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25 CENTS



Lori Nuckolls

Cesar Chavez Addresses Forum Crowd

Alternative Alum. Fund Proposed To Force Harvard to Divest

A petition drive has begun to gather commitments from law students to withhold money from the Harvard general endowment fund until Harvard fully divests its portfolio of stock in companies doing business in South Africa. According to organizers of the drive, the movement urges students to commit to making future donations as alumni/ae to a special fund. The money will be held in escrow until Harvard divests.

Petition organizers were collecting signatures in Harkness commons on Monday, March 4. They also were collecting student signatures on postcards which are to be sent to Harvard University President Derek Bok next week.

Jennifer Granholm, 1L, one of the

student organizers told the RECORD that this drive is similar to one held recently in Harvard College. A separate fund has already been set up to collect alumni/ae contributions of those participating in the undergraduate effort. Granholm also said that the new members of the 1985 Class committee will determine how long the money is to be held and what will happen to the contributions if Harvard does not divest over that period.

Jamie Raskin, 1L, who helped organize the undergraduate movement said the "basic idea" is that students should work to make Harvard realize "the moral implications" of the protested investments.

Chavez Decries "Systematic Oppression" of Farm Workers

By Paul Weisenfeld

"We have looked into the future and the future is ours." Those were the words of Cesar Chavez, founder and president of the United Farm Workers of America (UFW) when he spoke at Harvard Law School as a guest of the Forum on Feb. 28. Chavez offered these as words of encouragement for the poor and oppressed peoples of this country.

During the Great Depression, Chavez labored as a migrant worker. He saw that thousands of farm workers lived under inhuman conditions. Chavez explained that within this rich nation, a system of agricultural production in which child labor is commonplace, infant mortality and malnutrition greatly exceed the national average and many workers are forced to walk miles merely to obtain water cannot be justified.

It is not only the physical consequences of systemic oppression which Chavez sees as unjustifiable; there is also a detrimental effect on the dignity of the workers. "All my life I have been committed to one goal, one dream . . . to overthrow a system that does not treat farm workers as people," he said.

Chavez's dream "grew from a desire to see [his] people treated as human beings and not as chattel."

The inhuman conditions of the farm workers could only be im-

(Continued on Page 16)

Students Urged to Fund Public Interest Fellowships

By Bruce Kelly

This Sunday, March 11, Student Funded Fellowships (SFF) begins its annual phone-a-thon. They are seeking pledges to provide funding for students working in public interest placements this summer.

Every year approximately one hundred SFF volunteers take time out from the rigors of law school and spend more than 200 hours obtaining pledges from their classmates. The pledges have traditionally been the equivalent of a day's earnings from a summer job.

Last year's campaign raised \$31,000. The money came primarily from student pledges and 75 percent of the student body participated. The remainder of the funding came from faculty, alumni and law firms.

With these funds SFF provided full or partial grants to thirty students, all 1Ls or 2Ls. The students were employed at a wide variety of organizations.

The fellows worked for such groups as the Southern Prisoners Defense Committee in Atlanta, Public Advocates in San Francisco, Evergreen Legal Services of Seattle, the District Attorney in Manhattan, the National Association of Working Women (9-to-5) in Cleveland, and the Urban Environment Conference in Washington, D.C.

The Student Funded Fellowships Board is composed entirely of students and is open in the fall to all those interested in joining. This year all of the people interested were placed on an expanded Board.

The organization has a loose working arrangement with the Placement Office and is seeking funds from some off-campus sources. It still remains primarily a student effort, however.

Students interested in a public interest summer job are eligible for SFF funding this year if the organization they will work for would use their legal skills and is tax-exempt. Both the student and the organization must demonstrate need. (Applications are available at the Langdell Hall reception desk.)

Although most grants have benefited students employed by relatively liberal groups, SFF stresses that the program contains no ideological requirements. SFF urges that it is actively interested in applications for jobs with groups across the political spectrum.

SFF encourages all students, especially 1Ls, to consider using this opportunity to gain public interest experience.

Beyond the direct benefit to recipients, SFF sees a school-wide benefit in getting a significant number of students placed in public interest summer jobs. When a large number of students work in public

interest jobs it allows their private firm-bound classmates at least second-hand exposure to alternative careers.

SFF board member Nathaniel Lawrence, 2L, characterizes pledges from students who have chosen to work in the private sector "as an opportunity to, in effect, spend a day working in the public interest."

Each year after a funding level has been established, SFF determines how many students will receive full or partial grants. This year, in an effort to award grants to more of its applicants — half of whom SFF could not fund last year — the organization is expanding its efforts to reach additional sources of funding.

SFF hopes to increase the participation of the entire law school and to persuade a significant number of private law firms which recruit on campus to contribute to public sector legal practice.



Sale To Minor Forces Pub Closure

By Vincent Chang

The Backbench Pub re-opened Tuesday, March 5, after the Dormitory and Student Affairs Council (DSAC), which oversees the Pub, promulgated new procedures to improve compliance with state drinking age laws.

The Pub had been closed down since Thursday, Feb. 28, after the Harvard Police apprehended three minors on charges of petty larceny. In the course of police questioning, the minors admitted to drinking at the Law School pub. When informed of the situation, Dean Upton and

DSAC closed the Pub and moved to draft new carding procedures.

Roseann Cutrone, 2L, one of the bartenders on Feb. 28, endorsed the new guidelines as she called for "some kind of proofing at the door." Cutrone explained that without carding at the door, violations of the drinking age would be difficult to prevent. She described the situation on Feb. 28 as an example of the difficulties involved in placing drinking age enforcement responsibility solely on the bartenders.

"It was crowded on Thursday night and we kind of ran around all night . . . [carding is] too much to ask a bartender to do. You know how long it already takes to get a beer. We don't look at people's faces very much; we just listen to requests."

Janet Silverberg, 2L, another bartender, affirmed Cutrone's statement, claiming that, "we were giving out beer without thinking

(Continued on Page 12)

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Visiting Committee Meets Student Representatives

By Michael Malamut

The Visiting Committee of the Harvard Board of Overseers completed a three-day inspection of the Law School on March 3. The purpose of the Board of Overseers is to review the decisions of the President and Fellows of Harvard College. The Corporation — as the Fellows are informally known — is responsible for giving general direction to university policy. The Visiting Committee reports on the state of the Law School to the Board of Overseers, but the 33 visitors are not all members of the Board.

Five of the Committee members, including Supreme Court Justice Harry A. Blackmun, '32, did not attend the functions. The other visitors, chaired by Samuel C. Butler, '54, of New York, included judges, professors at other law schools, and lawyers in public interest, government, corporate, and private firm practice. The great majority was HLS alumni/ae.

The visitors met with the Dean and HLS faculty to discuss a variety of topics ranging from the appointment process to financial issues. They also talked with leaders of campus organizations as well as members of the Law School Council, and had lunch with a group of randomly chosen students.

While some of the students at the meal expressed admiration for the work of the visitors and their apparent sincerity, others voiced concern that the meeting was superficial and intended merely as a harmless outlet for student com-

plaints. Some suggested that the luncheon setting, while conducive to socializing, was not as good a means for airing student views as an open forum might be.

Law School Council President Ed Vela, 3L, commented that the student complaints still expressed the dissatisfaction with faculty inaccessibility and lack of feedback evinced by last year's survey of law students' opinions. Vela was not sure that the visitors were able to grasp, in a few days, the depth of student malaise and alienation.

