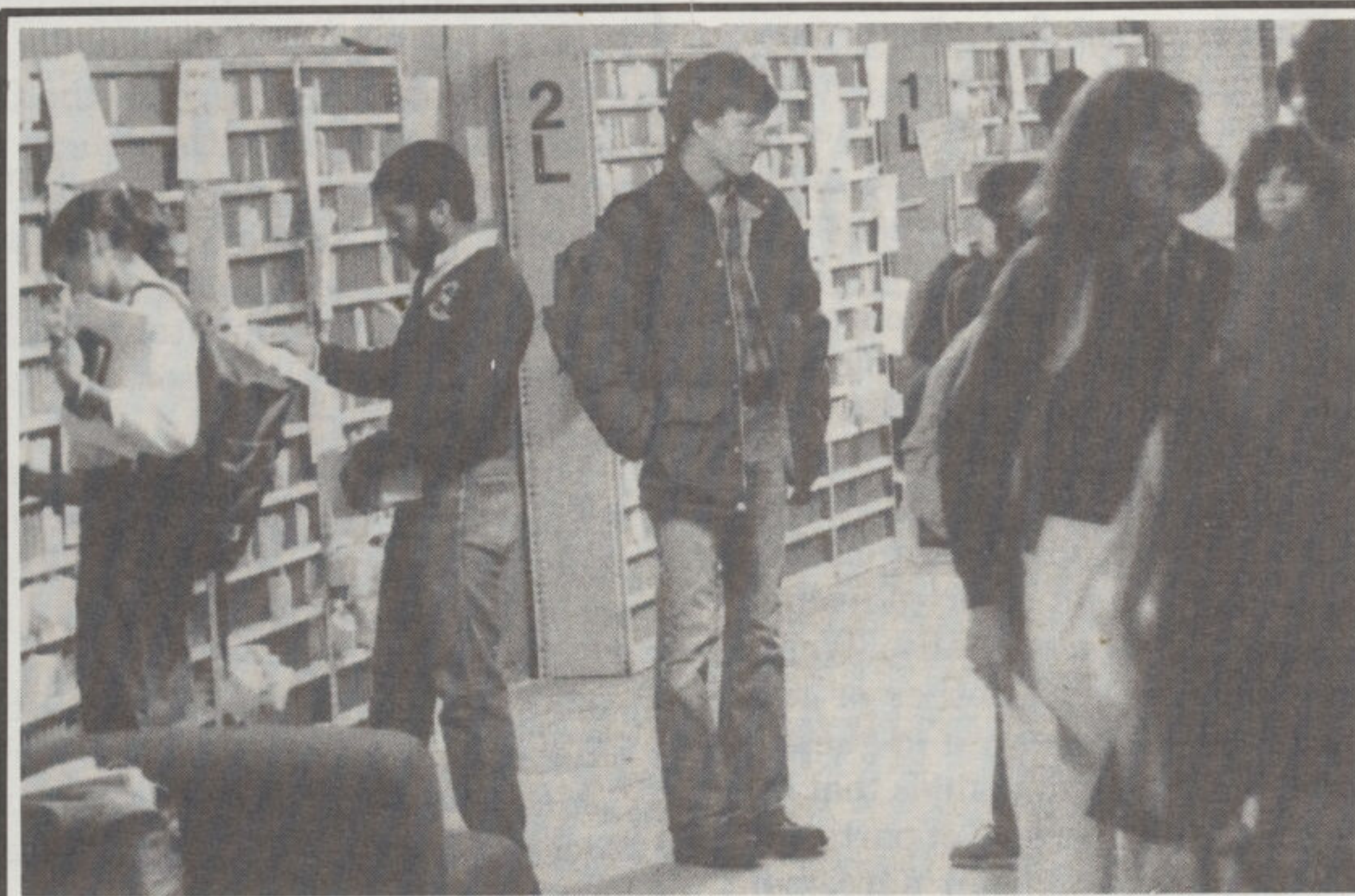
Auerbach Foundation, an advisory committee sponsoring sports programs for inner city youth. Unfortunately, the program's proceeds were probably less than those of Casino Night's anonymous top winner who is rumored to have taken home \$300.

Since gambling is generally illegal in Cambridge (except for non-profit organizations possessing permits), non-students have often attempted in past years to crash

Casino Night. This year DSAC screened out non-students, to avoid the prospect of an outsider "breaking the bank."

