



Harvard Law Record

America's Oldest Law School Newspaper

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Students Rise To Marathon Challenge

By Norman Bay

HLS was well represented in the 1985 Boston Marathon on April 15th. Steve Grygiel, 2L, finished fifteenth overall. Jack Cleland, 1L, captured the fifty-fourth spot. At least nine other law students ran, including the "Som'R Villains," and 2Ls Tom Kellenberg and Nora Dannehy.

Dannehy ran in her second Boston Marathon. She completed her first two years ago as a senior at Wellesley College. Dannehy felt a special incentive to run "because I heard that only men were running."

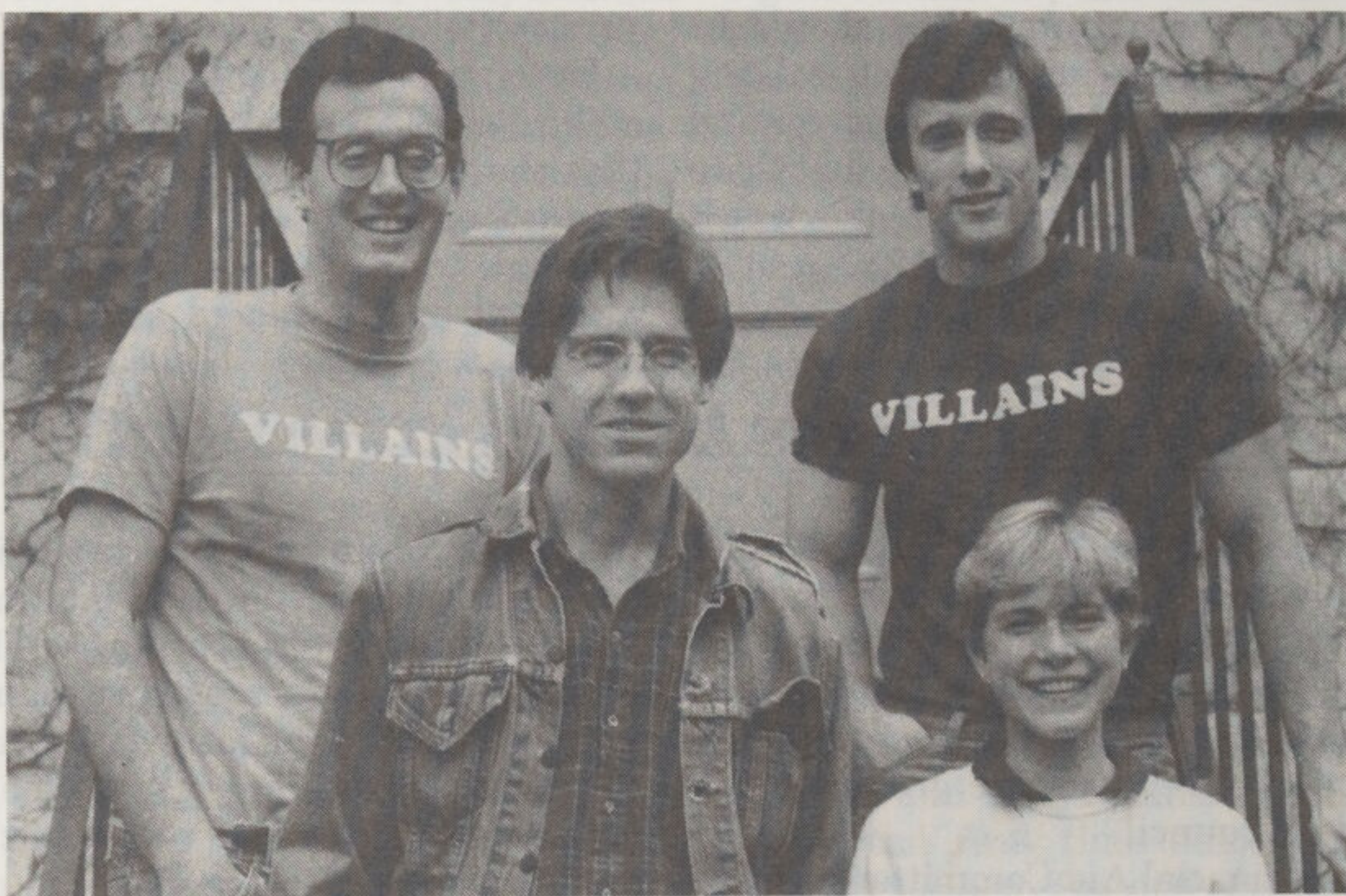
The day of the Marathon, she recalled, was "surprisingly hot . . . so I started off uncertain whether I would even finish." She felt good during the first 14 miles. But miles 14-17 were "painful. The heat was getting to me."

Dannehy recovered, however, going up the hills on miles 17-20. "The crowds helped," she said. "Then once I hit 20 I knew I was going to finish. I just wanted to keep up a steady pace."

The night before the race Dannehy's mother told her to put a ten-dollar bill in her shorts in case she couldn't finish and needed to take the subway. That advice proved unnecessary. Dannehy finished with a time of 3:35.

Dannehy plans to run in future marathons. She noted that "marathons are a real test to see what kind of shape you're in and whether you can push your body and mind

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Lori Nuckolls

Marathon Runners, Doug Hagerman, Steve Grygiel, Jeff Barbour, and Nora Dannehy.

Alumni Endorse Women's Committee

By Susan Gilles

This weekend the Council of the Harvard Law School Association held its annual meeting. Approximately 70 alumni/ae from as far as Texas and Los Angeles attended the meeting of the governing body of the Association. The Council considered a report from the Dean on the State of the Law School and considered reports of the year's activities.

Anne Cicero, 3L, a member of the Women's Law Association (WLA) Board, proposed the creation of a standing committee on alumnae. Cicero said that at one point she had thought of creating a separate Alumnae Association but decided that "it would not work as well for us." Last year saw the development of the HLS Black Alumni Organization, which, although it is a

separate organization, maintains close links with the Association. Cicero said, "we had a different set of needs [than Black alumni/ae] and for us it was not as important to set up our own organization as to make ourselves heard within the existing organization."

Cicero's proposal for an Alumnae Committee resulted from several months of planning and cooperation between WLA and the Association. In March of this year a brochure was mailed to all women graduates requesting input on the proposal. Cicero said that the mailing had been limited to women to save money and to "identify women who wanted to be leaders" and get a "sense of their goals." John Muller Jr., '85, Assistant Secretary of the Association said they had already received over 200 responses, all

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Sexual Assault Raises Safety Concerns

By Vincent Chang

In the April 18 *HLS Adviser*, the HLS announcements publication, a "Notice to the Harvard Community" warned that "several weeks ago there was a sexual assault on a student at the corner of Mass. Ave. and Everett St. The assault occurred about midnight. This notice is to alert students that they should be particularly careful about walking alone late at night and to remind the law school community that there is an Escort Service available which can be called at 495-1216 from 7 P.M. to 3 A.M. seven days a week."

The reported sexual assault, while it did not occur on law school property, took place near Wyeth Hall. According to Dean of Students Mary Upton, only two other sexual assaults have occurred at HLS over the last five years. Examination of the Harvard Police blotter revealed that no other sexual assaults have been reported to the Harvard University Police this year.

Upton professed little knowledge of the details of the assault, claiming that the report was referred to her by another party who "told me very little about it." Upton would not comment on the record as to why

the warning was not published until several weeks after the incident. Nor would she indicate whether she or the police thought the assailant still endangers the Harvard community. Apparently, the assault was not reported to Harvard police, at least according to the blotter at the police station.

Upton, did, however, announce that next year the Law School will revise and distribute copies of "Playing it Safe," a booklet that advises Harvard College students on rape prevention and on places to turn for assistance in the event of rape. According to Upton, the booklet will be extensively modified to reflect the law school's different structure. For example, the current pamphlet urges Harvard College students to turn to the College's Resident Tutors for advice. HLS students will be urged to turn to the Law School's Resident Advisors instead. Upton urged all sexual assault victims to call the police immediately, claiming that the Harvard Police have "been quite effective." Moreover, she warned that "Cambridge is an urban environment where you have to be very careful about these things."