Students Not Apathetic

At a meeting of the visitors with the LSC, Council members presented some ideas for coping with the sentiment that students are not a part of what goes on at HLS. Among the suggestions were: breaking up large classes into small sections to accommodate true discussion; more feedback; more systematic input from legal practitioners acting as Legal Methods

instructors and Ames advisors; and allowing in-class credit for student-initiated seminars, organized by students with faculty guidance.

Council members told the visitors that student apathy is a misperception, and that students in fact do care a great deal about their education and HLS. Student alienation is caused in part by a lack of appropriate opportunities for student input into Law School life. LSC members also pointed out to the visitors that the present student body is different in its make-up and its attitudes from that of the past, and that the faculty should understand these differences and modify its teaching method and content accordingly.

Vela felt that although the Visiting Committee has no power, the overseers would consider its recommendations. He concluded that even if all the visit accomplished was the start of the faculty's reassessment of its own role, the process will have been useful.

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Dershowitz Alleges HLS Jews Antagonized

By W. Burlette Carter

Prof. Alan Dershowitz says that the blame for problems between Blacks and Jews in America is mainly the fault of Black leadership.

Dershowitz made his comments in a videotaped segment which was aired on the *CBS Evening News* on Monday, March 4. The segment, reported by CBS news correspondent Bernard Goldberg, examined the traditional alliance between Blacks and Jews arising out of the Civil Rights era and the recent rifts in that alliance. The professor was one of several Black and Jewish community leaders interviewed.

According to a transcript obtained from CBS News, Dershowitz said, "I think the primary blame for this rift lies with Black leadership. I am not doing any breast feeding about this."

Dershowitz also charged during the segment that Third World com-

munities at HLS have undertaken efforts calculated to harass the Jewish community at Harvard Law. "Every single spring at Harvard there is an event — it has become a substitute for the traditional panty raids — where the Third World communities and the Black communities say, 'This is stick it to the Jews week.' And they bring a PLO speaker or they bring some other opponent of Jewish values and they conduct an event which they have very little inherent interest in, except that it really riles up the Jewish community. And we never see it in reverse."

Other speakers in the CBS segment included the Rev. Jesse Jackson, Louis Farrakhan, the controversial religious leader of the Black Muslims, Morris Abram, a member of the U.S. Commission on Civil Rights and a partner at Paul, Weiss, Rifkin and Wharton in New York City, and author James Baldwin. ✽

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"All My Children" Wins Hands Down At

By Gregory Klima

Why is Brooke in jail? Will Palmer discover Cynthia's secret? Will Erica drive Adam crazy?

Every day, dozens of Harvard Law students gather to learn the answers to those pressing questions. Where? In front of the televisions in the Backbench Pub and the gameroom.

The students are part of a loyal following of the daytime drama, "All My Children." Daily, the crowd gathers to watch the show and socialize with other soap opera fans.

According to Rene Aguilera, 2L, who works in the gameroom during the time the show airs, the following is very steady. Aguilera, who is an "All My Children" fan himself, stated that 30-40 students assemble in front of the projection screen in the Pub and another 5-10 watch the show on the 19-inch color television in the gameroom.

More Male Viewers

Aguilera stated that the ratio of female to male viewers is currently about three to one. But, he added, "there are more men watching all the time."

Although some people do watch some of the other daytime dramas, the big crowds are for "All My Chil-

dren," said Aguilera. Most of the people watching bring a packed lunch from home or bring something down from the Hark cafeteria.

So why do all these law students watch the show? Aguilera believes that it is a good way to meet people. Those watching the program are always discussing the story lines, and it is easy to add one's opinion to the conversation. "During the commercials is when all the action goes on," said Aguilera.

Roberta Harding, 2L, who watches the show every day, agrees with Aguilera. Harding said that those in attendance talk to each other, make predictions about the story, and boo, hiss and cheer at the screen. "It's fun," said Harding. "People divide over issues and argue. . . . There's lots of banter. . . . It's much different from watching it alone."

Harding also added that "everybody is a great critic." She explained that the audience loves to critique everything in the show: the acting, the actors' dress, the writing.

Therapeutic Effect

Amy Freilich, 2L, who watches "almost every day," has another reason for viewing the show. "I watch because it provides relief from

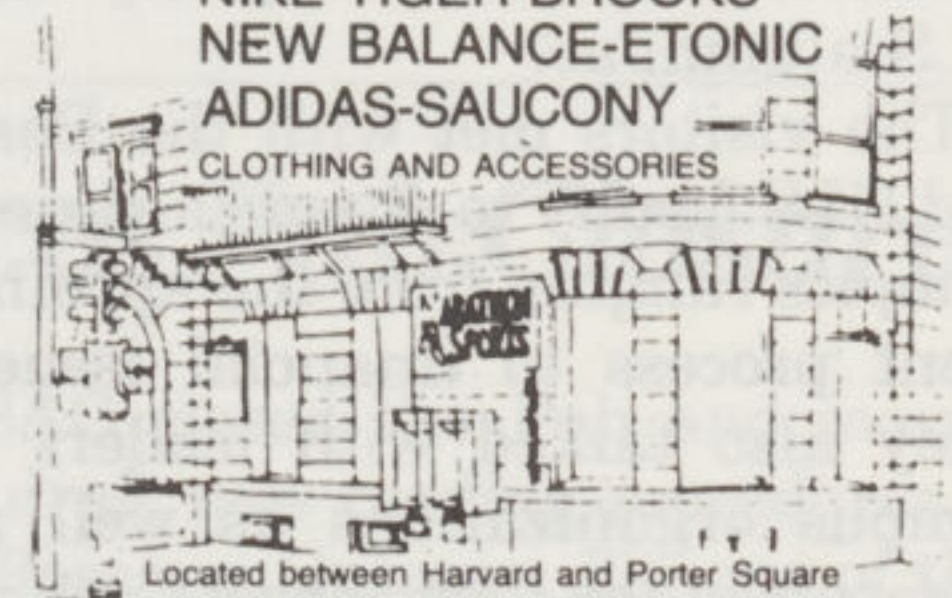
the tension of everyday law school activities," Freilich stated.

Zazi Pope, 1L, who watches "every single day — I never miss!" also believes the show is therapeutic. Pope said that "All My Children" "lets you relax, have a good time, project your fantasies and forget HLS." Pope is a real fan of the show: "I've been watching for a long time. I even remember Erica's first husband."