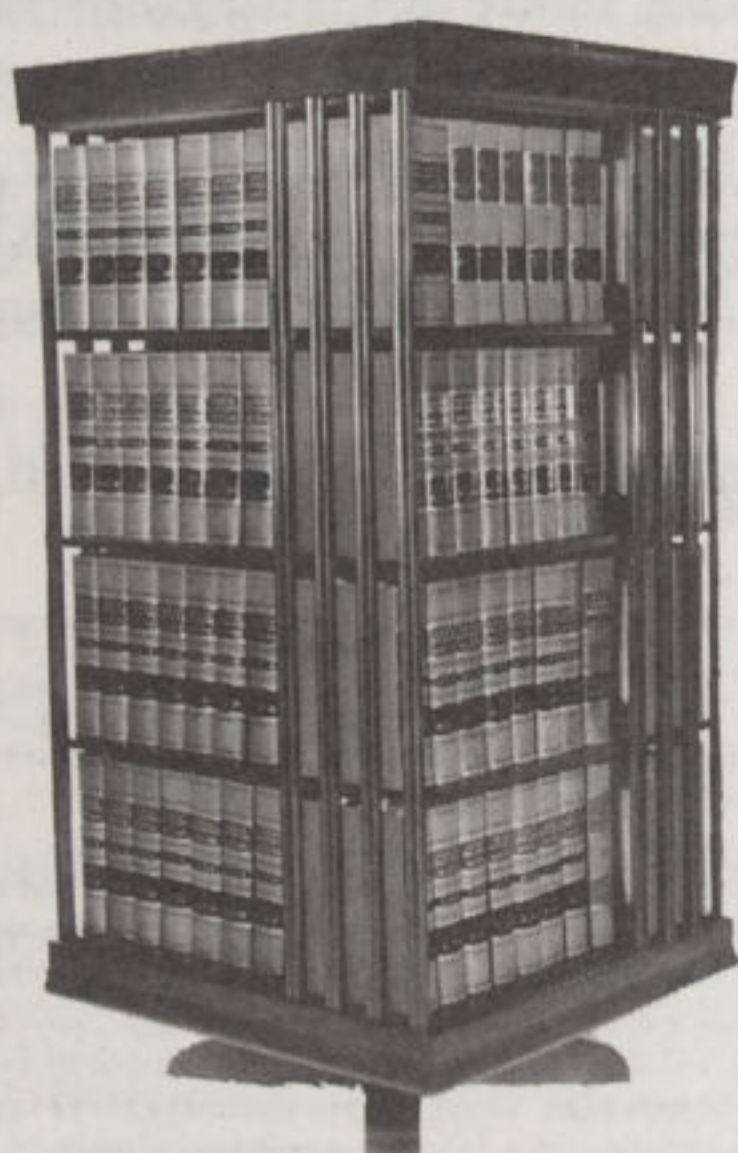
Apart from benefitting this worthy organization, DSAC seemed to achieve another important benefit as well — student entertainment. As DSAC member Alan Price, 1L, put it, "I lost my voice shouting for 3 hours, but it's the most fun I've had at the law school in a while."

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Greg Peterson

Spring semester began last week for 2Ls and 3Ls.



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Student Complaints Spark Limited Gym Improvements

By Rick Schlesinger

Although it receives high marks for convenience and proximity to the Law School, Hemenway Gym has received criticism from law students complaining of inadequate facilities and limited weekend hours. Consequently, the Harvard University Athletic Department, which is responsible for all campus athletic facilities, has made some efforts to improve conditions at Hemenway. A number of students who frequent the Gym, however, contend that much more needs to be done.

Much of the criticism of Hemenway Gym has focused on the weight room. "The equipment is in gross disrepair and basically is worn out," remarked Drew Webb, 3L. "The weight room is dirty and poorly ventilated. There's one small fan in there and it does not do much," added Steve Frank, 2L. The weight room presently contains a Universal station, bench press, and squat rack. Two years ago the Athletic De-

partment installed a new all-metal squat rack after complaints that the old one was unsafe. In addition, the Dormitory and Student Affairs Council (DSAC) purchased six sets of dumbbells for the weight room after "intense lobbying by some students," according to Matt Lerner, 3L.

Major improvements in weight room facilities, however, are probably not forthcoming. Space and funding is obviously quite limited and law students who have paid their athletic fee are, of course, free to use the weight facilities at the Intramural Athletic Building or Indoor Track and Tennis Building. One caveat: students who wish to use the Nautilus exercise equipment at Harvard gyms may need prior certification by university instructors.

Another major complaint about Hemenway Gym has been the limited weekend hours of operation, especially on Sundays when the Gym is open only from 10:30-5:30. Don Carlson, 2L, a member of the

Law School Council, recently requested that the Athletic Department extend weekend hours to the normal weekday schedule because "on the weekend, most students are in Cambridge and have some free time to get what exercise they can". Last week J. P. Reardon, Jr., director of the Athletic Department, agreed to implement Carlson's suggestion. Thus Hemenway is now open from 9:00 A.M. to 10:40 P.M.

The Law School Council, however, was unable to persuade Reardon to open the Gym earlier in the day. It had asked that Hemenway be opened at 8:00 A.M.

Squash Time

Some students have also been critical of the 40 minute absolute limit for squash courts at Hemenway, arguing that a one hour time period would provide a more enjoyable and efficient work-out. In a letter to the Law School Council, however, Reardon stated that for the time being the 40 minute limit would be maintained. He said it was the general opinion of university athletic instructors that the time allotted would provide a very adequate work-out. Furthermore, some squash players, noting the heavy demand for courts at night and on weekends, admit that the 40 minute limit is needed. They acknowledge that it at least ensures that a large number of students will have an opportunity to play. One "novice" player even approved of the current court time allotment, noting that "20 more minutes of court time is really just 20 more minutes for me to embarrass myself out there. . . ."

The general consensus around the Law School seems to be that Hemenway Gym is somewhat akin to Langdell Library: well-used but not well-loved. Those who play squash, basketball, or lift weights at Hemenway may do well to remember that priorities at Harvard Law School lie elsewhere. After all, can anyone imagine Louis Brandeis blowing off Equity I to go "pump iron" or "shoot some buckets?"

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Looking Back

With this issue, as happens twice a year at the RECORD, a new Editor in Chief and a new masthead take the helm. A "changing of the guard" seems always to engender some reflection on times past, and so it is in this case.

Snooping through old RECORD files, one comes across a letter dated November 26, 1971 from Charles O. Porter, '44 ('47). Porter, the very first "President" of the RECORD, had taken his Thanksgiving holiday to impart to then RECORD editor, Gerald Snow, '72, a bit of wisdom concerning the RECORD's history.