Grad Students In The Same Boat?

Representatives of the student governments of the various Harvard graduate schools, including HLS, met recently to discuss financial aid, calendar reform, and the formation of a university-wide graduate student council.

Financial Aid Committee member Tony Shelley, 1L, who represented HLS at the preliminary meeting, said the council "would allow us to better deal with our problems and to know we're all in the same boat. We're all students and should help other students to help themselves."

The student body presidents who were in attendance agreed in principle that a graduate council consisting of two representatives per school should meet monthly to discuss matters of university-wide importance.

Besides discussion of a student council, the meeting's participants debated financial aid issues.

Kennedy School Student Government member Paul Rosengren urged that students initiate lobby efforts to thwart proposed Congressional cuts in financial aid.

Shelley took a different tack, emphasizing private sector solutions to the financial aid question. Shelley presented a set of positions endorsed by the HLS financial aid committee. Among those proposals were lobbying the school administration to convince it to increase financial aid

funds, increasing student input in the financial aid decision-making process, and increase tuition, while earmarking the increased revenue to financial aid. The latter proposal met with "mixed reviews" in Shelley's words. The committee ultimately endorsed a combination of the lobbying and private sector approaches.

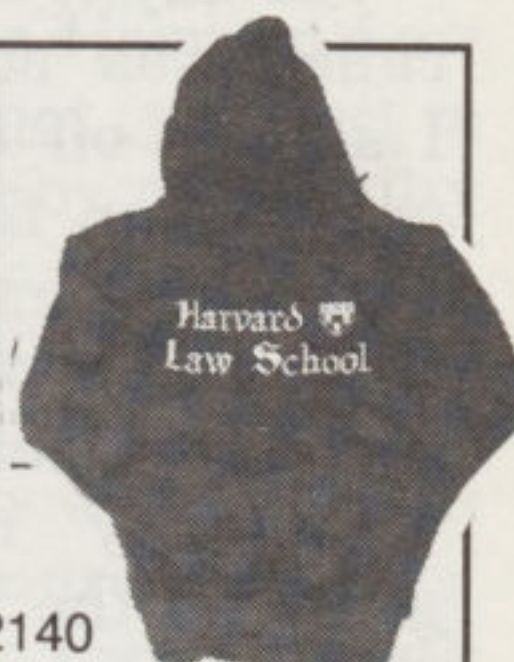
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Student's Film Honors Historian/Activist

By Rise Peters

Gloria Valencia-Weber, 2L, has worked for the last five years on a project the end of which is not yet in sight. On April 23, Valencia-Weber travelled to a meeting of the National Council on Public History in Phoenix, Arizona to present a film on Angie Debo, a well-known historian of the American Southwest and an influential Indian rights activist. The film, "Still Water," represents five years of research on Debo by Valencia-Weber and Oklahoma State University Prof. Glenna Matthews.

Debo was born in Kansas in 1890 and arrived in 1899 in pre-statehood Oklahoma. She graduated from high school at 23, attended the University of Oklahoma as an undergraduate, and received her master's degree from the University of Chicago in 1924. Unable to find a teaching position that was open to her as a woman, she returned to Oklahoma to work on her Ph.D. Her Ph.D. thesis was published as *The Rise and Fall of the Choctaw Republic*, and won the Dunning Prize of the American Historical Association as the best first book by a new scholar.

In spite of this accomplishment,

Debo was unable to secure a university faculty position. She went on to become a prolific writer. Her bibliography includes nine history books, four edited and coauthored books, numerous scholarly articles, and 23 reviews for the *New York Times Book Review*.

Her most controversial book, *And Still the Waters Run*, was published by Princeton University Press after being rejected by the Oklahoma University press, which feared reprisals against the press by prominent Oklahomans criticized in the book.

At the age of 95, she still works as a writer, revising and correcting her books, none of which has ever

gone out of print.

Besides working as an historian and writer, in 1969 Debo organized a national lobbying network which worked with the Association on American Indian Affairs, the Indian Rights Association, and the Alaska Federation of Natives to promote a bill to secure land and mineral rights for native Alaskans. She has also worked to support claims by the Pima and Havasupai tribes.

She went to Washington, D.C. at the age of 80 to meet with members of Congress and federal officials in order to educate them about the native Alaskans' history, culture and needs. She sent newsletters to

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Students Celebrate Fine Record

The Harvard Law School Alumni Association's RECORD committee hosted its annual dinner for staff of the HARVARD LAW RECORD on Thursday, April 18. The event was held at the Bay Tower Room in Boston.

Serving as hosts were Wilson Pile, Asst. Director of the HLS Fund and Asst. Treasurer of the HLS Association, Bickey Pile, Skip Hance, Di-

rector of Development and Alumni Relations, Lou Hance, Charles Hamann, '64, member of the RECORD Comm., and Ethyl Hamann.

For the first time since interviewing season, RECORD staffmembers managed to look respectable. During the cocktail hour, both Steve Cowan, Editor in Chief of Volume 79 and W. Burlette Carter, current Editor in Chief delivered stunning speeches as the staff buzzed around the bar, ignoring them even as they do on RECORD production nights. As the evening wore on, one table of staffers seemed to have more and more fun, making frequent calls to the bartender and remaining long after those who adhere to respectable hours had left.

All in all it was a grand occasion.

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Harkness Cafeteria: You Either Love It Or

By Norman Bay

Reactions vary, but few students or faculty members seem pleased. The source of this surprising agreement is the food service at HLS. Since the fall of 1979, Dining and Kitchen Administration (DAKA), a national food service, has operated the eating facilities at HLS in the Harkness Commons and Pound Hall. It also caters school events.

According to Simone Reagor, Administrative Dean, over the next six months HLS will evaluate its outside vendors, including DAKA. Dean Reagor emphasized that "to the extent I've dealt with DAKA they've been responsive." Nevertheless, she has had "some prompting from students, faculty, and administrators."

"The question of food service goes beyond DAKA operations in the Hark," Reagor stated. "Some faculty would like to see us do something different in Pound."

HLS has an annual renewable contract with DAKA. "Hypothetically," Reagor explained, "HLS could have new food service next year. Realistically, that's impossible."

No Subsidization

One of the advantages of DAKA is that HLS does not have to subsidize it. Rather, the Law School only provides use of space and equipment. Paul Epton, Assistant Dean of Finance and Operations, characterized any profit DAKA makes as "not . . . outrageous." Last year DAKA made a profit. This year, it is close to breaking even.

Russell Simpson, a former assistant dean of HLS from 1966–1984, explained that in the early 1970's HLS became dissatisfied with Harvard Food Services (HFS). It hired in succession two caterers, Stouffers and Marriott. Neither one stayed very long. In 1974, HLS went back to HFS. After a few years, Simpson recalled, HFS became increasingly expensive, both to students and to the law school, which subsidized it.

In the 1978–1979 school year, a committee comprised of Professor Oliver Oldman and student representatives examined several food operations and recommended that DAKA be hired. Simpson noted that by contracting with DAKA, HLS "got out from under the union contracts with employees at HFS. That made a significant difference in cost."

Notwithstanding cost savings to HLS, Hark food is often criticized. Some students believe that that criticism is unwarranted. "Students, no matter where they go, complain

called criticisms of the food "unjustified."

"We try to offer a menu to please everyone," he said. "Ninety-five per cent of the cooked food is prepared here, and we make our own soups from scratch." He urged students with suggestions to bring them forward. "You people are the ones eating here, so we better make sure we're serving you what you want to eat."

O'Neil noted that more and more students are eating at the Hark. He estimated that breakfast draws between 200–250 students and



Lori Nuckolls

Tough Decisions in the Hark Food Line

about the food," said one 1L. Others gave high marks to the soups and commented on the friendliness of Hark employees.