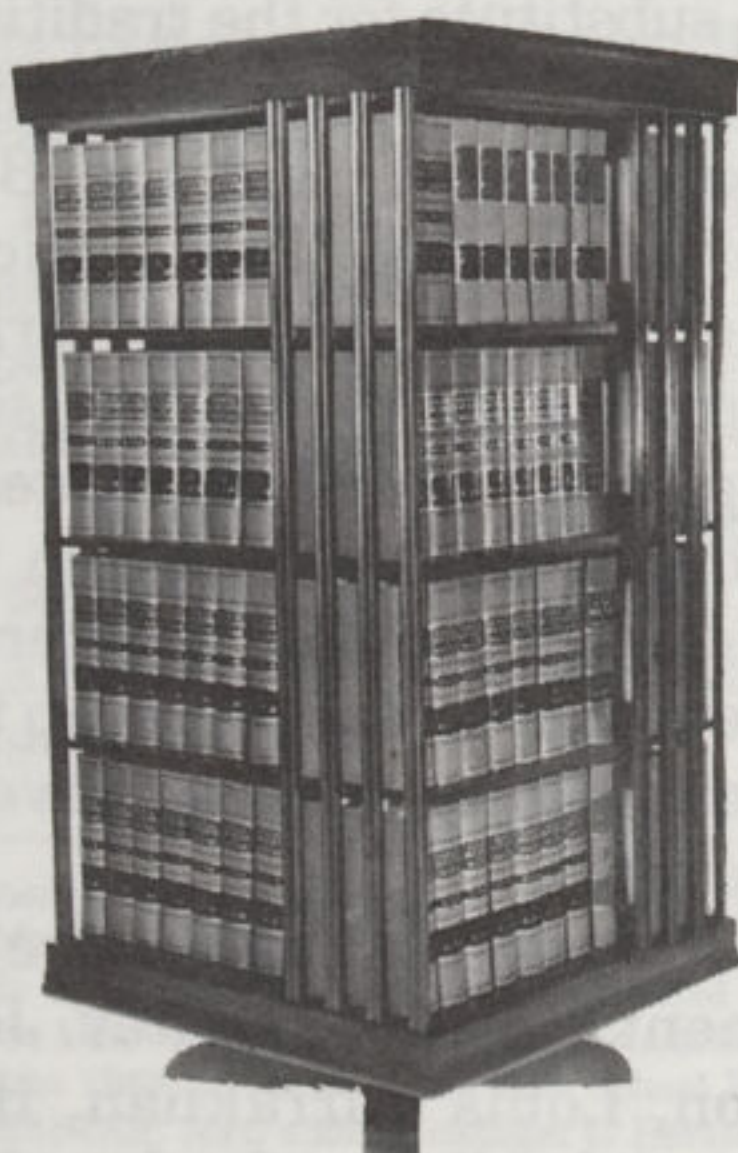
Another dedicated fan is Dan Zariski, 1L, who has been watching since the seventh grade and still views the show at least four times a week. Zariski schedules his classes around the show and objected to a proposed change in the meeting

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time of Prof. Vagts' International Law class because the proposed meeting time would have interfered with his watching the show.

Zariski likes the show because "it's not real pretentious. There's no secret agents or bombs. Instead they show real life situations, like people [fooling] around." He added that in his opinion "All My Children" has the best character development of any of the daytime dramas.

Realistic Characters

Aguilera likes the show because "many of the characters are the same age as law students. We can relate to the problems they are having." Pope also added another reason she likes the show: "No other TV show depicts lawyers as such slimy characters."

With all the different reasons for watching "All My Children," almost everyone mentioned something they hated: Brown Bag Lunches. During the Brown Bag Lunches (which are student-professor lunches sponsored by the Dormitory and Student Affairs Council), everyone has to watch on the smaller television in the Gameroom. But even under such adverse conditions, the dedicated watchers still have fun — and the drama goes on.



Lori Nuckolls

Oh God! What's Erika up to now?

Legal Briefs

PEOPLE

The class of 1985 elected its officers on Tuesday, March 5, 1985. **Ray Wayne** was elected Class Marshall and **Mike Hambly** Class Secretary. **Larry Eisenstein, Juanita Hernandez, Peter Mozersky, Jackie Stone** and **Eddie Vela** were selected to be the Class Committee.

Jimmy Morales, 1L, has been elected President of the Student Bar Association.

Members of the **Myra Bradwell Ames Semifinalist Team** spent Friday night — *all night* — in the library working on their brief. A tired **Steven Kennedy**, 2L, told the RECORD that members of the other teams have already put in their time or are scheduled to have a similar exciting Friday night soon.

Will Gunn, 2L, has been elected president of the Harvard Legal Aid Bureau. Other officers include **Cathy Houston**, 2L, Vice President; **Doug Schwarz**, 2L, Executive Director; **Pam Lawrence**, 2L, Secretary and **Peter Winn**, 2L, Treasurer.

Stephanie Pollack, 3L, has been named a Century III Leaders Alumni Grant winner by the National Association of Secondary School Principals. She is one of two winners of this honor.

Whether HLS should divest was the subject of a debate on Thurs., Mar. 7. Arguing in the affirmative were Profs. Duncan Kennedy and Deborah Rhode and Committee on Shareholder Responsibility committeemember David Hoffman, '84. Arguing in the negative were Profs. **Alan Dershowitz, Richard Stewart** and **Detlev Vagts**. Asst. Prof. **Randy Kennedy** moderated the event.

Asst. Prof. Kathleen Sullivan and **Visiting Prof. Margaret Radin** joined the Women's Law Association for a brown bag lunch this week.

John Nakahata has been elected president of the Asian Law Students Association.

Prof. Frank Michelman joined members of the Harvard Jewish Law Students Association for a brunch on Sunday, Mar. 3. "School Search Cases and Rights Consciousness" was the topic discussed by Prof. Michelman.

Some HLS students ran in the Hyannis Marathon and Half-Marathon on Sunday, Feb. 23 in Hyannis, Mass. Jack Cleland, 1L, won the marathon in 2:32:43, easily outdistancing his competition. (A modest Jack later called it a "work-out run, really.") Steve Grygiel, 2L, finished 6th in the Half Marathon, in 1:09:30.

57

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"BETTER BUYS AT BRINE'S"

Discrimination Bars Disabled Students From Job

By Michael Malamut

This is the first in a two part series on disabled students at Harvard Law School. This article concentrates on placement, and the next will concern facilities.

In recent years, prodded in part by federal anti-discrimination policies, public institutions have attempted to open their facilities to the disabled in their midst. Harvard University and Harvard Law School have taken part in this effort, with varying degrees of success.

The RECORD spoke with disabled HLS students about the barriers which they face. The consensus among them was that the main difficulty they experienced was not on campus, but was prejudice off-campus in the placement area. Ray Wayne, 3L, a blind student, interviewed with more firms than most of his classmates. While most of them have accepted offers, Wayne has yet to find a job.

Of all disabled students, blind students face particular difficulties in the job hunt, according to June Thompson, director of placement, and Mark Byers, career counselor. Approximately half of blind HLS alums have never found law-related jobs, and those who have, found them primarily in the public sector. As for other disabled students, according to Thompson, nearly all eventually find law-related jobs, but they must generally look harder and interview more than other students.

ments that sighted attorneys have. There are braille and speaking Lexis and Westlaw terminals. There are Kurzweil machines that read texts aloud. Blind attorneys can employ readers, who can also do general secretarial work.

Thus, in spite of Wayne's personal record of achievement at HLS, and in spite of the ample evidence of the success of other blind attorneys, law firms seem unwilling to recognize that he is a not only a viable candidate, but, because of his struggle with adversity, perhaps even a superior one.

In interviews with firms, Wayne has offered to supply a reader and the necessary technology himself out of his associate's salary, even though other blind attorneys have had their firms provide the inexpensive equipment. As one blind student stated in an explanatory memo attached to his resume, blind students simply desire, "[T]hat [firms] evaluate this application for employment on the basis . . . you would any other that [you] receive — not as a blind person seeking employment, but as a person seeking a position who just happens to be blind."

Wayne said that he tries to take job rejections in stride. Yet he says it is difficult on an emotional level to retain the self-worth and "it's their loss" attitude he can espouse intellectually.

However, it is not merely in the questioning of basic skills that dis-

that they are concerned about harm to their potential client base.