It was Porter who first conceived the idea of a law school newspaper. Like many of his colleagues, he found his legal studies interrupted by a call to World War II. He returned four years later, to begin his second year at Harvard Law.

Porter reported to Snow that the idea of having a law school newspaper occurred to him as he was "pondering the impersonality and separation of HLS students, faculty and alumni. . . ." His classmates, Charles Sweet, '42 ('46), and Paul Hellmuth, '43 ('47) joined him in convincing Dean James Landis and the HLS faculty that their idea was a good one. Reginald Herber Smith, '14, then Treasurer of the HLS Alumni Association, provided access to alumni/ae support for the project. It was this expansion of the subscription base which enabled the RECORD to expand its coverage.

That is an all too brief account of the RECORD's history. Since the time of the RECORD's founders, some things have changed. Volume One, Number One of the RECORD sold for ten cents and was printed in a format which was, as Porter put it, "as big as *The New York Times*."

The RECORD's subscription price is now an unbearable twenty five cents per issue, and a different format has, we hope, made it more readable. Today more than 10,000 alums are on our subscription lists, along with hundreds of law libraries and law firms, and of course, the current students of the Harvard Law School.

Yet, despite these changes, the RECORD, America's first and oldest law school newspaper, continues to provide a forum in which students, faculty, alumni (and others who read us) can discuss some of the important issues of our time, those which affect HLS and those which affect the world at large.

We hope this discussion will continue vigorously well into the future.



HARVARD LAW RECORD

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Fenno

It was early Monday morning as Fenno stumbled home from yet another study session at the Hong Kong. To his astonishment, a long line of law students stood waiting in joyful expectation in the cold outside Austin Hall. Fenno assumed that they were waiting in line to get tickets for that new rock group, Archie and the Three Blind Meese.

"Get one for me near the speakers!" yelled Fenno to some friends near the front of the line.

"This isn't a ticket line," responded K, "it's a line to get our grades. You'd better hurry before they run out of high ones!"

"You mean all that studying I did on the morning of the exam was for nothing?" questioned Fenno in disbelief.

"This year you have to pay for them," interjected Gregor. "It's awfully expensive to have your grades individually printed up. Anyway, I kind of like the new system — it puts the ceremony of the Receiving of the Grades in its proper perspective."

"Wait in line to pay for your grades?!" squawked Fenno, dropped-jaw and wide-eyed, a difficult expression in his present condition. "But what good are they? You can't eat them, or wear them, or sleep with them, though I have to admit I've seen students try."

"Fenno," enjoined Joseph K., "you must know about grades and the Law School Tradition: A-men work for corporate law firms; B-men work for corporate law firms, and C-men work for corporate law firms. It's pretty clear you don't fit into any of those categories."

"Well, to be perfectly honest," said Fenno, "I've never actually seen any of my grades. I just assumed they would be mailed to me."

"The horror! The horror!" cried K. "Don't you understand what you've done? You may have made Law Review without knowing it."

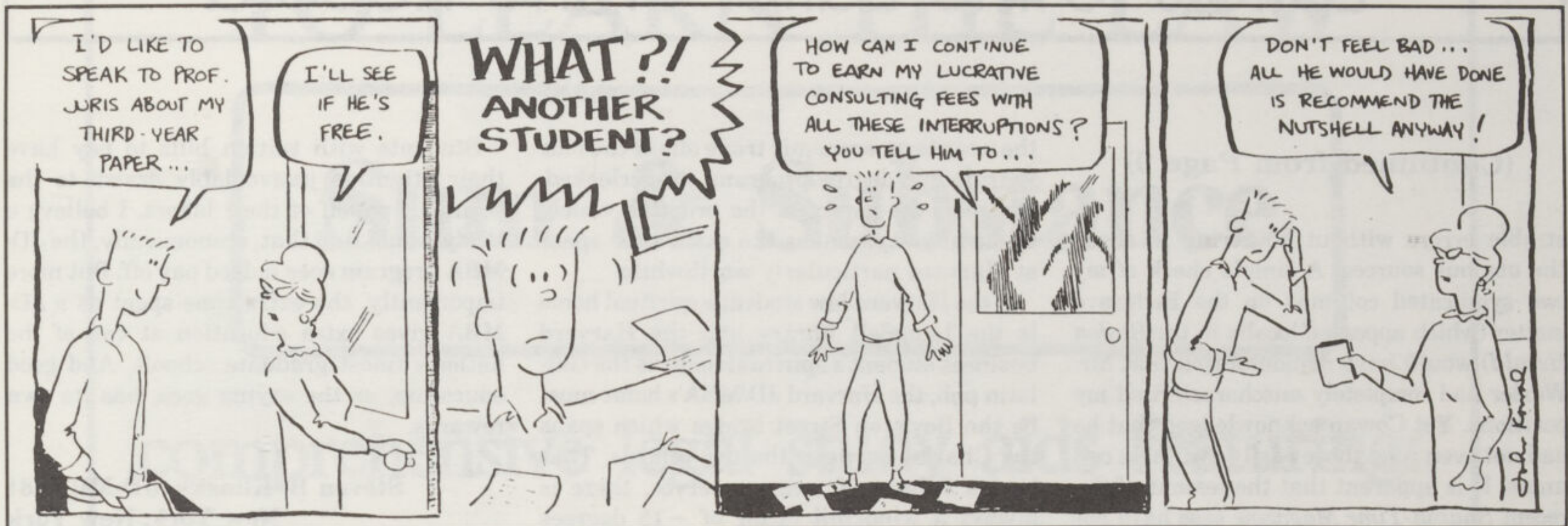
"It's blasphemy!" screamed Gregor, "utter blasphemy! How can you plan your life? How can you decide what you want to do? How can you embellish your grades at interviews if you don't know what they are? Doesn't the fast track mean anything to you?"