One 3L termed the food "fine," but blasted HLS for "the drabness of the dining rooms." "First," she noted, "the Hark is more than an eating place. It's supposed to be the social center of the law school. Second, the surroundings of the place in which I eat definitely influence my appreciation of the food."

Criticism Unjustified?

Bob O'Neil, Director of DAKA's food service at HLS, defended his operation. He observed that the Hark offers convenience, fast service, and reasonable prices. He

lunch, 500–600 students. Dinner, which features a \$4.95 all-you-can-eat special, attracts 100–125 students.

Although DAKA serves other universities, including Salem State and Framingham State, the only school it serves at Harvard University is the law school. Other Harvard graduate schools have contracts with different operations.

The School of Design and the Kennedy School of Government use Soupcon, a Boston caterer which operates a restaurant on Beacon Street. William O'Neil, Assistant Dean for Financial Affairs at KSG, explained that the Kennedy School selected Soupcon after interviewing five different companies. Soupcon, he said, was the smallest and most

You Hate It!

entrepreneurial of the five.

O'Neil gives Soupcon an "A+" mark. "They go out of their way to serve well, to put a good meal together," he stated. "A few years ago our service was rated number one at Harvard. . . . Their operation is one we're proud of: good food at competitive prices." He declared, "A large corporation can't have the same interest a small operation can."

Soupcon offers food service from 8:00 A.M. to 6:00 P.M. It does not provide dinner, but features daily luncheon specials. O'Neil estimated that Soupcon annually grosses \$750,000 in food services. It does "better than break even," even though KSG only provides it with space and no subsidies. KSG and Soupcon have a long-term contract that is terminable by either party with thirty days notice.

A Thousand Times Better

Sheila Maith, a JD/MPP, opined that the food and ambiance are "a thousand times better" at KSG. "The Hark," she stated, "is designed for students to grab a meal and to go someplace else." "The Kennedy School is much more concerned about students interacting with each other," she said. "That's reflected in the architectural structure of the building and in the cafeteria, which is a pleasant place to be and has tasty food." Maith noted that KSG has a main cafeteria and a small cafe called "Le Petit Gourmet," which has cappuccino, espresso, and such delicacies as chocolate cheesecake and croissant stuffed with smoked duck.

Harvard Business School changed food services this fall from HFS to a business food division of Marriott Corporation. Ted Tye, Associate Director of Administrative Operations at HBS, observed that HFS does a good job with undergraduate dining halls, but that HBS has different demands. Its students live on campus and tend to be older. Business executives attend HBS on seminars. "We wanted quality ser-

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Legal Briefs

People

The Board of Harvard Fellowships in Public Interest Law (HFIPIL) has recently awarded its 1985 Fellowships. Congratulations to the following 3Ls: **Bryan Stevenson** who will be working at the Southern Prisoner's Defense Committee in Atlanta, Georgia. (Stevenson will challenge discriminatory jury selection procedures and do death penalty work); **Mitch Mirviss** who will work with Maryland Legal Services in Children's Rights Advocacy; **Ben Schatz** who has designed an AIDS Civil Rights Project and will work in conjunction with the National Gay Rights Advocates (NGRA) in San Francisco; and **Jim Ross**, who will do legal work in the area of International Human Rights either in New York City or the District of Columbia.

Walter McCabe has been elected president of the Society for Law and Technology. Other officers are **David Korn**, 1L, and **Stuart Levi**, 2L, (Vice Presidents,) **Don Abrams**, 1L, (Secretary), **Rick Ellrod**, 2L, (Treasurer.)

Members of the class of 1985 have been holding reunions of all people who were in their 1L sections. On Thurs. Apr. 25 Sec. 2 members met in Pound Hall. Reportedly, **Bobby Thomas** gave his final performance as Prof. Al Sacks. The notorious and legendary Sec. 4 held their reunion in Harkness Commons on Friday, Apr. 19. **Prof. Charles Donahue** attended.

Prof. Dan Coquillette spoke on "The New Atlantis and The Real World: Francis Bacon as Analytical Jurist and Legal Prophet," on April 23. His lecture was part of the Elihu Root Lecture Series sponsored by the Board of Student Advisers.

Organizations

The Board of Editors of the *Harvard Law Review* held their Annual Dinner at the Harvard Club in Boston on April 20. **Judge Leon Higginbotham**, who teaches a seminar at HLS, delivered the keynote address.

Members of the **Harvard Christian Fellowship** last week went on a weekend retreat in New Hampshire.

On April 18 the **Harvard Law Guild** sponsored a discussion group on anti-semitism.

Publications

Visiting Prof. Deborah Rhode's work, "Moral Character as a Professional Credential" appears in 94 *Yale Law Journal* 491.

Exhibits

"Light: dramatic skies and landscapes from North and South America, Europe, and Asia," 18 color photographs by Jim Martin are on display in the Langdell Reading Room, South Colonnade, through April 29.

The work of the *Harvard Civil Rights/Civil Liberties Law Review* is on exhibit in Langdell, 2nd floor, in the display case opposite the elevator.

Events

"The J.P. Stevens Settlement and Its Aftermath" and other labor issues were discussed by **Bruce Raynor**, V.P. and So. Regional Dir., ACTWU, on Thurs., Apr. 18. His talk was sponsored by the Harvard Labor Law Project.

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Book Review: *The Brethren*

by Carl Oppedahl

The Brotherhood

326 pages, Book Club Associates, London. By Stephen Knight.

Reviewed by Carl Oppedahl '81
(Editor's Note: Mr. Oppedahl is a former Editor in Chief of the RECORD.)

People in positions of power and influence who share some less-than-obvious affiliation are likely to perform favors for each other. They pass along business opportunities and give preferences in job interviews. This is perhaps the main message of *The Brotherhood*, by

Stephen Knight. Is this a book about Harvard Law alumni (and their brethren from other top law schools) who as partners in major law firms tend to hire only the five per cent of each year's law graduates who happen to have attended their own school? Is it about the faculty members of HLS, who themselves were on law review and rarely offer tenure-track positions to persons without law review qualifications? Is it about Ivy League college and law school chums who refer legal work to each other?

No, the book is about Freemasonry, a brotherhood whose existence is well known but whose beliefs, practices, and agenda are not.

Every decade or so, another book comes out "exposing" Freemasonry. The brotherhood has even figured in motion pictures — "The Man Who Would Be King," in which the discoverer of a lost Himalayan culture becomes king by displaying a Masonic signet ring, and "Murder by Decree," in which the Jack the Ripper slayings were laid to Masons. (The latter film was based on an earlier book by Knight.) What is interesting about *The Brotherhood* is that it raises interesting questions about Freemasonry and the practice of law.

The Brotherhood describes the history of Masonic societies from the early 1700's to the present, then explores in detail their influence in present-day British society. Knight finds Masonic membership to be prevalent among England's police and detective forces, and observes that nearly all the top people in Scotland Yard belong to the society. There are similar findings regarding

Panels Debate Desegregation

A conference on "The Law, Theory and Reality of Equal Education," was held on Friday, April 19 and Saturday April 20. The conference was sponsored by numerous law school student organizations.

Keynote speeches discussed the Boston School Desegregation Case. Among those delivering opening addresses were Prof. Robert Dentler, Court Appointed Expert in the case, Mr. Jerome Winegar, headmaster of South Boston High School, and Mr. Thomas Atkins, Plaintiff's Counsel in the case.

The first panel discussion, moderated by Prof. Andrew Kaufman, was "Segregation and the Meaning of Equal Opportunity." Dean Derrick Bell of the University of Oregon School of Law (and a former Harvard professor) served on the panel with Prof. Frank Michelman and Asst. Prof. Martha Minow and, from the Columbia Law School, Prof. Henry Monaghan.

Keppel moderated the second session on "Alternative or Supplemental Avenues for Reform." Mr. Charles Glenn, Director of the Massachusetts Bureau of Equal Educational Opportunity, Prof. Nathan Glazer, Harvard Graduate School of Education, Prof. Christine Rossell of Boston University and Prof. Meyer Weinberg of the University of Massachusetts at Amherst were panelists.