Few seem to consider that many corporate leaders would see a firm with disabled attorneys as a progressive firm on the cutting edge not only of social issues, but also of legal technology. People may be especially attracted to a firm that has disabled attorneys.

Paul Miller, 2L, felt that his short stature had something to do with his prolonged job hunt, a fact that was later confirmed in a telephone conversation with one of the attorneys at a firm that had rejected him. Miller, a trustee of the University of Pennsylvania and former national young adult coordinator of Little People of America, said that at HLS people might dislike him because he is liberal, but not because he is short. He wondered why, then, it seemed that the situation was different in the placement area.

Wayne and Miller agreed that it seems as if disabled people must prove themselves superior to everyone else just to get the same opportunity. Wayne stated, "if you are [at HLS] there is a presumption [on the part of the law firms of your] competence; but for blind students, there is a presumption of incompetence."

John Griffin, 2L, who is confined to a wheelchair, guessed that certain firms concerned with superficial appearances might weigh unfavorably the possibility of a client meeting a disabled attorney at the firm. He continued that it seemed fairly probable that some firms do take disabilities into account in the hiring process.

Thompson commented that the role of the placement office in relationship to disabled students is especially difficult to define. She said it is placement office policy to do nothing special or exceptional in the placement process for the disabled, since special treatment is something that the disabled want to avoid. Yet, placement and counseling services are available to disabled students upon request. Thompson volunteered that historically this policy has yielded both

Learned skills and modern technology allow a blind lawyer to function as well as, if not better than, a sighted lawyer.

Learned skills and modern technology allow blind lawyers to function as well as, if not better than, a sighted lawyer. Yet it is difficult to convince lawyers who have never seen a blind attorney at work that this is true. The ordinary dictaphone, which is a source of frustration for many young lawyers is a familiar device to a blind attorney. Braille word processors allow blind lawyers the same flexibility in composing and reviewing docu-

abled students face prejudice. C. Angela Van Etten, a writer on the problems of the disabled, points out in one article that the feeling of paternalism is pervasive in the legal field. *Student Lawyer*, Feb. 1985. She argues that lawyers claim to deny the disabled jobs in order to spare them the pain of practice in an imperfect and discriminatory world, an argument that any 1L could refute as circular.

In addition, some employers claim

Market—Placement Office Has Few Solutions

some good and some disastrous results.

Byers said there is also some controversy within the disabled community as to how to deal with the disability in the interview: to raise it up front, knowing many interviewers will be afraid to offend the student by raising the issue directly him- or herself, yet will go away with the same prejudices; or to wait until the interviewer brings the topic up, and risk ignoring the issue as unimportant. Byers suggests the former tactic as the best way at the present time.

Thompson said one of the problems is that lawyers are predominantly white males, who tend, if only subconsciously, to perpetuate their own image in hiring.

Thompson suggested that fear of change prevents firms from accommodating disabled lawyers, even though such efforts might be inexpensive. Someone with this view, seeing all law students as basically generic, would want to hire the student who would least upset the order at the firm.

According to Byers, it is difficult to enforce the law school's anti-discrimination policy because the firms are too smart to practice overt discrimination against any group. Thompson echoed this sentiment. In fact, discrimination that is not conscious but institutional is almost impossible to detect.

Disabled students receive a considerable number of rejections, and it is difficult to sift out those rejections made on the basis of prejudice from those made on other factors, such as grades or personality. Wayne, citing interviewing at HLS as a privilege for law firms, said that Harvard could use its position to require firms to make a more positive commitment to the disabled — if such pressure is the only way to induce firms to cease their discrimination.

Miller also feels that the placement service is too willing to seek acceptance of the system and puts its hopes in long term improvement. The disabled have no strong political constituency and therefore find it

harder to use the political process to bring about that long term change, he noted. Law school placement booklets that go unread will not likely bring on change in the near future.

However, Thompson suggested that Harvard's pull is not as great as many students may think.

The placement director has brought up the subject of hiring problems for the disabled at meetings of the National Association for

you hire them as summer clerks and associates, at which time they expect to compete on the same basis as anyone else. The risks to the employer and clerk are no different than usual.

Thompson conceded that in many cases interviewers will never read this. Wayne also found fault with the complaint system used to enforce the anti-discrimination policy. He said that the procedures are arcane, giving almost constitutional

There is controversy over how to deal with the disability in the interview, whether to raise it up front . . . or wait until the interviewer brings it up.

Law Placement, a group composed of hiring attorneys and law school placement directors. However, Harvard is one of the few schools with any disabled students, and the problems of the disabled are just not an immediate concern for many other schools.

Thompson feels that the anti-discrimination language in the placement information booklet given to all interviewers makes an important policy statement on Harvard's part. The wording reads in part, "[N]o employer may practice discrimination in any form based upon . . . handicap. . . ." An explanatory paragraph is as follows:

We have found that employers, especially those in the private sector, have been hesitant to offer employment to our handicapped students because they question their ability to meet professional and social norms at work. If you have such misgivings, discuss them openly during the interview. While students would not enjoy discussing their handicap for the full 20 or 30 minutes of an interview, they are accustomed to answering such questions. You may find that they can provide solutions to problems that seem to you insuperable. Try to imagine yourself graduating successfully from law school in their situation and you may recognize their resourcefulness. Remember that these students can most easily demonstrate their qualifications if

guarantees to firms for the privilege of interviewing here. According to Wayne, the system fails to put teeth into the stated policy.

Most disabled students who come to HLS assume that now they have made it and that a job is virtually assured to them as it is to most of their classmates. While women, older students, and minorities have well-established support groups at the Law School to warn students about potential discrimination in legal hiring, disabled students often do not become aware of the prejudice against them until the placement season is nearly over.

Other schools have attempted to defeat barriers to the disabled in other ways. Hofstra Law School in Hempstead, New York has a policy of complete accessibility.

According to Assistant Dean Robert Douglas, all admitted students are invited for a personal tour of the campus and orientation session. In his orientation meetings with disabled students, Douglas discusses the university resources available to the disabled and mentions that disabled students have had particular difficulty in finding jobs.

Byers stated that while Harvard has an obvious commitment to the disabled, the system works as a funnel — admitting students to Harvard and then launching them

(Continued on Page 15)

The International Language

Today's students are the Harvard alumni and alumnae of tomorrow. They will determine to a tremendous extent the future of Harvard Law School — the stability and growth of its financial base, the kinds of students who choose to matriculate here, its national reputation and the continued existence of Harvard Law as a leader in legal education.

It seems, therefore, to Harvard Law's advantage that current students when they become alumni and alumnae be able to look back upon this institution with fondness. While it is obvious that there are many graduates who can do so, it is not so clear that recent classes will exhibit that same fondness or that same dedication to supporting the law school financially or otherwise as the classes before them.

The reason is that the student's experience at HLS is becoming less and less fulfilling. A significant number of students are deeply discontented. The problem goes beyond the so-called "political" confrontations which thrust HLS into the national news. HLS is experiencing an unhealthy polarization of its faculty and administration on one hand and its students on the other.

The result is a wasting of valuable resources and it seems needless. A significant number of students have become passive rather than active participants in the classroom, and some have simply withdrawn, submerging themselves in work on student journals, clinical work, law-related jobs and other extracurricular activities. A significant number of faculty members are rationalizing the change, attributing it to a problem with the students rather than a problem with the institution. It seems that a large segment of Harvard Law is simply biding its time until it can graduate out of here and a large segment of the faculty can't wait to see them go.