"Law Review and employment are diddly-squat, Fenno," said Joseph K., "but think about the truly important things in life. Happiness! Love! Gentrification! They all depend on knowing what your grades are. Dammit, Fenno, how can you be sure you're a Moral Individual if you don't know how you did on the Sec Reg final?"

Fenno was speechless. He had never looked at life this way, but it seemed to make sense. He reached for his wallet . . .

"Nah!!" he blurted out, as he stumbled off to the Hark to play Globetrotters.





Letters to the Editor of the Record

Wexler's Confusion

To the Editor:

Marvin Wexler's political "brief" for his client, Vanessa Redgrave, is a potpourri of inaccuracies. He criticizes me for not "hailing the case as an important advance for the cause of our civil liberties." Yet that is exactly what I have done. The RECORD quoted me as believing "that, consistent with principles of civil liberty, the BSO was wrong to cancel Redgrave's performances." On a "Nightline" debate with Roy Cohn, I defended Redgrave's civil liberties while attacking her political activities. And following the jury verdict, I praised the result as a victory for civil liberties, while continuing to attack Redgrave for her complicity with the PLO. It is not unusual for me to applaud a verdict while condemning the litigants. I support the right of Nazis and Communists to march, for the same reason I support Vanessa Redgrave's right to perform.

Now to the facts about Redgrave. Her apologist Wexler claims that she testified at trial "that she is, and has always been, unalterably opposed to terrorist tactics or action." If she so testified, she compounded her hypocrisy by committing perjury. She has praised the terrorist murder of 34 civilians in Israel, including the shooting of a young American artist who was photographing birds on a beach. When asked about that, she responded that the PLO killers were not terrorists, but were patriots engaged in "an armed liberation struggle." She justified the killing of the artist by arguing

that Israel "may well have enlisted artists, among others, to do the work."

Wexler also says that I am wrong in accusing Redgrave of hypocrisy in herself having advocated the blacklisting of Israeli performers and the canceling of all artistic contracts in Israel. Let her words speak for themselves. This is the operative portion of a resolution Redgrave introduced at British Equity: "This AGM demands that the Equity Council ban the sale of all taped and filmed material to Israel; that Council instructs all members working in Israel to terminate their contracts and instructs the membership of Equity to refuse all offers of work in Israel." Wexler also neglects to mention that Redgrave has argued that it was "absolutely correct" to ban Zionist speakers from college campuses.

Turning to her "collaboration" with the PLO, the record speaks for itself. She made a propaganda film for the PLO in which she was photographed dancing with a Kalachnikov rifle above her head. She has conducted press conferences on behalf of the PLO, and sworn her allegiance to the PLO's struggle to overthrow Israel by violence. She has frequently invoked the anti-Semitic canard that Jews and Zionists "control" and "dominate" the Western media.

Finally Wexler mildly characterizes Redgrave's views as "opposed to certain policies of the government of Israel." That makes her views sound like my own and those of many Americans and Israelis. But this is what Redgrave is reported to have told an Arab magazine: "I don't think there is any room for a state of Israel... I believe that the state of Israel must be overthrown; there can be no room for such a state." Just a bit

different from "opposed to certain policies of the government of Israel"!

That is what happens when a lawyer confuses his proper role as an in-court defender of his clients' civil liberties with his questionable role as an out-of-court apologist for his clients' pernicious views and activities. It is Mr. Wexler who has "violated the cardinal principle of a civil liberties lawyer" by becoming a tool of his client's political cause.

And now for a word about the *Harvard Law Record*. After the publication of the Redgrave article, I asked RECORD Editor Steve Cowan how the RECORD could have published an article so chock-full of demon-

(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

(Continued from Page 9)

strable errors without bothering to check the obvious sources. A simple check of my two syndicated columns on the Redgrave matter (which appeared locally in the *Boston Herald*) would have demonstrated that Mr. Wexler had completely mischaracterized my positions. Yet Cowan acknowledged that he had not even read those easily available columns. It is apparent that the lessons of the recent *Sharon-Time Magazine* case have not been learned by the RECORD.

Alan M. Dershowitz
Cambridge, MA

Editor's Note: Any suggestion that the RECORD did not investigate Mr. Dershowitz's position before the Wexler piece was printed is incorrect. Additionally, an editor's note preceding the Wexler piece referred readers to an earlier RECORD story expounding that position, a story from which Mr. Dershowitz quotes favorably above.

Pieces which appear in the "Off the Record" column reflect solely the opinions of their authors. The RECORD does not think that the Wexler piece exceeded the legitimate journalistic bounds of an opinion, notwithstanding Mr. Dershowitz's syndicated column available locally in the Boston Herald.

the near term economic trade offs of the four year double degree program. It overlooked, however, the aspect of the program which, to me anyway, makes the extra time spent at Harvard particularly worthwhile.

If the Harvard law student's spiritual home is the Langdell library and the Harvard business student's spiritual home is the Galatin pub, the Harvard JD/MBA's home must be the Boylston Street bridge which spans the Charles between the two schools. That bridge (where, if memory serves, there is always a windchill factor of -15 degrees and only eight minutes to cover a mile and a half between classes) is the key to the program. It is the embodiment of the ability to move back and forth between two worlds, each with its own personality and intellectual approach. There is something to be said for that movement, for America's future business leaders and Wall Street hustlers spending time learning constitutional law and ethics from Archibald Cox or debating political philosophy with Larry Tribe. There is something to be said for America's future lawyers, academics and regulators learning how to build an enterprise, balance a factory floor and calculate a bottom line. It is good for the individual student, broadening him with a thorough grounding in two ways of thought which might lead to a third, new way. Perhaps, if those individuals have impact, it is good for society.

