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LSC Votes To Ban Law Firm

By Patrick Miles
and Liz Askey
Staff Writers

The Law School Council has issued a formal request that the Chicago-based firm of Baker & McKenzie be banned from interviewing on the law school campus next year, in response to a highly-publicized interview that firm conducted with a black law student at the University of Chicago.

The University of Chicago (U of C) Law School banned Baker & McKenzie from interviewing at that campus next year after learning of an interview conducted by partner Harry O'Kane in which he asked offensive and illegal recruiting questions of a black third-year U of C law student.

The recommendation to June Thompson, Director of Placement calls for the Placement Office to ban Baker & McKenzie from interviewing at the Law School for the 1989-90 academic year and to publicly censure the firm.

Additionally, LSC has requested that the Placement Office arrange to meet with representatives of Baker & McKenzie and students from

Law School Council Recommendation

- One-year ban on Baker & McKenzie interviews on HLS campus
- Placement Office censure of B & M
- Assist B & M in improving interview process
- Alert other firms to interviewing standards
- Placement Office of U of Chicago ban support

minority organizations "to help the firm improve its recruiting skills, interview less offensively, and be more inclusive of minorities in its hiring practices."

Other measures called for include sending a letter to the firm to denounce its behavior with a warning of further sanctions for any similar behavior and alerting other firms which interview at HLS to the incident, warning those firms that such behavior will not be toler-

ated.

The LSC has also recommended that HLS issue a press release stating that the Law School will not tolerate interviewing practices that discriminate on the basis of race, sex, religion, or ethnicity. The LSC stressed that such a press release should emphasize that the U of C Dean "acted properly in banning Baker & McKenzie."

According to Susan Page, 3L, who originally proposed the LSC action, the recommendation is designed to let people know that interviewing harassment won't be tolerated by HLS or its students.

Thompson had not received the resolution as of press time and was unable to comment on the recommendations. She did note that "we [members of the Placement Committee] are discussing it [the incident]." The Placement Committee will also study Baker & McKenzie's Equal Employment Opportunity Program which it has formulated as part of its negotiations with U of C, Thompson added.

During the now infamous (continued on page 9)

Crucial Ames Case Cut From Reporter

By Tom Bilello
and Greg Herbert
Staff Writers

Excessive competitiveness in the first-year Ames Moot Court Competition is suspected in the removal of a 60-page case from a federal reporter in the Harvard Law Library. The incident, first reported to the library staff early in the Ames competition, occurred despite steps taken by the Board of Student Advisors (BSA) to reduce the competitiveness inspired by the first-year moot court program.

The case, *Smith v. Van Gorkum*, a recent decision involving corporate law issues, was apparently cut from the reporter with a razor. "It looked like a clean cut, like it was pretty carefully removed," said Jeff McLaughlin, 2L, one of the BSA members supervising the Ames exercise in question.

"I can't imagine anyone being that hardcore for something that uncompetitive, something that's not for a grade," said Brian Timmons, one of the first-year students working on the exercise.

The *Smith* case was crucial to the research of 12 students in the first round and 16 students in the second round, according to McLaughlin. The case was one of only two cited in the record prepared by the BSA for the exercise. Additionally, the duplicate volume of the reporter could not be located at the time the incident was reported, according to circulation services librarian Susan Parker.

In response to the vandalism, the BSA convened a meeting with Parker, the Ames teams involved with the case, and a representative from the office of the dean of students, Gwen (continued on back page)

Brawley Attorney Repeats Racism Charges To Ovation

By Troy Morgan
Staff Writer

Attorney C. Vernon Mason closed his address to 270 HLS students on March 7 amidst a standing ovation. He concluded, "I want to repeat to everyone within the sound of my voice, that Stephen Pagones, Scott Patterson and Harry Crist, amongst others, raped, kidnapped and sodomized Tawana Brawley."

Mason came to HLS, he said, "to share with you a context and a perspective" with which to view his and his partner Alton Maddox's behavior in the Tawana Brawley rape case. The way the case has been handled has been much criticized by the press, notably the *New York Times*. Mason said that the press has characterized him and Maddox as "charlatans and demagogues," and has even labeled Brawley, a sixteen-year-old black woman, a "liar." "The *New York Times* did not call Richard Nixon a 'liar,'" he commented, "they reserved that."