Certainly, the picture is not all gloom and doom. There are faculty and students who get along quite well. And even for the discontented, there are aspects of HLS that clearly make life worth living. But the problem is a significant one, particularly in view of HLS's future. For this reason, there is a need for the faculty and administration to devote time to solving it and, most importantly, to request the assistance of students in finding a solution.

If steps are not taken to address this problem, its real dimensions may well be revealed when these very same students, as alumni and alumnae, begin to respond negatively to calls for support. Unlike the dedicated alumni/ae who now make Harvard proud, these future classes may take their degrees from Harvard Law School — and never look back again.

HARVARD LAW RECORD

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Fenno

There were many things Fenno disliked about Harvard Law School. Of these, writing a third-year paper was what he hated most.

Fenno had spent many a lonely evening hunched over his desk thinking of ways to avoid writing one. In fact, he contemplated fulfilling the requirement by submitting his list of 53,459 ways to avoid writing one's third-year paper as his third-year paper. Item #43 on the list — reading one's mail — proved to be a mistake. The mail contained a menacing letter from the registrar saying he'd been assigned a new paper advisor — the Lord of the Heavens, the Creator of the Universe, God Himself — to advise him on his paper.

They must think it's serious, thought Fenno, as he knocked on his new advisor's door. The door opened, trumpets blared, and a female voice beckoned Fenno to enter.

"Assistant Professor, uh, God," stammered Fenno. "You're a woman?"

"If I weren't," She said, "don't you think I would have gotten tenure by now? The CLS-types claim there's no Heaven/Earth distinction, and the followers of Faust, er, Fried, think my published works contain a lot of submerged socialism.

"Well, what can I do for you? Eternal happiness? Boundless riches? A forty-hour week at Cravath?"

"Actually," said Fenno, trembling, "I was told to come see you about my third-year paper."

Suddenly, lightning and thunder roared. The Lord, now standing atop Her IBM P.C., glared at Fenno.

"Well, mortal," She demanded. "Where is it? And it better be double-spaced!"

"It's not exactly finished," fumbled Fenno, fearing the worst.

"Oh, that's ok," said the Lord, now sitting calmly in Her chair. The lightning had stopped. "I guess I'm still an hegemonist at heart. I haven't done that ol' fire and brimstone stuff since I caught Larry Tribe sitting at my desk. I really do prefer the 'kind and loving God' routine — it makes faculty meetings that much more pleasant and it annoys the hell out of Duncan Kennedy."

"Couldn't you spare a few minutes from your busy day and make a third-year paper miraculously appear on my desk?" Fenno inquired. "It needn't even be typed."

"You're not one of those Secular Humanists are you?"

"Frankly," feigned Fenno, "I've always thought of myself as a Molson's man."

"Well, I'll see what I can do," said the Lord. "But let's talk again."

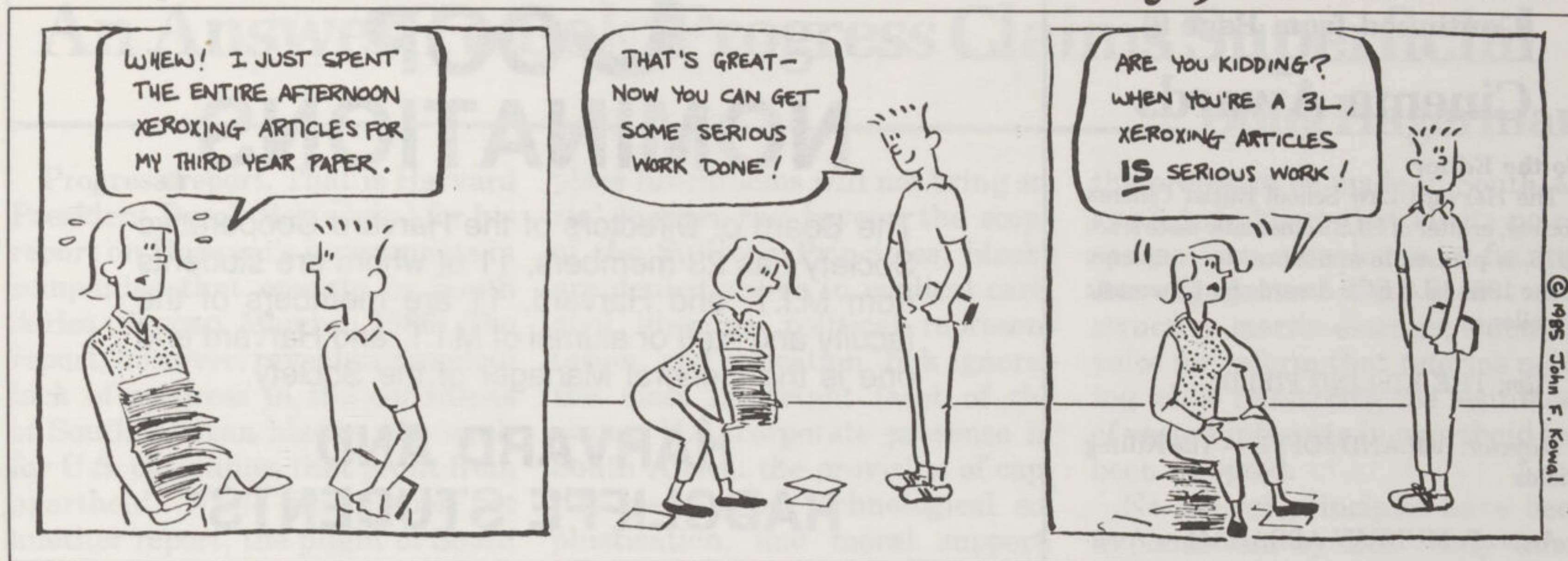
The Lord opened up Her crammed appointment book.

"Hmmm, why don't I put you down for next week?"

"Too soon," gasped Fenno. "*Much* too soon." And he grabbed his casebooks and departed.

Law and Disorder

by John Kowal



Letters to the Editor of the Record

Shocked Disbelief

To the Editor:

Having just read the article "Profession's Image: Final Casualty of Bhopal?" in the January 11, 1985 HARVARD LAW RECORD [Vol. 79, No. 9] and noting Lauren Reskin's remark that, as of that date, only *two* letters critical of the USA attorneys parachuting into Bhopal had been received, I'm in a state of shocked disbelief — and great concern. Hence, I'm working on a draft which I plan to send in final form to Robert Wells at the ABA Center for Professional Responsibility. Bhopal represents a challenge to all of us and an opportunity for creative problem-solving alternatives. Not that those lawyers

(like Belli) who have done *something* to alleviate (as they see it) the injuries inflicted on the Bhopal citizens are without redeeming social virtue — after all, they are acting while the rest of us (myself presently included) sit mired in our good intentions. But, *what I call into question* is the *motivation* and *method* of their action. I believe as a profession we can take a more creative, more humanitarian approach. . . .