The third session, moderated by Asst. Prof. Christopher Edley, considered the role of the government and the courts in implementing equal opportunity schemes. The Honorable William L. Hungate, United States District Court, Eastern District of Missouri, David Tattel, attorney, Hogan & Hartson, Washington, D.C., joined Dorothy Jones, of the National Committee for School Desegregation and Mr. John O'Bryant of the Boston School Committee.

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The Forum Institute of Politics

THE FALL OF SAIGON: TEN YEARS LATER

A slide presentation followed by a panel discussion with

Dinh-Hoa Nguyen, Director, Center for Vietnamese Studies, Southern Illinois University, Carbondale; former Director of Cultural Affairs, Ministry of Education, Saigon
George Esper, special correspondent, Associated Press; author, 'The Eyewitness History of the Vietnam War'

Dau T. Le, general practitioner, Rosengard Clinic, South Boston; former President of the Medical Student Association, Saigon Medical School

Douglas Pike, Director, Indochina Archives; former U.S. Foreign Service Officer; author, 'War, Peace and the Vietcong'

Lyall Breckon, Director, Office of Vietnam, Laos and Kampuchea Affairs, Department of State

Stephan Haggard, (moderator) Assistant Professor of Government, Harvard University

Tuesday, April 30, 1985
7:30 p.m.

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Reviewing The Review: Elitism and Reform

Alan A. Stone

Prof. Alan A. Stone, M.D., is Professor of Law & Psychiatry at HLS — Ed.

As a psychiatrist on the faculty for almost twenty years, I have heard many views about the *Harvard Law Review*. Two common views among the faculty are nostalgia about the great days of the past, and criticism about the *Review*'s negative influence on the life of the school. The "nostalgic" view is that the *Review* was once a truly authentic meritocratic institution. In the good old days, membership in the *Review* certified "the best" on the basis of grades. It further certified the very best of those by their election as officers. Furthermore, the *Review* produced first rate student notes, provided editorial assistance to the best legal scholarship, and involved *Review* members in high-powered and valuable dialogue with the "best and brightest" of students themselves. Some who hold this view argue that the quality of the *Review* — with its new methods of membership and more "political" orientation — has deteriorated.

During my years on the faculty, the "nostalgic" view came under attack. The other perception, which had always been there, began to be taken more seriously. The perception was that the benefits of the *Review* were purchased at a price to the other law students who were in some sense made to feel like second-class citizens.

The New Guard

This view had two sides: one argued that even an authentic meritocracy can exact too high a price; the other asserted that first year grades did not produce an authentic meritocracy. There were also different views about the supposed "price" of the *Review*, that other students felt like second-class citizens. "That's tough, but life is tough" was the opinion of some who tended to hold the nostalgic view. "That's bad, we should do something about it" was the common reaction of those who thought the price was too high or the meritocracy not authentic or who were generally opposed to elitism and meritocracy.

Proponents of doing something about the *Review* suggested that

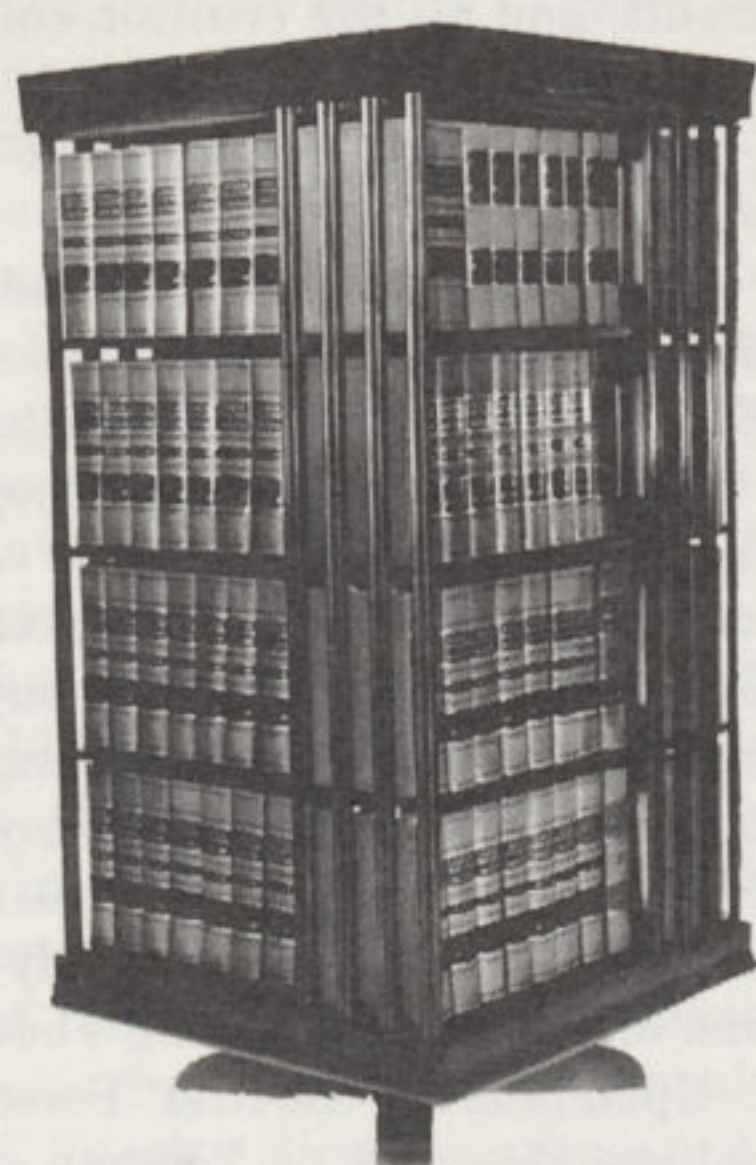
another aspect of the price was that by creating in other students a feeling of being second class citizens, the *Review* contributed to the loss of scholarly classroom motivation in the second and third year. This loss of motivation seems indisputable and many reports on legal education at Harvard over the years have recognized this reality. Members of the *Review* have at times been notorious for their own failure to attend classes, having better educational things to do.

At any rate, if second and third year malaise exists, the theories about its etiology differ; factors such as first year grades, the quality of teaching, the substance of what is taught, the dubious need for three years of law school, job hunting and fly outs, are considered at least as important as the *Review* per se.

Super Grades Elitism

As faculty and student egalitarianism increased, criticism of the *Review* and its meritocratic membership standards also increased. Therapeutic strategies were adopted

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The Worth Of The Law

Imagine for a moment our hero, C. C. Langdell, teaching a class of terrified 1Ls the science of law, rigorously and systematically applying his case method.

"Mr. Smith!" he roars. "State the holding!"

Mr. Smith (trembling in anticipation of being sliced to bits) spews out the holding he'd memorized word for word late last night. And then his mind begins to work. Just last night, while reading this case for the 131st time, it occurred to him that the judge's explanation for the holding made absolutely no sense! Making the biggest mistake a law student could make (applying a little common sense), Mr. Smith had concluded that the reason given for the holding was not really the reason for the holding at all. Ah, but what would C. C. say about this little insight? Would he admit that the outcome of the case cannot simply be justified on legal principle? Would he smile (as a father would) at Mr. Smith and ignore the comment? Would he take Mr. Smith by the tie, wrap it around his neck and choke him to death?

No one really thinks that the law is perfect. Still, the imperfections of the law, when directly encountered, are unsettling revelations. When they occur to us, either through our own experiences or those of someone else, they force us to confront the question of what to do about them.

One school of thought suggests that the imperfections of the legal system must be downplayed in the interest of preserving legitimacy. Another argues that all criticisms must be entertained, even if the result is an undercutting of law's legitimacy.

If there is any place that law's imperfections should be openly discussed, it is the law school classroom. Certainly, for those professors who wish to "affirm the worth of the law" entertaining such discussion requires some degree of faith that when all is said and done, something worth salvaging will remain — and that students will have the good sense to see this. Perhaps, it is doubt about one or both of these points which explains the reactions of some professors to questions that raise the issue of legitimacy.