Students with tuition bills to pay have their attention unavoidably drawn to the economic payoff of their labors. I believe a study would find that, economically, the JD/MBA program does indeed pay off. But more importantly, the extra time spent as a JD/MBA gives extra education at two of the nation's finest graduate schools. And good education, as the saying goes, has its own rewards.

Steven B. Klinsky, JD-MBA '81
New York, New York

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Bridging The Gap

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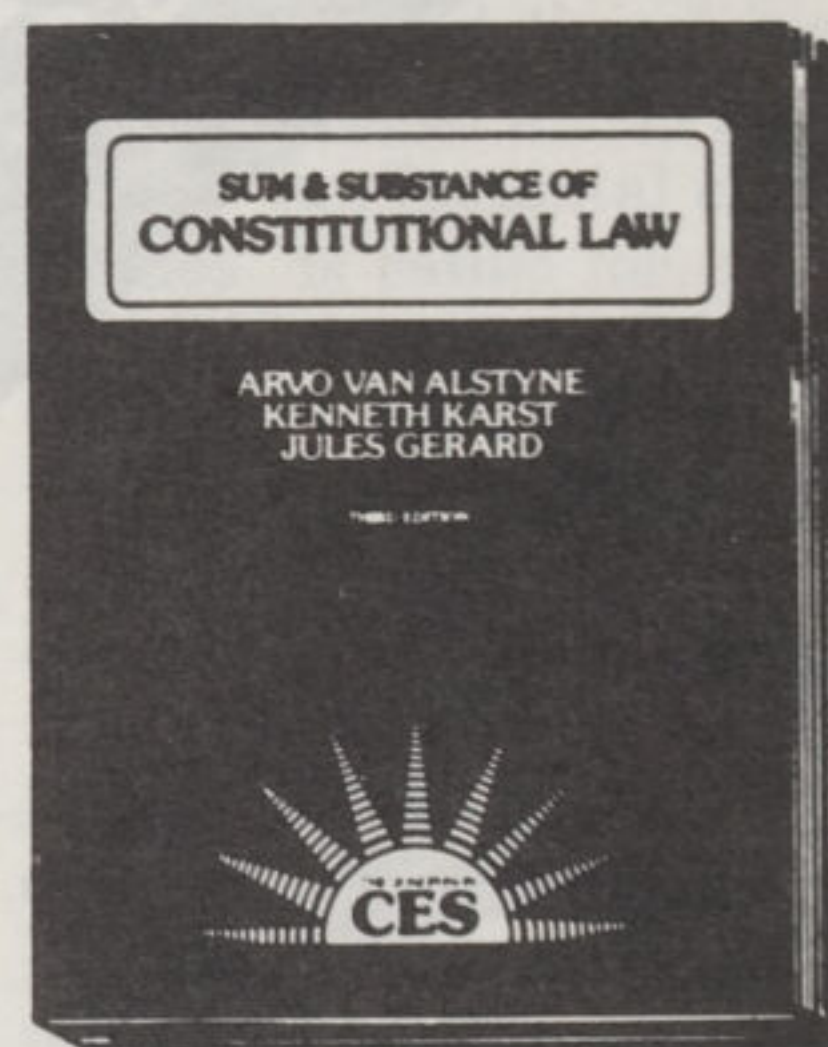
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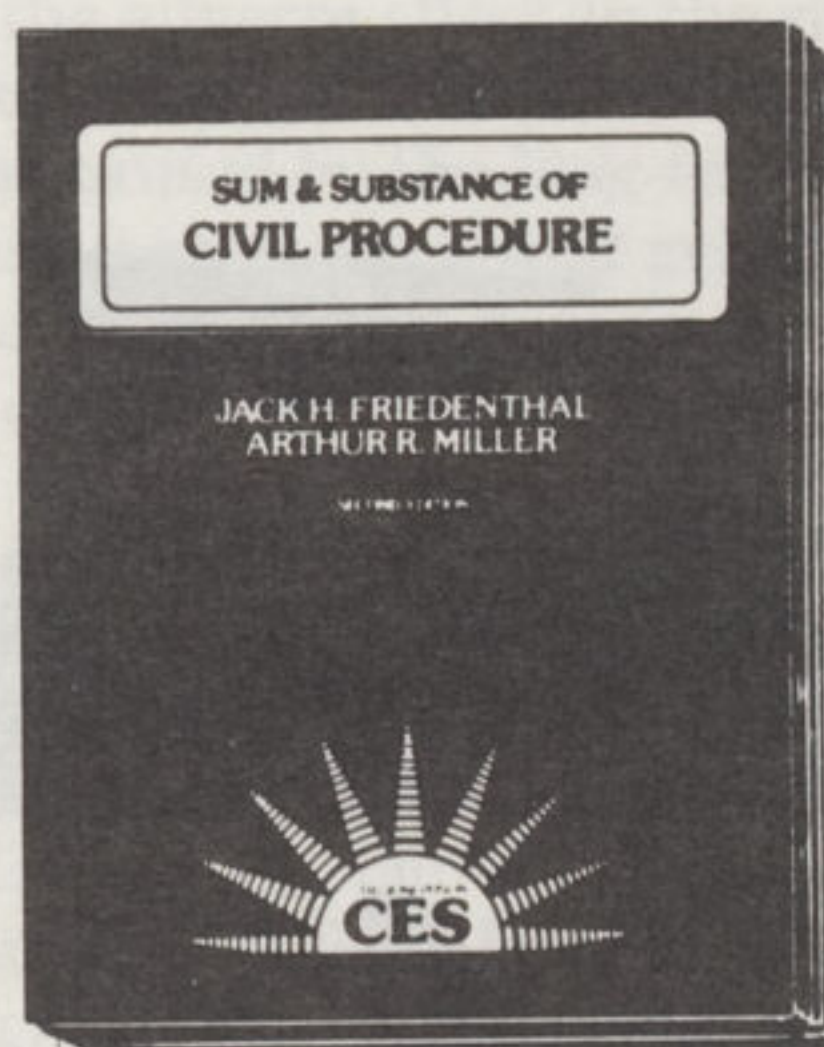
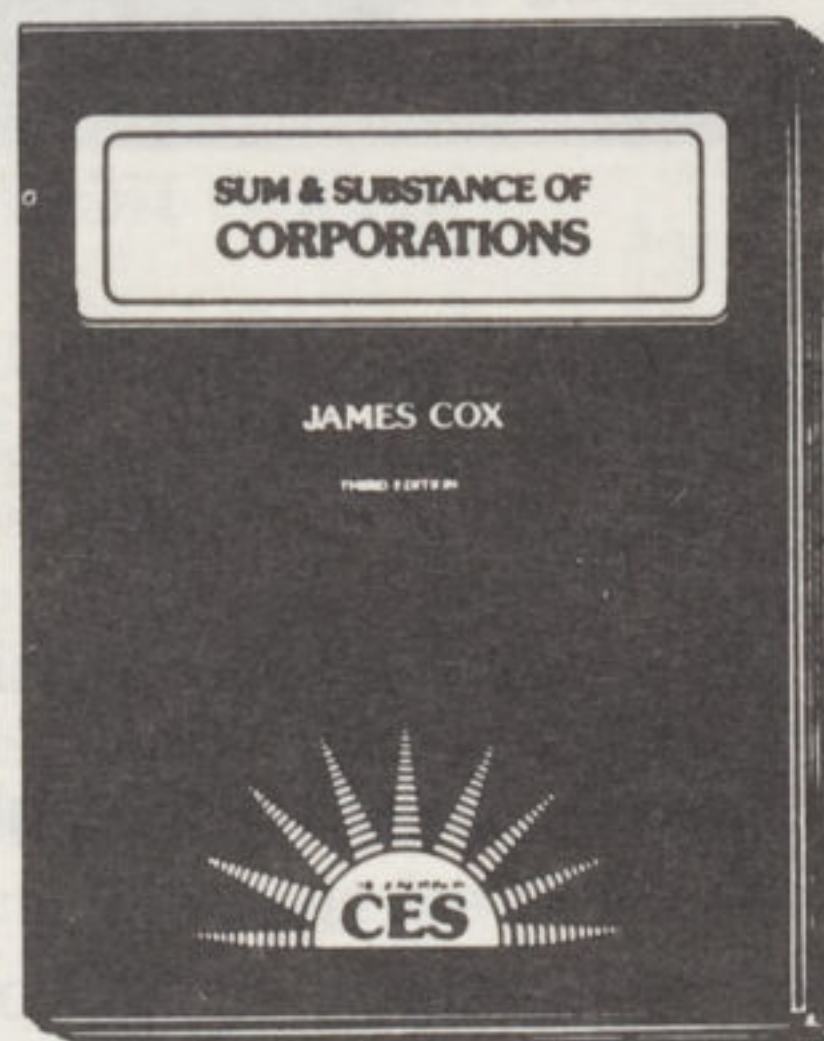
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Conf. Debate Centers on Hazardous Materials