One suggestion I'd raise: Why not invite prominent Indian lawyers currently in the USA and perhaps experts in other disciplines relevant to the Bhopal disaster to give their collective thoughts about what the role of USA lawyers in India should be? (Prof. Ved Nanda of Denver is one prominent int'l lawyer who comes to mind.). . . I recall during my three month voluntary service-pilgrimage to India in 1979, that often people would

tease me about my profession and pronounce lawyer as "liar" (As in, "Oh, so you're a liar?"). How much more reason will they have to call us all by that name (and worse) if we do not amend our strategies and act more in friendship and forthrightly to assist in Bhopal clean-up! *It is time to reassess and "re-vision" our vocation as justice-workers — if we are to maintain trust and credibility in the eyes of the USA public and any hope of bridge-building friendships with Third World people — educated and the poorest — experiencing injustices set in motion by First World decision-makers.*

Carol A. Potter, M.Div. Harvard '83
Iowa City, Iowa

(Continued on Page 10)

Letters Policy

All letters submitted to the RECORD are read by the RECORD's staff. Many of them appear on our pages, subject only to editorial discretion. We encourage letters on any subject, particularly those subjects which 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 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. All letters submitted become the property of the HARVARD LAW RECORD Corporation.

10 Years Ago At HLS

RECORD, Vol. 60, No. 5 (March 7, 1975).

Most grades for second- and third-year students were distributed nearly a week later than originally scheduled, and some second- and third-year grades have yet to be distributed at all, because numerous members of the faculty failed to adhere to the deadline for the grades' submission, Registrar Mary D. Upton said Tuesday.

A memorandum to the faculty from Dean Albert M. Sacks instructed Law School teachers to submit their grades to the Registrar's office by Monday, February 24, Upton said. If all faculty members had met this requirement, upper class grades could have

been distributed as early as Friday, February 28.

Grades for more than a dozen courses were still out on the 24th, however. The Registrar's office waited until the evening of Wednesday, February 26, at which point nine instructors still had not submitted their grades, and then began the process of preparing the grades which had been received for distribution and permanent recording. These marks were distributed Wednesday, March 5. Another distribution will be made within ten days.



Letters

(Continued from Page 9)

Cinema Awards

To the Editor:

The Harvard Law School Elitist Cinema Society, arbiter of HLS's cinematic taste since 1978, is pleased to announce the recipients of the 1984 HLS-ECS Awards for Cinematic Excellence:

Film: THE KILLING FIELDS

Director: ROLAND JOFFE — The Killing Fields

Actor: F. MURRAY ABRAHAM — Amadeus

Supporting Actor: JOHN MALKOVICH — Places in the Heart

Actress: KATHLEEN TURNER — Crimes of Passion

Supporting Actress: PEGGY ASHCROFT — A Passage to India

Original Screenplay: L. GANZ, B. MANDEL, B.J. FRIEDMAN — Splash

Adapted Screenplay: DAVID LEAN — A Passage to India

Original Music Score: MIKE OLDFIELD — The Killing Fields

Adapted Music Score: NEVILLE MARLINER — Amadeus

Cinematography: CHRIS MENGES — The Killing Fields

Jurgen Skoppek, '79
HLS-ECS Awards Chairman
Lansing, Michigan

Grade Shuffle?

To the Editor:

Tell me the truth. After professors turn over our grades to the Registrar's Office, does the Registrar's Office shuffle all the grades around and randomly assign them to students' transcripts?

If so, could the student who received my "A" in Corporations please return it to my 2L Hark box?

John Brandolino, 2L

P.S. — Whoever received my "C" in Taxation can keep it.

Our sources report that the Registrar's office is innocent. Could it be that the random assignment of grades occurs before the professors turn them in? — Ed.

COOP NOMINATIONS

The Board of Directors of the Harvard Cooperative Society has 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 and one is the General Manager of the Society.

HARVARD AND RADCLIFFE STUDENTS

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Daniel K. Fujii '86
Donald (Kris) Miller '87
Ming Lo '86

HARVARD GRADUATE STUDENTS

Alison B. Sander '87
Duncan A. Yin '86
A. B. Alphy Papali '86

M.I.T. UNDERGRADUATE STUDENTS

Vivienne Lee '86
Bernard C. Teh '86

M.I.T. GRADUATE STUDENTS

Kalyanaram Gurumurthy '87
Sching L. Lin '86

PROCEDURE FOR ADDITIONAL NOMINATIONS FOR STUDENT DIRECTORS

Additional nominations for student directors may be petition by at least one hundred (100) student members and filed with the Clerk of the Society (by leaving the petition at the General Manager's office in the Harvard Square store) no later than 5 pm March 18, 1985.

Ballots will be distributed in April to all student members for the purpose of electing eleven from the whole list of nominees. If you are interested in becoming a petition nominee you should promptly acquire petition forms and instructions from the cashier's office in any of the Coop stores. Remember that completed petitions cannot be accepted after 5 pm March 18, 1985.

An Answer To Bok: Progress Claims Superficial

Doug Hagerman

Progress report. That is Harvard President Derek Bok's label for his report on Harvard's investments in companies that operate in South Africa (RECORD, March 1, 1985). The report, however, reveals a complete lack of progress in the conditions of South African blacks who work for U.S. companies that profit from apartheid. While Bok issues yet another report, the plight of South African blacks continues, unabated.

Examine the results of Harvard's dialogue with these firms. Bok reports that of nineteen companies Harvard investigated, seven "initiated concrete steps to demonstrate compliance" with Harvard's workplace standards, four provided "enough information" for Harvard to endorse their treatment of workers, four are still participating in this dialogue, and one company's refusal to supply information has resulted in Harvard's decision to sell its shares in that company.

Keep in mind how weak Harvard's standards are. The Sullivan Principles embrace workplace reform, but fail to address the larger problem of U.S. corporations in South Africa. Desegregating work-

place lunchrooms will not bring social justice. Far beyond the scope of the Sullivan Principles, blacks are denied access to medical care, civil liberties, political representation, and education. Bok ignores the most important facet of the strong U.S. corporate presence in South Africa: the provision of capital, petroleum, technological sophistication, and moral support. U.S. investments are typically not labor-intensive and have not greatly influenced employment rates or workplace conditions. But they have provided crucial strategic and economic support to the South African government.

Bok's alleged results pale in comparison to Harvard's complicity with the apartheid system that Bok so fervently denounces. Eight years after the Sullivan Principles were written, and after years of other fruitless efforts of "constructive engagement" with Pretoria, these attempts to convert slaves into better-fed slaves must be rejected as wholesale failures. How long will Harvard allow its prestigious voice for reform to fall upon the deaf ears of corporations that only consider

the profits to be made in South Africa? A dialogue that elicits no response is a monologue of futility. An engagement that is not constructive merits disengagement. A voice for reform that reforms nothing while reinforcing the legitimacy of vested interests in apartheid has been co-opted.

No ethical principles have been implemented by Bok. Only information and statements of concern have been collected and discussed and announced and, ultimately, filed somewhere for someone to read one day. Harvard did not divest from Baker International Corporation because of any failure to treat workers adequately. The divestiture was, in the words of University Treasurer MacDougall, "not a condemnation of their policies in South Africa. We do not have sufficient information to judge whether their policies are what we consider adequate." In fact, Harvard continues to profit from over twenty companies which do not comply with the minimal and inadequate Sullivan Principles. Harvard's ethical guidelines, weak as they would be if implemented, remain only paper guidelines.

Apartheid exists. Even if the Sullivan Principles were implemented, it would continue to exist. American-built armored cars would continue to smash squatters' shacks with American-supplied oil. The passbook system would continue to operate on IBM computers.