Brawley maintains that two years ago, six white men raped and sodomized and put her in the plastic garbage bag in which she was found with racial epithets smeared on her with excrement. Mason stated that the grand jury report issued by New York Attorney General Robert Abrams' office says that Assistant District Attorney Stephen Pagones and Scott Patterson had a conversation two hours before the incident was reported and before Brawley had been found, in which "Pagones asked the question, 'Have they found the girl in the bag of s-h-i-t?'" Mason said that "there was no way for Pagones to have known that

Dershowitz Blasts Mason, see back page

she was in a bag of s-h-i-t before it was reported and before she was found unless he put her there."

Although "Bob Abrams said nothing was wrong with her," Mason continued, "the *City Sun* reported that the hospital said she had burns over 30% of her body and diagnosed it as a sexual assault." Mason chided the *New York Times* for not printing this.

"Why are people so willing to accept the white media's explanation of these events?" asked Tynia Richard, 2L, who will be next year's president of the Black Law Students Association (BLSA). BLSA co-sponsored this talk with the Women's Law Association (WLA) and several other organizations. "Why is the public so willing to question a black woman's plea for help?"

Mason likened public acceptance of the coverage of the Brawley case to believing the *New York Times*' stories of Winnie Mandela's alleged "football club" beatings, which he claimed were derived from the Botha government.

Mason defended his "Afrocentric" perspective. "I'm tired of hearing negroes apologizing for being black or for standing up for an Afrocentric viewpoint. I think we have as much right not to forget what happened to us as any group on the face of the earth. If that is radical, condemn me. If that is demagoguery, then I will wear the label."

Before discussing the Brawley case, Mason depicted the history of oppression of blacks in America, especially his own experiences defending blacks denied justice in New

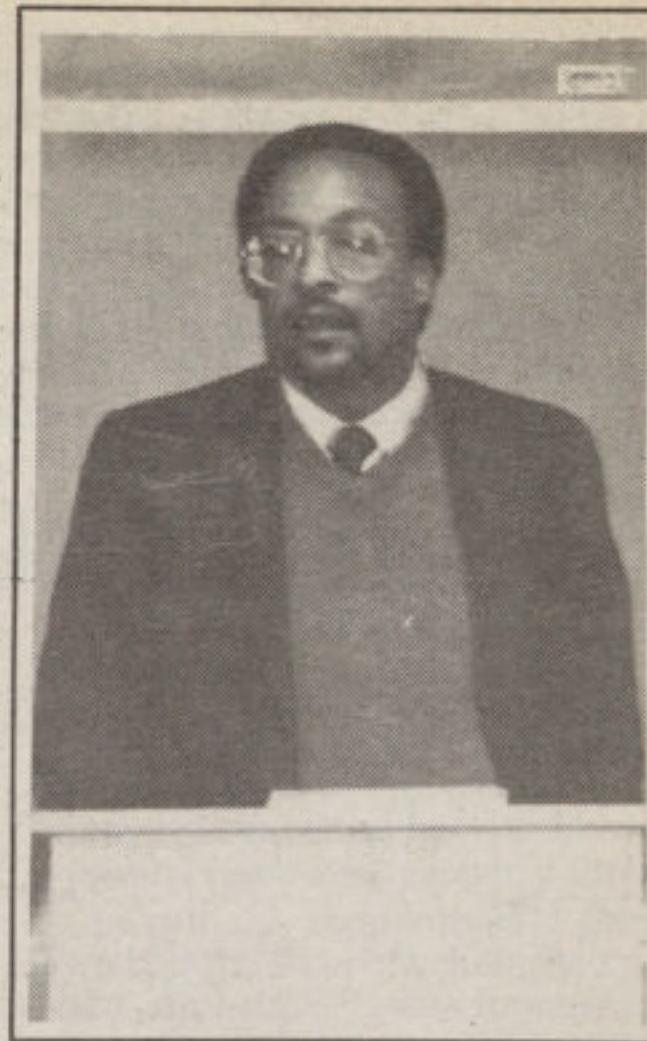
York City police brutality cases. Bonnie Savage, 3L, president of WLA, remarked that "this lead-up prepared you for what he had to say about Tawana Brawley distrusting the authorities and the justice system." Savage regretted, however, that "there was little gender focus" to the discussion.