(Continued from Page 1)

sation systems and "occupational diseases." Those problems include identifying causes of diseases, long latency periods and the high cost of legal fees.

Locke proposed several changes in workers' compensation laws, such as broader definition of occupational diseases, expansion of causal relationships to include aggravation of pre-existing or co-existing conditions, removal of restrictive time limits, and changes in the benefits structures.

James O'Reilly, author and teacher of Labor Law at the University of Cincinnati, spoke on "Driving a Soft Bargain: Unions, Toxic Materials, and Right to Know Legislation." O'Reilly noted that disclosure of toxic materials in the workplace has become a national political issue.

O'Reilly called collective bargaining the "least intelligent and least effective" method for gaining hazardous material disclosure. Unions have instead obtained requirements of disclosure of hazardous materials by employers through legislative action.

Agent Orange

The final speaker of the morning was Robert Sand, Assistant General Counsel for Allied Corp. Sand discussed the Agent Orange Settlement, asking "how much compensation is enough?" He asked why, given the amount of money involved and the fact that the judge had said

there was no way the defendants could lose the case — given the plaintiffs' problems of proving causation and the probable success of the defendants' government contractor defense — the chemical companies chose to settle anyway.

Sand first argued that \$180 million was indeed "a lot of money," pointing out that not all of the settlement would be paid by insurance companies because of high deductibles and adjusted premiums.

According to Sand, one possible reason why the defendants agreed to settle was the high cost of legal fees in defending the suit. For example, the cost of 200 depositions taken during discovery may have been as high as \$14 million, he said. Sand said other reasons for settlement may have included the "slight possibility" of losing billions of dollars, the adverse effect on the stock market prices of the chemical companies caused by the long-term uncertainty the case would generate, and a sense of compassion on the part of the defendants for the victims.