Nevertheless, it is unlikely that each question that is ignored, rebuffed, ridiculed or minimized, (under the guise of "the Socratic method" or some variant of it) accomplishes the desired goal. It is more likely that instead of being convinced of the law's worth, these future lawyers begin to wonder whether "the law," is both irrelevant to their own lives and a farce.



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 John Wiener, Stephanie Young, David Zensky
 PHOTO EDITOR Lori Nuckolls, Judith Aidoo
 PHOTOGRAPHY STAFF: Greg Peterson, Teresa Miller

Fenno

Fenno despised it, feared it and cursed it, but he knew that the only way to avoid seeing the World Tree was to walk through the Hark of Darkness. Tattered remains of foam couches — relics of a bygone era of love beads and war protesters — greeted him as he burst through the greenish doors with the little tiny windows.

Fenno checked his well-worn box for messages. He reached in and pulled out the usual meaningless notices from organizations no one even knew existed and threw them in the trash. At least there were no threatening letters from the financial aid office. Fenno never received any personal notes, but once someone had thoughtfully left him a quarter pound of chopped chicken liver.

"Hey you!" someone shouted at Fenno. "Did you get your yearbook yet?"

Fenno was always intrigued by the HLS yearbook. Just when you thought it couldn't get worse, it would surprise you with something new.

"Am I in any of the photos?" Fenno asked.

"Well, only if you're on the yearbook staff or date somebody on the staff. Hey, do you work out a lot at the gym?"

Fenno moved on. There'd be more dangers ahead and he'd need all his strength.

"Yo Fenno!!" called out a voice in a heavy Brooklyn accent. "Sign up for this special Klaus Bar/Bie course on how to find someone to take the bar for you. Only \$1,800."

"But I'm not taking the bar."

"Great, great," said the Brooklyn accent. "Maybe we can hire you to give a special talk."

Fenno made a quick dash for the little Coop. Nowhere else in the world did he feel so welcome. The Coop was the only place he knew where he could buy food — dusty cans of Spam and four kinds of beans — on credit, and all the crimson-colored clothing he could ever want.

"Did my new VCR arrive yet?" Fenno asked.

"Sorry, not yet," said the cashier, "But we did get new shipments of boomerangs and Campbell's chicken with sodium soup."

Glumly, Fenno left the Coop to continue his journey. Suddenly, he saw what he feared most. It was even worse than being harassed by a deranged Trotskyite to buy newspapers or being hounded by a deranged parent to buy cupcakes for the HLS day care center. It was a gang of 1Ls discussing Civil Procedure and they were obviously excited about one of the gut-wrenching Federal Rules.

Upon hearing the first "Personally, I don't believe this, but ..." Fenno screamed and ran out the doors. He sat down outside next to a mangy dog scratching and pawing to get inside.

"Et tu, Brute," sighed Fenno, and the dog barked.





Letters to the Editor of the Record

A Response To Weinreb

To the Editor:

We students have demonstrated a casual attitude toward the faculty thus far this year. Everyone is agreed, I think, that the current operation of the faculty is in need of change. Nothing happens because no one cares to make it an issue. I propose to make it an issue!

It is agreed by everyone that the instruction and advice that faculty give to students during their first year is, on the whole, terrible. There are, of course, highly qualified members of the faculty who do excellent work. I do not suggest that there are none who are competent. However, we must revamp the selection process. It is incomprehensible that faculty should be chosen with so little regard to their ability to carry out their teaching duties.

The present selection process gives a group of faculty the power to dispense considerable financial benefits with scarce control of students. Some faculty take their teaching duties lightly, and sometimes offer faculty positions to friends and like-minded scholars. I propose that faculty should be selected by a small committee of students on the basis of intellectual and humanitarian qualifications, including (1) written recommendations from students, (2) submitted third-year papers in the preparation of which the faculty assisted, (3) BSA evaluations, (4) teaching and teaching-writing experience.

I propose also that the activities of faculty be restricted. Faculty should continue to assign letter grades, though I am troubled by this evaluation scheme. Does anyone know whether these evaluations are carefully and objectively prepared? Most importantly, I propose that faculty be banned from using the Socratic method to teach large first-year

courses. This method suggests to incoming students that they are children, and that the only way through Harvard Law School is to 1) endure months of low-grade anxiety while waiting for a chance to perform, 2) retreat to the back bench, or 3) skip class. There does exist the strain of a large, impersonal place for the faculty — a small number, I think — who are unprepared for it; and students should be available and willing to alleviate the strain. However, the best way to ease this tension is to encourage meaningful discussion in the classroom, rather than one-sided interrogation. Of course, this may require reducing the size of some classes, but that is a burden we will just have to bear. Current policies communicate to students that the whole law school experience is not worth it, and define that experience as something in desperate need of sweeteners. Of course faculty should question students, but let them do that as one scholar to another, as they might have done before they arrived here.

I might also go so far as to suggest eliminating all faculty participation in first year classes. Does anyone know whether they use these classes to communicate the values that we believe the school wants to foster? Do they affirm the value of intellect? The worth of the Law? The worth of the Law School? The obligations of the profession? Do we have any idea what they affirm? We attend — under orders from the faculty — and sit around for an hour or two, making desultory small talk with the professor. Occasionally, there is an interesting conversation. Invariably, it is a relief to leave. No doubt there are other events of the same kind I have forgotten. Cancel them all. We can keep on with the informal and infrequent contacts with faculty that brighten their lives and ours, and do make a difference to them and to us. We do not need first year courses for that.

Name Withheld by Request

Editor's Note: The preceding letter was submitted to comment upon an article which appeared in the April 19, 1985 edition of RECORD, Vol. 80, No. 8, p. 6. Those perplexed about its points might venture to read that article.

Where Have You Been?

To the Editor:

Your short editorial on the role of women vis a vis their traditional, cultural and societal roles as child bearers and homemakers, as well as their roles as lawyers and professors, etc., is more than a little startling. Where have the editors of the HARVARD LAW RECORD been for the last twenty years as women graduates of even your institution

(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.

Letters

(Continued from Page 9)

(among which I count myself to be one of the lucky few) have been moving into the profession with relative ease, and even though from the tone of your article I know you will find this hard to believe, raising children and running homes quite nicely, thank you very much. I would suggest that if the editors of the RECORD were more secure about their own future roles as lawyers, parents and homemakers, the editorial "The New Profession" would never [have] seen the light of day.

Sharon L. Lieblich, L.L.B. '66
Alexandria, VA

Hark Cafeteria: Dining In Style?

(Continued from Page 5)

vice," Tye explained, "fine dining kinds of service appropriate with our needs here."

HBS pays cost plus a management fee to Marriott. Tye stressed that "this is not a profit-loss situation. We want to have influence over price, quality, and the use of facilities." Nevertheless, to ensure that costs are not excessive, HBS appointed an executive manager of its food services who serves as a liaison between HBS and Marriott.

The facilities, which were renovated in the fall of 1983, include "The Boardroom" (the main dining room), "The Options Deli," "The Grill," and "The Exchange" (a small convenience store). Tye described the food as "very moderately priced. We try to be as competitive as we can."

Tye noted that HBS "didn't look at DAKA. I don't know a lot about them. We were looking at companies involved with fine dining."

Leah Hanlon, JD/MBA, observed that food at HBS is better, though perhaps "a little bit more expensive." "The biggest difference between the two of them," she stated, "is that Kresge [the HBS dining hall] is beautiful . . . The Hark is a dump."

Association Welcomes Changes

(Continued from Page 1)

"very enthusiastic." Cicero added that the responses would "set a baseline for what the committee would be and do."

Cicero sees two central roles for the new Alumnae Committee. First, it will provide a much needed contact between women students and alumnae. This she hopes would give women graduates "more of a presence" on issues at the law school.

Secondly the Committee will serve alumnae by sharing information on problems of career development and balancing family and work. In addition, Cicero envisioned the Committee as a voice for women's views on law and the legal profession.