During a brief interchange, Prof. Alan Dershowitz accused Mason of "misleading the students by omission" and hurting Brawley's case by throwing around "half-truths." Dershowitz said that Mason similarly "undercut [Mason's] credibility" in the Howard Beach case.

In that case, a black youth, fleeing from a group of whites who had beaten his father, was killed by a car driven by 24-year old Dominick Blum. The

father of the dead boy, Cedric Sandiford, identified Blum as the driver of a car involved in the chase that resulted in the assault on Sandiford.

Dershowitz criticized Mason for continuing his accusations that Blum was part of the original gang that assaulted Cedric Sandiford after Blum's witnesses produced an airtight alibi. Mason and Maddox advised their client not to testify until a special prosecutor was appointed who would bring charges of murder against Blum. They accused the police of engaging in a "cover-up," which included hiding Blum's smashed car in the garage, because Blum was a court officer and son of a police officer. Cedric Sandiford's assailants were convicted, but no charges of any kind were ever brought (continued on back page)



Patricia Lee

Vernon Mason

Kennedy, Sullivan Up For Tenure

By Tom Bilello
News Editor

This year Kathleen Sullivan '81 and Randall Kennedy will be the latest in a long line of professors to endure the scrutiny of the tenure process.

As a student, Sullivan's team won the annual moot court competition, with Sullivan gaining best oralist honors in the process. She has published articles on such topics as affirmative action, civic republicanism, AIDS and criminal law, as well as an upcoming piece to be published in the May 1989 issue of the *Harvard Law Review* entitled "Unconstitutional Conditions."

Kennedy, who declined to discuss his pending tenure de-

cision, recently wrote an article concerning the controversial Supreme Court opinion in *McCleskey v. Kemp*. He has drafted another article criticizing claims by some minority scholars that minorities are excluded from the upper echelon of legal education and undervalued as scholars.

The Appointments Committee, chaired by Professor Todd Rakoff '75, will examine the body of each professor's writings.

The Committee will also examine the pedagogical skills of each professor by visiting classes, examining The Board of Student Advisors' course evaluations and randomly interviewing students.

Finally, the Committee

makes a recommendation to the faculty whether to grant or deny tenure. The faculty then votes, with a two-thirds majority needed to grant tenure. The faculty's decision is subject only to the discretion of University President Derek Bok '54.

Sullivan's appointment would make her the sixth female tenured professor at HLS; Kennedy's would make him the third black tenured professor. Regardless of the outcome, the decisions will leave HLS with no female candidates and only one black candidate — Assistant Professor David Wilkins — on tenure-track. Charles Ogle-tree '78 has received faculty approval for a tenure-track slot, but the Harvard Corporation has not yet granted a final affirmation.

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BAR REVIEW

Fried Accepts Label Of 'Activist' Solicitor General

By Erin Edmonds
Staff Writer

Prof. Charles Fried's story reads like an American dream come true. It began when, as a boy in Czechoslovakia, he watched the fascists and then the communists pillage his country. Today, Fried is a renowned professor, scholar and government attorney, and has returned to his teaching post at HLS after a four-year absence during which he served as Solicitor General of the United States.

In his term as solicitor general, one commentator called him "the most activist solicitor general in years," a label at which Fried initially bridled but one

PROFS IN THE PUBLIC EYE

with which he now agrees. Fried estimated that his office filed well over a thousand briefs, including amicus briefs and petitions for writs of certiorari. He argued more than 25 cases himself, involving issues ranging from public utilities to environmental protection to state abortion laws.

According to Fried, the job was not filled with a lot of "fancy, high-level stuff." And, he said, what a solicitor general does depends on the attorney general under whom he serves. Meetings to discuss government policy and positions in certain cases were routine; recommendations, the mandatory process by which the solicitor general approves all government appeals, were also part of the job.

After the standard tasks, however, there were widely divergent levels of participation and direction for Fried. For example, Edwin Meese, the former attorney general, actively recruited and enjoyed what Fried called, with a smile, "monster rallies." Monster rallies were lively discussions about the role the government should take in a particular case; usually the conflicting sides gathered forces and convened in Fried's office. In extreme cases, if the conflicting parties were unhappy with the first meeting's resolution, Meese would be involved, and then it would turn into a "super monster rally."