The afternoon session of the symposium centered on a panel discussion and debate on policy formulation in relation to hazardous substances. The panel was made up of Nicolas Ashford, Director of the Center for Policy Alternatives at MIT, Harry Fatkin, Director of Health, Safety and Environmental Affairs at the Polaroid Corp., Caron Chess, Right to Know Coordinator for the New Jersey Department of Environmental Protection, and Charley Richardson, member of

Shipbuilders Union Local 5. The moderator was Prof. Steven Kelman of the Kennedy School of Government.

Fatkin concluded that there had been a "breakdown of the social contract in the chemical industry." He said the reason for this breakdown was the perceived conflict between economic interests on the one hand and health and safety on the other.

Fatkin also discussed recent major tragedies involving hazardous materials, and the rising concern over hazardous waste. He concluded that a "fundamental change in attitudes" is called for.

Ashford described the "gutting of OSHA" by the Reagan administration, including the elimination of an advisory committee which he had chaired. Ashford also argued that the current battles over environmental regulation represent a conflict between established industries interested in maintaining their market share and innovative, socially conscious companies.

Chess called today's workers the "canaries of society," who, like canaries in the coalmines of yesterday, serve to warn the public of environmental dangers.

She explained how, under New Jersey right-to-know laws, information on chemicals in the workplace is available to workers, which in turn helps communities deal with the chemical problem.

Richardson, a shipbuilder for General Dynamics in Quincy, criticized companies that post "Safety Pays" posters while cutting back on safety measures in order to improve productivity.

Richardson criticized inadequate workers' compensation programs, while lauding right to know legislation.

According to Richardson, the basic issue in workplace safety is the power relationship between workers and employers, and the answer is worker control of the workplace.

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Mediation Program Expands Scope

(Continued from Page 5)

its brochure, the Mediation Program last Spring received official University recognition as a separate clinical program.

The Program's success has also led to an expansion of its activities. Peter Kochenburger, 2L, who has been the Director of the Program most involved in overseeing its expansion, explained that the activities of the Mediation Program are expanding in two ways. First, the Program is taking its efforts into

new small claims courts. The Program currently mediates in courts in Brookline and Cambridge as well as in Quincy. In February, said Kochenburger, its mediators will begin work in the courts of Roxbury and Dorchester as well.

The second way the program is expanding is into new fields of mediation. An example of this is work which Program mediators are doing with the Brookline High School. The Program is working there to instruct teachers and students in mediation techniques which they can

use to resolve internal disputes and for other purposes.

Kochenburger said the Program is also looking into criminal mediation, which seeks victim compensation in non-felony situations where the disputants have an ongoing relationship, and in consumer mediation, which would be an effort to solve consumer disputes before the parties involved even reach small claims court.

Ultimately, Kochenburger said, the Program hopes to evolve into an organization — with a structure similar to that of the Legal Aid Bureau — to which people could turn for help in resolving disputes without the involvement of formal legal institutions at all.

The Mediation Program's membership has also expanded over time. According to Gabrielle Gropman, the Mediation Program's Office Manager, the Program now has a membership of about 50, of whom 40 are consistently active. Not all of these members are HLS students. A number are from other schools and some are non-student members of area communities.

Training New Members

This weekend Wasserman expects the Program to train about 40 new people. Like the regular members of the Mediation Program, not all of the new trainees will be students at HLS. The participants will include a probate judge and someone from the University of Melbourne in Australia who hopes to set up a similar mediation program there.

The Program's training workshop is a two-day session composed of "mostly demonstrations and participation simulations," said Wasserman. The "object is to teach [the trainees] the mechanics of mediation, to sensitize them to the millions of decisions a mediator makes every second, and give them a framework to deal with some of the problems they will encounter in actual mediations."

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The *Journal* has featured articles by such authors as General William Westmoreland; Senators Garn, Hatch, and Tower; Governor John Connally; Judge Malcolm Wilkey; and Professor Ernest Van den Haag. The *Journal* also publishes the annual Federalist Society National Symposium, which has focused on such topics as federalism, judicial activism, and legal culture. Participants have included Judges Posner, Scalia, Starr, and Winter; Solicitor General Rex Lee; Assistant Attorney General William Bradford Reynolds; Professors Easterbrook, Epstein, and Graglia; and Harvard's own Nathan Glazer, Harvey Mansfield, William Kristol, Paul Bator, Robert Clark, Charles Fried, Hal Scott, Duncan Kennedy, and Richard Parker.