Unanimous Vote

Murray Howe, '50, President of the Association, tentatively approved the proposed Committee in March. On Saturday the Council formally approved the proposal, voting unanimously to establish an Alumnae Committee.

Cicero saw the vote as a positive first step. She added that the membership would probably include those women who "had expressed a desire to be involved", and represent a "broad spectrum of fields of practice, age and geographical distribution."

However, Cicero noted that effort was important at the local level as well. Several local associations, in New York and Washington, already hold alumnae events. Cicero hoped these activities would increase. "We'd like to have a central committee, but to decentralize the effort and have a lot of work at the local level." She urged the women who had responded positively to her proposal to be active locally as well.

Muller also commented that he was very pleased. He saw the Alumnae Committee as a reflection on the Association's efforts to "recognize the special interests of women, Blacks, Chicanos, and other graduates, and to respond to these needs, as best we can, under the 'umbrella' of the Association."

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Law Review Selection: Changes For The Better?

(Continued from Page 7)

by the *Review* similar to those of other law schools; most significantly, a writing competition was added to de-emphasize grades and to give more people a chance; more students were accepted at the end of the second year based on combined grades for two years; and a complicated affirmative action plan was introduced. The first of these therapeutic strategies, the competition, produced its own problems. Because

fewer students were selected on the basis of grades, the group so chosen was even more elite, the thin line drawn in each first year section was even more irksome and frustrating to many students. Seeking to avoid grade elitism, the *Review* had produced "super grade" elitism. The *Law Review* meritocracy creates career advantages and as students (in my view) have become more openly careerist, the basis for making the *Review* became a problem of invidious distinctions. Allegedly,

some *Review* members to advance their own careers indicated on their resumes that they made *Review* on the basis of grades [super grades].

The *Review* has now opted for a more drastic therapeutic solution. Students can no longer make the board of editors only on the basis of first year grades. Everyone who wants to be on the *Review* must compete in a writing competition, in the week after first year exams, in which half of the top 20 in the competition will become members and the other half will come from a weighted average, 70% on grades and 30% on competition.

No One Will Know

The exact details of the selection process have not, to my knowledge, been made public or explained to the faculty. Nor have we been told what will happen to the category of students who made the *Review* on the basis of combined first and second year grades. But the new process promises that no one will know on which basis students have made the *Review* at the end of the first year and all first year students will make it at the same time.

This seems to be one of the crucial goals of this round of reform. Students who make the *Review*, of course, will still be able to submit their first year grades to employers who can try to draw their own conclusions. But basically, the invidious distinction between members of the *Review* will be eased, employers will be more in the dark about exactly what *Review* membership means, and all *Review* members may more equitably be able to market themselves. This therapeutic strategy, unlike those of the past, seems designed as much to benefit those who make the *Review* as those who don't. The "super grade" distinction between the top four or five students in each section and the rest will disappear. That benefit is obtained at the cost of the required competition.

Does all this have value for the Law School's educational enter-

(Continued on Page 12)



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Stone: All Quiet On The Law Review Front

(Continued from Page 11)

prise? At the end of the first year exams students who want to make the *Review* will have to submit to another rigorous "examination". A principal underlying justification is that a writing competition is a more appropriate and less elitist basis for *Review* membership. But the competition, whatever its merits may be, is a hierarchical ordering of students by the *Review*. If grade competition for the *Review* has such bad side effects, why do we assume that a writing competition that skims off 20 first year students and selects 10 will not have some similar bad side effects? Perhaps one answer is that students do not have to participate in the competition, they are free to choose, whereas in some sense they are forced into the grade competition. But there will be pressure to compete and I have no doubt that many first year students are now feeling that pressure and wondering what to do.

Faculty Grading

The faculty has been asked by the *Review* to help grade the writing competition to add "credibility." The *Review* speaks to its concern about the "credibility" of the competition for the participants, but faculty grading would also add to "credibility" of *Review* membership in the eyes of some employers as well. *Review* membership will, under this reform, have the aura of being grade-related and faculty-authenticated but in a most ambiguous fashion. The latest reform seems to me a cramped compromise among three principle goals: an attempt to escape the elitist consequences of "super grades," to maintain some of the elitist status of *Review* membership, and to minimize the invidious distinctions between those who make the *Review* on grades and those who do so on the competition.

Time will tell what the costs of this latest reform will be. Much depends on how first year students feel about this required competition, whether it seems fairer to them.

Since the *Review* retains the aura of an elitist meritocracy promising greater career opportunities, I would guess that those students who are most achievement-oriented are most apt to compete.

Competition Effective?

It will be interesting to see how many of the students who get very high grades will have elected not to compete. Although it may be true that a writing competition would be the best functional way to pick members of the *Review*, it also may be true that the competition will attract those with the most unambivalent careerist mentalities rather than those who feel they are talented in writing, editing, legal analysis, etc. And the writing competition may be unattractive to students who are less self-assertive and are unsure or simply modest about their abilities, which may be much greater than they think.

Indeed, my personal view is that the new reform expresses the tension between growing student careerism and waning student egalitarianism. This seems to me an

unstable tension which is bound to create new problems, both on and off the *Review*. I doubt that this will be the final therapeutic solution of *Harvard Law Review* membership.

The Meaning of Silence

Perhaps the most remarkable feature of this reform, unlike previous reforms of the *Review*, is the silence of the HARVARD LAW RECORD as the voice of the Law School Community. I am not the most faithful reader, but I have seen no editorials, no detailed stories, no interviews with first year students, or faculty members, or *Review* officers, no letters to the editor on the issue of the *Review* reforms. How should this silence be understood? Perhaps the *Review* has, in fact, become less important, less salient in the life of Harvard Law School. But as a psychiatrist and a member of the Faculty I wonder — what is the meaning of this silence?

"Off the Record" is a column for the opinions of our readers. All submissions should be sent to the offices of the HARVARD LAW RECORD.



The Forum Institute of Politics

STRATEGIC COMPACT

*The United States and the Marshall Islands
have recently negotiated a compact of free association
that serves as a model of self-government
for emerging mini-states.*

*How was this relationship restructured?
And what are the international implications?*

An address by the Honorable
AMATA KABUA

President of the Republic of the Marshall Islands

Introduction: **Laurence Tribe**,
Ralph S. Tyler Jr. Professor of Constitutional Law
Additional remarks: **Richard Copaken**,
Partner, Covington & Burling, Washington, D.C.

Monday, April 29, 1985
8 p.m.

Starr Auditorium, Belfer Center
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ARCO Forum of Public Affairs
John F. Kennedy School of Government
Harvard University
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Students Conquer Heartbreak Hill

(Continued from Page 1)

to that extreme. . . . The sense of being able to do that is very satisfying."

The "Some'R Villains" credited "the diminutive Nora R. Dannehy" as their mentor and idol. Dannehy helped work with them as they prepared for the Marathon and became their unofficial coach.

The Villains are a group of law students who lived in Holmes Hall last year. This year they live together in Somerville in their "Somer Villa." The Villains include 2Ls Jeff Barbour, Chuck Milligan, Doug Hagerman, and John Gallo; JD/MPPs Steve Holmquist and Tom Perez; and 3L John Davis.

Last year two Canadian LLMs who lived in Holmes ran in the Boston Marathon. Their example inspired the Villains. That night, while "a little under the influence," the Villains pledged to run in the 1985 Boston Marathon and drew up a contract. Failure to run resulted in liquidated damages: "the purchase of the keg for the party after at the Somer Villa."

"For the first 16 or 17 miles," Barbour noted, "all six of us ran together. That was really enjoyable. The crowds were really supportive. At about 20 miles we split up, and it became very painful. The miles became longer. It ceased being fun."

All the Villains finished the race. Barbour noted that for three or four days afterwards the Villains went down stairs backwards. Still, he called the experience "well worth it."

Milligan agreed. "It was exciting," he said, "especially to see Boston people being nice for a change, instead of trying to run you over with their car."

All the Villains wore their "Villains" t-shirts. "The crowd was responsive to that," said Barbour. "They would shout, 'Here come the Villains!' " "At least twenty times," Milligan reminisced, "people yelled 'Villanova' by mistake." Hagerman said that when that happened the Villains would shout back, "Somerville!"