Attorney General Richard Thornburgh, by contrast, had "meetings only for specific purposes, with specific people. With Mr. Meese, I always knew what was going on in the rest of the department, and that was interesting. But some of the things weren't any of my business.... With Mr. Thornburgh, there were many fewer people giving me advice, who, maybe, I didn't really need to hear from."

Fried compiled an impressive record during his stay at the Justice Department. He participated in many significant cases dealing with issues such as the Independent Counsel Act, the Gramm-Rudmann Act, and the federal sentencing guidelines. He was most recently noted for his role in the *Croson* case, the minority business enterprise set-aside case decided

this term by the Supreme Court. Fried quipped that he was an activist pushing the courts not to be activist.

Fried argued several times before the Supreme Court. Even for a Harvard professor, he said, that took some getting used to. He described the essence of arguing before the Court as very different from what he had imagined it would be. It was very little a matter of having a fancy speech to give to the justices, he explained; rather, the trick was to "provoke them into asking you questions, so that you could answer their questions in very much of a shotgun way."

When asked whether his experience as a Harvard professor aided him in eliciting those sorts of questions, he laughed, "not at first. At first I must have had the impression that I was a teacher with nine students. I figured out later that really I was a student with nine teachers. Once I figured that out, it was much better."

Fried said he did not miss academia much while he was gone because his job was very close to being an academic in some respects: it involved reading material, talking with people about the issues, and trying to arrive at the right answer. Fried pointed out that many solicitors general were originally law professors, including Erwin Griswold '28, Robert Bork and Archibald Cox '37.

Fried's experience as solicitor general was colored by what he called his "refugee" status. After watching first Hitler and then the communists nearly destroy his country, he emigrated with his parents to Amer-

"Protecting [the unborn] is like preventing child abuse—it's not a matter of privacy."

ica. Because of this, Fried explained, "I think you take being an American more seriously. You don't take it for granted."

In 1984 Fried wrote a piece in which he explained that, as an immigrant, he loved America "not as a child loves a parent he never chose, but as a lover would." He said that his experience as solicitor general has not altered this sentiment, that serving in government did not make him any less enthusiastic about the benefits of being an American.

Indeed, Fried has long been a staunch supporter of individual freedom from the tyranny of government, and in his role as solicitor general he often argued purposefully along those ideological lines. He is not a supporter of judicial activism. He often argued against the rendering of merely advisory opinions, and advocated strict interpretation of standing requirements.

When asked how he squared his ideology with his support of efforts to overturn *Roe v. Wade* (in *Diamond v. Charles*, for example, challenging Illinois' abortion law), he explained, "The position we took in the brief is not that there isn't such a thing as a right to privacy, because I think there is, but rather that what is



Prof. Charles Fried

involved in abortion laws (like the one in Illinois)...is the view that abortion involves the killing of innocent third parties.

"If that's your belief, then this is not a case of the state imposing on individuals, it is a case of the state doing that which everyone agrees is the fundamental duty of the state, which is to protect people from each other. Protecting the interests of innocent third parties is not a matter of privacy. It's like preventing child abuse — it's not a matter of privacy."

Fried indicated that it was remarkable how quickly he settled back into life at HLS, and that he thinks the sheer volume of law with which he familiarized himself as solicitor general will be an added asset in his professorial role.

Fried is very enthusiastic about his experience as solicitor general, and about public service in general. He advises interested students to clerk ("invaluable," he pronounced), and to seek a job with the government early because many positions of responsibility are quickly conferred.

Fried said that he intends to do a lot of writing in the near future while he continues teaching at HLS. He wants to get involved with public life, he said, and perhaps do some outside legal work.

Federalists Attend National Symposium In Michigan

By Dan Kroll
Managing Editor

Someone once told a member of the HLS Federalist Society that if he couldn't stand the heat, he should go to one of those conservative law schools in the Midwest.

While the University of Michigan Law School is anything but conservative, 13 HLS students apparently heeded this advice last weekend as they left sunny Cambridge to attend the Federalist Society National Symposium at the University of Michigan Law School on March 10 and 11.