Workers would still be subject to detainment without trial, punishment for speaking out against the regime or for divestment, and countless other legally-sanctioned abuses. Black South African leaders such as Bishop Tutu and Nelson Mandela have called upon U.S. corporations to divest immediately. The United Nations, the Organization for African Unity, the NAACP, and the National Council of Churches all support divestment. Over forty universities, dozens of churches, and many states and municipalities



The Forum Institute of Politics

"Is The Way We Choose Our Presidents Obsolete?"

An Address by:

Theodore H. White, historian and author, 'The Making of the President' series, 'In Search of History,' 'America in Search of Itself'; Visiting Fellow of the Institute of Politics.

Co-sponsored by the Student Advisory Committee

Pub Institutes Changes

(Continued from Page 2)

much about it. The procedures are probably going to have to change when it re-opens."

DSAC and Dean Upton approved such a set of new procedures early in the week. In the words of DSAC member Bruce McCall, the new rules make "a little more explicit what was implicit before." According to McCall, the guidelines order bartenders "to card anyone if they don't know personally that the person is over 20." Furthermore, servers are required to reject all IDs except driver's licenses and valid picture IDs. Moreover, Pub employees must report fake IDs to the proper authorities. McCall stressed that these guidelines would prob-

ably not drastically alter the Pub's operation. "Because we're on a school campus, there's not too much danger that minors will come," McCall noted.

Dean Upton reported that DSAC has been "extremely cooperative" in formulating what she termed were "satisfactory" new guidelines.

McCall urged that Pub patrons accept the changes, saying: "The bartenders don't have discretion. So don't get mad if you get carded . . . it's the law."

Bok Cont.

have begun to divest. Yet Bok claims to know better as he crusades for justice while investing in and profiting from injustice.

Bok concludes his statement to the Harvard community by quoting Justice Harlan's dissent in *Plessy v. Ferguson* on equal rights and personal freedom. Bok and Harvard University continue to cast their lot with a system which is not only separate, but grossly unequal.

Sports Quiz

By Rick Schlesinger

The 1985 baseball season begins on April 8 with the Montreal Expos facing the Cincinnati Reds in Riverfront Stadium. As a warm-up, name these players who have starred in other sports besides baseball.

1. This right fielder combined power (27 home runs) and speed (29 stolen bases) to lead his team to its most successful season since 1968. Name this former All-America wide receiver from Michigan State.
2. In 1982, he became only the second New York Yankee to hit 37 HRs while batting from the right side of the plate. In 1973, he chose baseball instead of signing with the NFL's Minnesota Vikings, NBA's Atlanta Hawks, or ABA's Utah Stars. Name him.
3. This player quit baseball for a short time in 1977, claiming an interest in becoming a pro golfer. He changed his mind and later became the youngest player ever to reach 1500 career hits, picking up an MVP award along the way. Who is this player?
4. This clutch hitter was a starting defensive back for the 1974 Texas Longhorns before switching to baseball. Now, as the Cub's rightfielder, he sports a career .283 average with 57 career home runs. Who is he?
5. This first baseman has won 2 NLCS MVP awards and 2 All-Star Game MVP awards but his on field performance has been overshadowed by a highly publicized divorce. He attended Michigan State and starred as a defensive back before being drafted by the LA Dodgers in 1968.

HARVARD INTERNATIONAL LAW JOURNAL

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Volume 26, Number 2 will contain essays by:

Kenneth Abbott
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A. R. T. Presents *the CIVIL warS*

By Gregory Klima

"the CIVIL warS: a tree is best measured when it is down" Act III, Scene E; Act IV, Scene A and Epilogue by Robert Wilson and Heiner Muller, directed by Robert Wilson, at the American Repertory Theater through March 17.

the CIVIL warS is destined to be one of the most important and most talked about theater productions on or off Broadway in 1985. The piece marks avant guardist/minimalist Robert Wilson's return to the American stage after an absence of almost a decade while presenting his work in Europe and the Middle East. But this fact is of less import than the depth and complexity of the impact of the production.

The American Repertory Theater presentation of *the CIVIL warS* is the first time a large piece of the production, originally designed as a 12-hour opus, has been performed in the United States.

To describe what goes on in *the*

CIVIL warS is almost impossible. There is no real plot, few characters, almost no regular dialogue and no setting. Events occur out of sequence. Several actors will speak simultaneously while various actions occur in different parts of the stage. Slides and films are projected onto screens behind which more action is occurring. Music, noise and spoken word emanate from speakers placed around the entire theater so that the audience is in the middle of the sound.

An example might help. The first part of the performance (Act III, Scene E) begins with a deafening roaring noise as the lights flash on and three soldiers reach for guns that are slowly lowered from the ceiling. Black out. The noise fades to forest sounds and the lights come up revealing several pyramidal objects which serve as tents. Soldiers from the American Civil War very slowly begin to awake and come out of their tents. The actors move as if they were in water. They hum an indistinguishable tune as they

gather for battle. No one says anything for over five minutes. Then random phrases which might be heard in such a scene begin to come over the speakers. The phrases come one at a time at first, but then they come more frequently and begin to overlap each other. Someone begins to chant "Maintain, maintain" and continues to do so for most of the rest of the scene.

A man then appears, completely out of context, and does a slow dance while moving across the stage and balancing on the line created where the spotlights end. After he exits, a family in a car enters from the right side of the stage. The car slowly rolls across the stage while the grandfather points out things and the family observes. Phrases from a typical family are interspersed with the soldiers' phrases. Most of the phrases are in reference to battle: those at war and at home. Everyone starts humming the tune. Suddenly, one realizes that the tune is "In My Merry Oldsmobile." The soldiers line up for battle behind the car and the two groups proceed at a snail's pace off the opposite sides of the stage. The whole scene is 35 minutes long and it takes the auto over twenty minutes to cross the stage.

This is not a production one "understands" in the normal sense. Trying to "figure out" what is going on is futile and only leads to frustration. Instead, I found myself in a trance-like state simply absorbing what was presented, concentrating on different parts of the stage or on nothing at all. At the end of it, I felt as if I had taken a nap and had an unusual dream.

Unlike a usual evening at the theater, *the CIVIL warS* will have a different meaning for each person who views it. One must attend with a very open mind and a willingness to experience something quite out of the ordinary. *the CIVIL warS* is provocative, worthwhile and enjoyable. It would be a shame to miss such a rare and unique opportunity to encounter the cutting edge of theater so close to home.