When asked whether the Villains would run in 1986, Barbour replied, "The general consensus is that drinking beer and watching runners go by is the more enjoyable way to participate in the Boston Marathon."

Not Another Debacle

For Steve Grygiel it was his best marathon ever. Grygiel placed fifteenth in the Boston Marathon with a time of 2:28:04. He has competed in seven consecutive Boston Marathons. Last year, he finished 162d with a time of 2:29:01.

Grygiel trained hard for this year's race. He credited Dan Schlesinger, 2L, a world class runner, for helping him. Grygiel also thanked his wife, who through it all was "enormously supportive."

Despite his hard training, the first two weeks of April were a disaster. Grygiel came down with a virus and strained an ankle tendon. "Up till a week before the Marathon," he said, "it wasn't clear to me whether I'd run."

By Friday April 12 his health improved. "I knew I could run but I wasn't sure of how well." Grygiel hoped to run a strong race. In the fall he had entered the New York Marathon "under-prepared and over-tired." "I dropped out," he said. "It was the only race or work-out I've ever dropped out of. Psychologically it was very painful." Grygiel vowed "not . . . to suffer another debacle."

April 15th, the day of the Boston Marathon, "dawned hot and bright."

Grygiel began "to surge" from miles 5 to 15 with times of 5:15 to 5:25 per mile. He passed many runners. At 19 miles he saw 25 of his family, friends, and relatives. "I realized I was running well because they seemed to be making an enormously large amount of noise. A prodigious amount of noise."

For the last mile and a half Grygiel concentrated on maintaining his pace and "tried not to fall apart." After he finished, "the first person I saw was my brother-in-law, who was working in the chute. He

propped me up and told me that I was in the top 20. I thought he was daft. At that point my thought processes weren't very clear."

Grygiel "went home and had a few beers. My brother-in-law called and said he had the results in hand. I had finished 15th. So, I had another beer."

Grygiel has clear ideas of how to run seriously in races. "Some people disassociate themselves from running so as to disassociate themselves from the pain. My feeling is entirely different. First, you should completely concentrate on the running itself. Second, if you're not in pain, you're not running hard enough."

For Grygiel, in running a marathon the challenge comes not in beating other runners, but in doing the best he can. "The competition is really with yourself," he noted. "I don't like to get too philosophical about my running, but I do have a philosophy about it. You have to confront yourself: your ability to withstand severe pain. More importantly, you can't give in to that pain. There's a little voice inside that says you can ease up now. But you can't, because if you do you're lost."

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"BETTER BUYS AT BRINE'S"

Debo Strongly Influenced U.S. Policy On Native

(Continued from Page 3)

the members of her network, alerting them to details about the bill's progress, and about what they could do to help its passage.

Debo's efforts, and those of her supporters, were instrumental in the passage of the bill which became the Alaska Native Claims Settlement Act of 1971, granting natives fee simple title to 40 million acres of land, \$962,500,000, and autonomous management of their affairs free of control by the Bureau of Indian Affairs.

Valencia-Weber says that Debo's work as an activist was guided by her ideal of "intelligent citizenship" — the belief that if a researcher comes across evidence of uncorrected injustice, she has an obligation to work toward its correction.

A recently commissioned portrait of Debo, painted by Charles Banks Wilson, whose portraits of Indians hang in the Smithsonian, now hangs in the Oklahoma State Capitol building. Wilson's painting shows Debo in her home, seated before a shelf of her books.

During the Vietnam War era, Debo was an ACLU spokesperson who appeared before groups and organizations speaking in defense of the first amendment rights of anti-war protesters.

Valencia-Weber met Debo during the late 60's, when the former began fieldwork for the ACLU in Oklahoma. Valencia-Weber said that, given the conservative climate of the area at that time, Debo was a remarkably effective speaker; people who expected to be con-

fronted by a long-haired radical were instead faced with an elderly woman who, because of her personality and her scholarly achievements, commanded respect for herself and for her position.

Valencia-Weber's relationship with Debo began during this period. Because Valencia-Weber was born and raised in Arizona, her familiarity with Native American tribal cultures did not extend to those in the prairie areas whose interests she hoped to promote. Because Valencia-Weber agreed with Debo that the combination of good intentions toward Indians and ignorance of their values and culture had historically resulted in policies harmful to Indian interests, she turned to Debo for instruction and guidance.

Sense of Integrity

Valencia-Weber says she feels she is a "very lucky woman" to have Debo as a mentor and a friend. She spoke admiringly of the "unerring sense of integrity and commitment which allowed [Debo] to go beyond the bounds of culture and ethnicity" and reach an understanding of Indian culture and history. She said that Debo's willingness to take risks — to travel alone to interview Indians in their families and communities, and to struggle to publish the truth that she found — allowed Debo to accurately document history while including the perspectives of the Indians who experienced that his-

tory and whose perceptions of it have often been ignored.

Five years ago Valencia-Weber and Matthews began to tape oral interviews with Debo. The interviews begin with Debo's account of her childhood in Kansas, her trip by covered wagon to the territory that became Oklahoma, the process of settling the area and building a community.

In addition, Debo has given Valencia-Weber, Matthews and others working on the film project access to her personal records, which include the original manuscripts of her books as well as copies of the newsletters she sent to her network of supporters.

An initial grant from Oklahoma State University allowed Valencia-Weber and Matthews to make oral interview tapes, which they shared with historians throughout the country.

Encouraged by the enthusiastic reception the tapes received, Valencia-Weber and Matthews decided to film interviews with Debo and others including Ft. Sill Apaches who aided Debo's research. A second grant allowed them to do the preliminary work on the film.

The week before Valencia-Weber came to HLS, she received a \$77,000 grant from the National Endowment for the Humanities and the Oklahoma Foundation for the Humanities earmarked for work on the film.

Valencia-Weber said that she is confident that "Still Water" will receive wide exposure. Barbara Abrash and Martha Sandlin, who co-produced the film, have produced nationally televised PBS documentaries, and negotiations have begun for a PBS showing of "Still Water." Further, although "Still Water" is presently in a rough-edited form, it was shown last week at the meeting of the Organization of American Historians in St. Paul, Minnesota. Valencia-Weber said that funds for final editing of the film are not yet available, and donations earmarked for this purpose can be made through the Institute for Research in History. IHR distributes teaching

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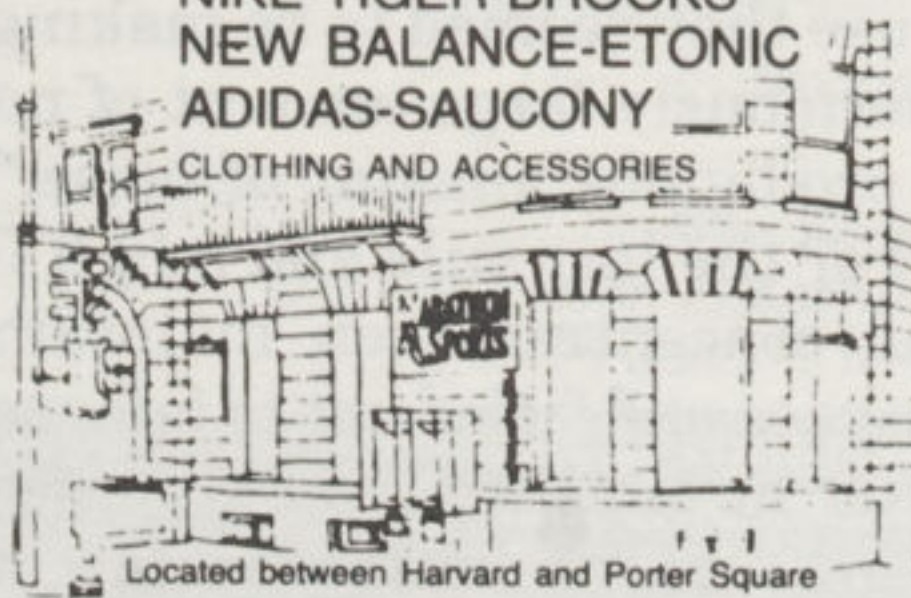
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materials along with its films. Gloria said that "Still Water" may be used as a teaching tool for those who wish to study Indian history, feminism, or the way in which elderly people and women function as professionals in the US.