The students, who included 1Ls, 2Ls and 3Ls among their ranks, joined hundreds of other students, professors, judges and attorneys from across the nation to attend panel discussions

on the subject of "Property: The Foundation, the Welfare State and Beyond."

Many also attended for the opportunity to rub elbows with conservative and libertarian stalwarts, like former Attorney General Edwin Meese III, HLS Professor and former Solicitor General Charles Fried, D.C. Circuit Court of Appeals Judge Douglas Ginsburg, Seventh Circuit Court of Appeals Judge Frank Easterbrook, HLS Professor Richard Stewart '66 and University of Chicago Professor Richard Epstein, all of whom participated in the weekend's events.

Of course, the distinguished panel members were not limited to those of conservative or libertarian ideologies; other noted legal scholars, including University of Michigan Professors William Miller, and James Krier, Northwestern University School of Law Professor Carol Rose and Yale Professors Peter Schuck and Robert Ellickson, were on hand to provide a balance on the panels and in the extemporaneous discussions. "It's no fun if it's not a good argument," said HLS Federalist Society President Sam Levy, 3L, who attended the event and described the statements and issues raised as "hotly debated."

The keynote speaker was Meese, who elaborated on his theories about "original intent" in constitutional interpretation. Meese also stressed to his listeners the importance of the Federalist Society in building up a conservative *pro bono* movement to litigate property rights issues and other issues of con-

cern to libertarian legalists.

Public interest law firms which represent clients such as low-income tenants and convicted criminals are able to draw upon attorneys from private practice to litigate cases, Meese said. He urged that, with the help and support of lawyers from the Federalist Society, conservative public interest groups which represent low-income property owners or victims of crimes should also be able to draw on attorneys from private practice.

Another highlight of the weekend, according to Ron Edquist, 2L, was a lecture on property given by property guru Epstein, who was introduced by Krier with the statement that "listening to [Epstein] speak is like listening to Niagara Falls. When he stops, it's like Niagara Falls stopping."

Edquist said Epstein proceeded to deliver a lecture which was basically "a condensed version of his [University of Chicago] property course." While Edquist said Epstein "always wows the audience," he admitted that Epstein spoke so quickly and at such a level of complexity that the lecture was "difficult to follow."

Another lively panel session entitled *Regulation and Property: Allies or Enemies?*, featured Ginsburg as moderator and included Ellickson, Krier, Stewart and Gale Norton, a research fellow at the Pacific Research Institute. While Stewart advocated greater flexibility in regulation of property interests, Ellickson launched into his pet theory

from his article, "Of Coase and Cattle," that regulators consistently underestimate or ignore the extent to which many communities have their own rule systems regarding property interests.

In general, students said they were awed by the level of scholarly debate at the symposium. "I was impressed with the caliber of speakers — particularly our own professors," said Edquist, who commented favorably on the fact that the organizers managed to draw speakers from a wide range of opinions.

"It was the first time in years I was actually interested in something legal," said Noah Scheinfeld, 3L, who is apparently experiencing the epidemic apathy of third-year students. Scheinfeld said he was also impressed with the University of Michigan campus. "I think it would be a more pleasant place to go to law school," he said, commenting on the beauty of the architecture and the lack of "Gropius monstrosities."

Levy also praised the beauty of the campus, and commended students and faculty for their hospitality. "The students there did a wonderful job," he said, adding that the "dean was very cooperative — and he is not even a Federalist."

Other HLS students attending the symposium were John Goebel and Charles Oellermann, 1Ls, Woodrow Downs, John Buckley, Peter Harris and David Rosenfeld, 2Ls, and Dan Maljanian, Jack Sharman, Rod Rosenstein and Saied Kashani, 3Ls.



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Editorials

Baker Ban Too Knee-Jerk

The problem with knee-jerk reactions is that you can never be sure just whom will be kicked in the pants when the foot involuntarily flies up.

When the Law School Council chose this week to recommend that the placement office ban the mega-firm Baker & McKenzie from interviewing on campus, it surely did the politically correct thing — damn the students who might suffer as a result.

When the Black Law Students Association prevented a Baker & McKenzie attorney from attending a weekend HLS symposium on, among other things, minority employment, it robbed a law firm, which could obviously use the lesson, of an opportunity to learn about issues important to black students.