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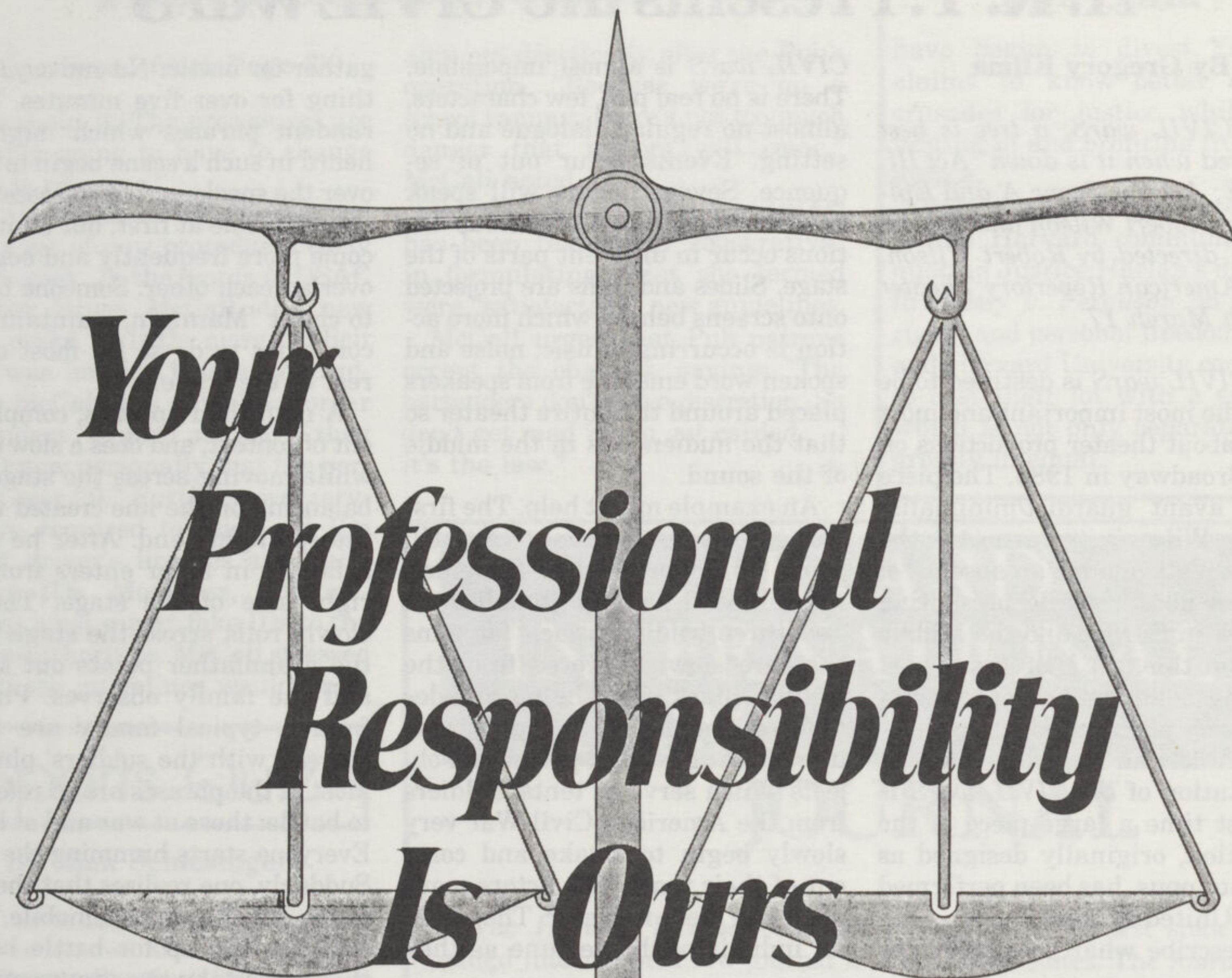
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Discrimination By Firms Difficult to Detect

(Continued from Page 6)

into the world at the end without a job. He termed this, "a cruel bottleneck." Thompson echoed this sentiment, saying, "It is a shame for people to be admitted if there are no jobs on the other end." Miller said that when Harvard made a commitment to admitting the disabled, a concurrent commitment arose to follow through on the placement end.

Yet the administrators' main hope for a solution was education of the legal world as to the capabilities of disabled students. Miller felt, however, that if Harvard wishes to continue its image of being on the cut-

ting edge of social issues, it must acknowledge the problems the disabled face in the placement process and attempt to overcome them. He further stated that Harvard is in a unique position to set the pace for the legal profession, and he posed the question as to whether the Law School was living up to the duty implied by that position.

The placement director indicated that the idea of a pre-interview seminar for disabled students had been raised, but that the the general feeling was that most students did not want that type of job counseling.

Thompson reiterated that her office is open to any workable suggestions from students as to how to end discrimination. Byers also stated that he was interested in hearing from students which job strategies have been the most effective. Yet, in order to avoid special treatment, they do not explicitly solicit student input.

Several years ago, however, there was an informal meeting of blind students who aired their views to placement and job counseling officials. This meeting resulted in the circulation of a draft letter composed by blind students to accompany resumes, which detailed the methods blind lawyers use to do what their sighted fellows do.

The statement in the booklet, and other information included in the interviewers' orientation materials (Wayne and Thompson have discussed including materials produced by the National Association of the Blind), seems to the placement director therefore the best way to create awareness within the law firms.

Wayne has stated that if he can afford it, he will donate the literature to the Placement Office for inclusion in the interviewers' materials. The idea is that eventually acceptance will increase, especially when HLS alums who had disabled students as classmates begin to work in the hiring process.

Griffin suggests that law firms should treat all interviewees with the respect due a professional. He agrees that eventually nature will take its course and all firms will cease to consider disabilities in hiring, as more and more disabled attorneys enter the field. In the meanwhile, though, disabled students must preserve the inner strength to get them through the naivete, ignorance, patronization, or condescension to which they are often subjected in interviews. A rejection is not a reflection on individual worth, but a loss of a top quality lawyer.

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Chavez Foresees Ultimate Victory For Farm Workers

(Continued from Page 1)

proved by counterbalancing the inordinate degree of political-economic power exercised by the growers, said Chavez. He hoped this could be achieved through organizing. "The coming of our union signaled the start of great changes among Hispanics that are only now being realized," said Chavez. Chavez argued that hundreds of thousands of farm workers are better off because of the UFW.

"We have made progress in overcoming many of the problems such as child labor, sexual discrimination and the use of dangerous pesticides," said Chavez. Chavez also argued that Hispanics who are not farm workers are better off because of what the union has taught them about pride and self-respect.

There have been, and will probably continue to be, many attacks on the UFW. Chavez said that those who attack the union say that it is weak but they are the ones who attack it the hardest. "Those who attack our union," said Chavez, "say

it's something dangerous . . . but it's not dangerous if you believe in the Bill of Rights."

In the early 1970's Chavez and the UFW began a world-wide boycott of grapes, head lettuce and Gallo wines to gain the right to bargain collectively — and they won. Chavez said that the boycott is a proven method of mounting nonviolent resistance. The proven effectiveness of this method has prompted Chavez to call for a boycott of table grapes. The purpose of this new boycott is to pressure the growers and the government of California to enforce the laws instituted to protect the farm workers.

Chavez charged that a large number of farm workers' complaints against the growers have been dismissed without investigation by the administration of California Governor George Deukmejian.

Chavez also asserted that California growers owe their workers \$72 million in back pay. This has been determined by a court ruling yet, the workers have not received any payment.

Chavez stated that because Deukmejian has failed to enforce the law, farm workers are coerced and abused. This perpetuates child labor, malnutrition, high infant mortality and injustice.

The growers accuse the union of causing many of the wine industry's problems. Chavez said, however, that the growers only have themselves to blame for their sins. They have poisoned the land and water, overused the soil, opened the door to imports of more naturally produced wines by refusing to stop using artificial ingredients and oppressed generations of dark-skinned peoples, he said.

Chavez asserted that although the growers wield a great deal of political and economic power, "history and inevitability are on our side." The Hispanic population of the Southwest is large today and is growing at an increasing rate. Twenty to thirty years from now, said Chavez, the cities of the Southwest will be dominated by the children and grandchildren of the workers and not those of the growers.

Chavez said that "[t]he day will come when politicians [will] do for our people out of political necessity and not out of charity." When that day comes, he said, then that famous passage in the Book of Matthew will be fulfilled: "The last will be first and the first will be last."

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