More on Debo in the Works

Valencia-Weber is writing her third-year paper on Debo's influence on American law and policy regarding Indians. Valencia-Weber said that Debo's influence was of two types, springing from her work as an historian and an activist. Her reputation as an historian is one of accuracy and integrity; courts have accepted her historical works as evidence of how events actually happened. For example, the court in *Harjo v. Kleppe*, in an unusual endorsement of her work, cited Debo's books *And Still the Waters Run* and *The Road To Disappearance* to ascertain the history of the Creek tribal council.

An article by Valencia-Weber about Debo and the film project will appear as a lead article in the Organization of American Historians' newsletter.

Finally, Valencia-Weber and Matthews have been asked to write a full-scale historiographical essay for the *American Historical Review*, a major journal in history and the humanities, about Debo and her work as a historian. The article will appear as part of a 1986 issue on how the development of the U.S. is related to American Indian civilization.

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Legal Briefs (Contd.)

(Continued from Page 5)

The future of the Legal Services Corporation was the subject of a panel discussion held on Apr. 19. Panelists included **Rep. Barney Frank** (D-Mass.); **Clark Durant III**, Chair of the Board, Legal Services Corp.; and **William McCalpin**, Standing Comm. on Legal Aid and Indigent Defendants of the ABA (and Chair of the Board of the Legal Services Corp., during the Carter Administration.) The moderator was **John J. Curtin, Jr.**, Chair of the Section on Litigation, ABA. The panel was sponsored by the Law Student Division of the American Bar Association.

The East Asian Legal Studies group recently sponsored two speakers. On Apr. 19, **Visiting Prof. Tadashi Hanami**, Faculty of Law, Sophia Univ. spoke on "Current Issues in Japanese Industrial Relations." On Apr. 24, **Steven Michaud**, '78, spoke on "The Role of Lawyers in the Japanese Trading Company."

Charles Ogletree, '78, Deputy Dir., Public Defender Service, D.C., conducted a workshop on cross-examination April 19. Ogletree's tips were sponsored by Harvard Defenders.

Prof. Irwin Cotler, who taught Int'l Human Rights at HLS last year, discussed the imprisonment of Nelson Mandela in South Africa and Anatoly Sharansky in the Soviet Union on Mon., Apr. 22. The event was sponsored by Harvard Jewish Law Student Association, Black Law Student's Association, the Human Rights Program, Amnesty International, Law School Divestment Committee, and Inter-Community Alliance. Prof. Cotler also joined HJLSA for brunch. He spoke on the *Zundel* case, (concerning a conviction of violating Canadian law by publishing material denying the Holocaust.)

More Events

Dr. Ernest Loevinsohn, Staff Dir., House Select Comm. on Hunger, U.S. Congress, discussed the politics of hunger and the work of the Select Committee, Apr. 22. His appearance was part of Visiting Lecturer Philip Alston's Food Law and Policy seminar.

Sex crimes was the subject discussed in "Victims of Violence — or the System?", a panel discussion held Wed., Apr. 24. The film "Take a Stand," was shown and speakers included: **William L. Murphy**, D.A. for Richmond County, NY; **Linda Fairstein**, Chief, Sex Crimes Prosecution Unit, N.Y. County D.A.'s Office; and **Burt Neuborne**, Legal Dir., ACLU. **Prof. Phillip Heymann** moderated the discussion which was sponsored by the Harvard Government Attorneys Project and the Women's Law Association.

The Harvard Law School Black Alumni Organization held its second annual meeting last weekend at HLS.

Rep. Barney Frank, '77 (D-Mass.), House Judiciary Subcommittee on Immigration, Refugees, and International Law, and **Prof. Deborah Anker** led a panel discussion on "Lesbian and Gay Immigration Issues" on Apr. 21, in P102. The discussion was sponsored by the Committee on Gay and Lesbian Legal Issues.

An April 22 panel discussion considered "Boxing in the 80's: Should it be Regulated or Knocked Out." Speakers included **Jose Torres**, former World Light Heavyweight Champion and Chair, N.Y. State Athletic Commission; **Dr. A. P. Bloomenthal**, Ringside Physician; **Dr. Robert Cantu**, Chair, Physician Stands Comm. on Boxing, American College of Sports Medicine; **The Hon. A. Joseph Denucci**, Member, Mass. House of Representatives; **Thomas Rawson**, Commonwealth of Massachusetts Boxing Commissioner and Harvard Boxing Coach. **Prof. Paul Weiler** moderated the discussion which was sponsored by the HLS Committee on Sports and Entertainment Law.

Freemasons' Influence Analyzed

(Continued from Page 6)

the city government of London itself. After discussing masonic membership in medicine and architecture, he comes to the "non-productive" professions, such as law. We learn that the Inns of Court, which dispense the credential of barrister (allowing one to appear on behalf of a client in all of England's courts) are run by Masons. We learn that many, if not most, of England's circuit judges belong to the brotherhood.

Masonic Influence

The picture painted in *The Brotherhood* is that these memberships have tangible effects. A police officer's testimony is accorded greater weight because his oath to tell the truth was sworn by "the Great Architect of the Universe" rather than by the more traditional "God." A witness in a child custody case gets a sudden reprieve from incisive cross-examination after making a Masonic gesture. The author himself gets cooperation from a previously unhelpful London city bureaucrat after giving the Masonic third-degree handshake (thumb pressed between second and third knuckles.) A British police detective, seeking promotion, takes the civil service exam and employs a stylized capital "A" to communicate to the grader that he is a Mason, thereby circumventing the usual anonymity of test-grading.

Knight, an investigative journalist, stops short of claiming to have found any across-the-board bias by Masonic judges in favor of Masonic litigants or lawyers. As he states, "[i]t is only common sense that if there was a single Freemason

judge in England who regularly tried to influence juries in favor of Masonic prisoners, who showed favor to Masonic litigants, or who regularly passed the lowest permissible sentence on his Masonic brethren, he would have been exposed long ago, given the large number of assiduous journalists, honest and otherwise, this country boasts."

American Masons

The food for thought offered by the book centers on the United Kingdom. In passing it drops a few crumbs about the United States. Most of us were probably at least vaguely aware that George Washington and most of America's founding fathers were Masons, and that the all-seeing eye on the dollar bill is a Masonic symbol. Yet how many of us know that "Madison, Monroe, Jackson, Polk, Buchanan, Andrew Johnson, Garfield, McKinley, both Roosevelts, Taft, Harding, Truman, Lyndon Johnson, Gerald Ford and Ronald Reagan have been Masons?" How many know that "seventeen Vice-Presidents including Hubert Humphrey and Adlai Stevenson" have also been brethren? One is led to wonder whether the U.S. state or federal courts have seen Masonic influences like those described for England.

One is also led to draw parallels between British Freemasonry and various American institutions. *The Brotherhood* suggests that M.I.6, the British foreign intelligence service, contains many Masons. It also suggests that one high official recently revealed to be a Soviet spy reached his position through Freemasonry. Do American intelligence activities

ever suffer because of the traditional link between Skull and Bones (one of the Yale secret societies) and the C.I.A.?

Issues Close to Home

The Brotherhood may prompt the HLS student or alum to think about certain issues rather closer to home. Credentials such as law review membership or attendance at a particular school (or even admission to Phi Beta Kappa!) may influence job prospects. The biases of a faculty or a law firm hiring committee arising out of its members' credentials however, are open to public scrutiny, while bias due to membership in a secret society is not. Is the anonymity of the exam blue books, or of the Law Review writing competition, ever breached by recognition symbols? Perhaps an investigative journalist should inquire whether Choate, or Powwow, or any other secret HLS societies exercise influence that deserves public scrutiny.



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