The incident to which both organizations were responding, the overtly racist interview of a black University of Chicago law student, clearly begged for some type of action on that campus, and symbolic protest elsewhere.

But in their haste to vent frustration against a rare case of well-publicized racism, one group overstepped its authority and the other overreacted.

The Law School Council exists to represent the student body in relations with the administration, and, to some extent, with the legal community at-large. It would have been entirely appropriate given that authority for the LSC to issue a public condemnation of the incident and the firm's inability to foresee it.

By requesting that Baker be banned from campus, however, the LSC has decided for all HLS students that they should not interview with a law firm which harbors a racist partner.

That organization has no mandate to interfere with students' individual decisions to weigh the benefit of symbolic protest with the cost of foregoing employment with a top-flight law firm. Some students might quite legitimately believe that boycotting law firms with racist partners effectively eliminates private practice as an employment option.

Regardless, the LSC was on especially shaky ground when there have been no charges of improper Baker & McKenzie interviews with Harvard students.

The BLSA case is even more questionable. By sending an attorney to a conference focusing on minority issues, Baker was at the very least attempting to demonstrate its commitment to improving sensitivity toward minorities.

The BLSA rebuff of that effort leaves the bitter image of a group more interested in its symbolic moralizing than in effecting practical change.

The incident at the University of Chicago was a well-deserving target for criticism from all circles, as well as for intense pressure for changed attitudes — not for steps that harm innocent bystanders or which frustrate the improved sensibility that is rightly demanded.

C.A.C.

Bucking The Party Line

Two much-discussed, Harvard-related studies have recently subjected their authors to considerable unfair abuse for committing the sin of bucking the party line of their respective "movements."

Felice Schwartz, a self-avowed feminist, dared to suggest in a *Harvard Business Review* article that corporations, instead of treating women as second-class employees because they cost more and are more likely to leave the company, should allow their female managers to decide for themselves whether they will be "career-primary" or "career-and-family," and adjust their employment tracks accordingly.

HLS Asst. Prof. Randall Kennedy, in a widely distributed draft of an upcoming law review article, went out on a limb far enough to argue, first, that "blackness" is not necessarily a scholarly attribute and does not guarantee a unique perspective on the study of law; and second, that critics have failed adequately to prove that black scholars have been excluded from the elite circle of legal intelligentsia.

Both have attempted to be intellectually honest in the face not only of criticism of their substantive claims, but of charges that their arguments are all the more pernicious because they betray their respective interest groups.

Neither Schwartz nor Kennedy claims a definitive conclusion to the troublesome issues each addresses, but their hasty critics seem more interested in preserving the illusion of simplicity than in accepting that not everyone so readily sees life as fitting into their compact assertions.

C.A.C.

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Mason Speech A Mistake

To the Editor:

As a law student and a native of Poughkeepsie, NY, I must say that I am appalled at the decision of the Harvard BLSA Chapter to invite C. Vernon Mason to speak on the Tawana Brawley case and the status of civil rights litigation in the United States, and dismayed at the conquering hero's reception he received from the majority of those in attendance last Tuesday night. I find it difficult to believe that no more legitimate advocate could be found to address the very real problems of race relations and the law which Mr. Mason's race-baiting tactics have only served to exacerbate.

Letter To The Editor

The conduct of Mr. Mason and his colleagues Alton Maddox and Al Sharpton throughout the course of the media circus they coordinated around the cryptic, half-told story of Ms. Brawley and the wild allegations they fired at everyone involved, from Governor Mario Cuomo and Attorney General Robert Abrams, clearly had little to do with upholding the rights of an obviously troubled young woman and nothing to do with the law. Accepting, for the moment, Mr. Mason's assertion that the non-cooperation of Tawana Brawley with the special grand jury, like Glenda Brawley's decision to unlawfully defy a subpoena to testify, was based on their belief that the proceeding was merely an elaborate ruse on the part of the Governor and Attorney General to cover up the real story, one is still left with the question voiced Tuesday night by Pro-

fessor David Wilkins, yet left unanswered by Mr. Mason: "Why won't Tawana speak now?"