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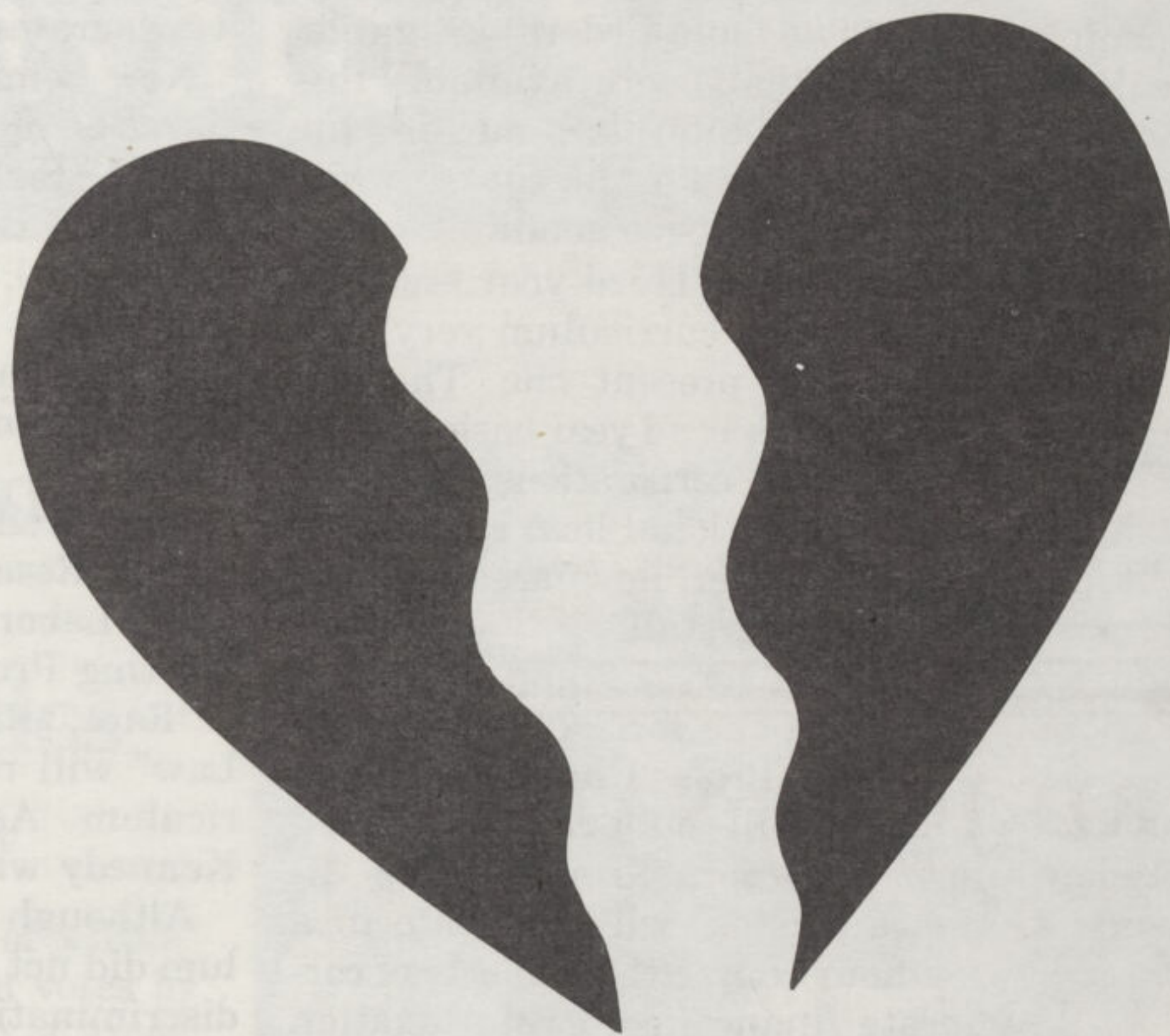
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New Curriculum Offers "Finance Cluster"

(Continued from Page 1)

to test non-traditional teaching methods. Next year there will be two such sections. Profs. Chayes, Horwitz, Michelman and Nesson will collaborate in teaching one section, continuing as they have done this year. In addition, Profs. Dalton, Donahue, Minow, Rosenberg and Heymann will teach another experimental section.

These sections, usually 130 to 150 strong, will occasionally be split into quarters or thirds in order to provide for small group teaching and for course study integrating various legal subjects.

Vorenberg expressed to the RECORD his desire that every student have the chance to experience a small section in the first year.

Nontraditional Property

In at least one section, Property will carry 6 credits instead of five, and will span two semesters instead of one. Assistant Prof. Terry Fisher, who initiated this arrangement, told the faculty that he opted for the 3-3 split with the hope of having time to delve into non-traditional property subjects. Fisher said he hopes the new arrangement will allow time for study in areas such as non-possessory interests in zoning, intellectual property, slavery and the question of allocation of entitlements.

It is also probable that 1L electives will include more sections of

Federal Litigation. Vorenberg noted to the RECORD that he hopes to have one or two more Federal Litigation sections than were available this year, in the interest of meeting the high demand for the course while keeping class size small.

Second and Third year students can expect a curriculum very similar to the present one. The recommended second year basic courses (accounting, corporations, taxation, and constitutional law) remain the same; however, new faces will join the teaching staff.

Changes for 2Ls and 3Ls come mainly in the form of new course offerings. Profs. Clark, Scott and Warren will offer an integrated term in corporate finance. This "finance cluster" will integrate in a ten-hour course the subjects of corporate finance, corporate taxation and relevant aspects of commercial and banking law. Having fulfilled the prerequisites in Corporations and Basic Taxation, students may

take the finance cluster in lieu of separately pursuing the coursework it integrates.

New seminars will include exploration of the problems of the retarded (Field), Law Enforcement and the Department of Justice (Heymann), Individual and Collective Rights (Liebman), Economics in Litigation (Shavell), and an advanced criminal law seminar (Estrich).

Prof. Steiner will offer a Human Rights Research Course and Japanese Labor Law will be taught by Visiting Prof. Sugeno.

"Race, Racism, and American Law" will return to the HLS curriculum. Asst. Professor Randall Kennedy will teach the course.

Although the proposed curriculum did not include a course in sex discrimination, Vorenberg expressed to the RECORD a strong interest in having such a course in the curriculum next year. Prof. Michelman concurred and indicated that such a course would be available next year.

Vorenberg told the RECORD that student input for changes in the curriculum comes through the Legal Education Committee. Each year the Committee holds an open meeting in which students may raise issues concerning the curriculum. Vorenberg said that these issues are then included in the Committee's report to the faculty.



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