Messrs. Mason, Maddox, and Sharpton have publicly accused three men, Assistant Dutchess County District Attorney Stephen Pagones, Scott Patterson, and Harry Crist, of having participated in the abduction and rape of Tawana Brawley and alleged that they possess evidence linking these men to the supposed crime. Yet in the face of the nearly unanimous conclusion reached by those following the case closely, one can only wonder at the refusal of the Brawley brain trust to produce such "evidence," either publicly or for the benefit of a court, or to allow Tawana to tell the story herself (for the first time). One need not be a cynic to conclude that, having milked a sensational yet apparently baseless story for its full media potential, Mr. Mason and his colleagues are content to let it fade from the spotlight and lie in wait for the next bully pulpit to emerge, mindless of the damage they may have wrought on an unsuspecting community, the goodwill of those of any race who support the civil rights movement but favor rational discourse and challenge over headline-grabbing histrionics, or Tawana Brawley herself.

I commend BLSA for its efforts, past, present, and future to increase the level of awareness among the too-often blinkered and insulated HLS student body to the existence of racial injustice and the frequent lack of response by the legal community. But I must repeat that I feel a grave error in judgment was made in providing a forum for a man whose tactics are every bit as racist as those he would accuse.

Leonard A. Cohen, 3L

Cross-Examination

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Fighting The War Against Junk-Solicitation

They told me I could write checks. They told me it would be a great ID. They told me I'd love a credit card. They didn't tell me I'd be at the mercy of every junk-mail purveyor in the continental United States.

And it's not even the mail that both-



Robin Juni
Columnist

ers me. Once I get over the disappointment of not having received any decent mail, I can quickly trash the Exxon card offers and "free" trips to Florida. The phone calls are a different story.

Robin Juni, 1L, edited The Oracle at Hamline University, in Minnesota.

First there was Ed. Ed was a "proud representative of Sears Travel Service." He stressed the "free, trial offer" which was being offered to "special customers only." I had "30 full days" (as opposed to 30 half days?) to cancel if for any reason I was dissatisfied, but he was confident I would be "very happy with this quality service." Ed also sounded like he had six starving kids and really needed me to capitulate in order to make his quota for the evening. In a moment of weakness, I did.

That was mistake number one. After receiving the Sears-associated junk mail congratulating me on my "wise decision" to join their "millions of satisfied customers," I remembered my intention to cancel this thing. I called the "membership hotline" and talked with Beatrice. Unfortunately, Beatrice was worse than Ed. She sounded just like little old ladies I used to know in church, and I couldn't bear to cancel on somebody who probably still makes cakes from scratch. We did have a nice conversation, though.

Strike two.

By this time, I was rather annoyed at my inability to utilize any assertive, lawyer-like skills in this simple transaction. (After all, what am I paying \$20,000 a year for?) I called back again, bound and determined to succeed in my cancellation effort. I spoke to Karen, who sounded like she had neither starving children nor cookies baking in the oven at home.

It was tough, but I got the service cancelled after only about 10 minutes of saying "Yes, I know I'm giving up an opportunity to save hundreds of dollars in vacation bonus plans." (By the way, telling her that vacations and law school were a contradiction in terms was singularly ineffective.)

Next, I begged off a home shopping service with the excuse that I was a penniless student who couldn't afford to pay shipping and handling, let alone the merchandise costs. The home shopping people were creative, though. They said if I enrolled, I'd have that much more time to study, since I wouldn't

waste it on fighting shopping crowds. Obviously, home shoppers are completely unaware of the mental health benefits which inure from a good, procrastinatory (what's law school for if you can't make up words?) shopping expedition.

Last, but certainly, *certainly* not least was Bob the computer call. Bob was selling refrigeration systems "for your home and office." Bob didn't explain why one would want a refrigeration system in his or her home or office, but I figured Mom and Pop butcher shops must be making a comeback. In any case, listening to Bob spew forth information about the wonders of refrigeration systems taught me that it is possible to fill lots of time in discussion of even the most boring topic. What a lesson for oral argument!

I think I'll do some more research on this phone solicitation business. If law school doesn't work out, it could be an alternative career.

HLS, Inc.

By Luke Cole



Fenno

"Bang!" thought Fenno, shooting the breeze. "Another one bites the dust."

"Did you have a question, Mr. Fenno?" asked Mr. Dandros, ruffling his bow tie. "You're the only one in the class that has yet to state correctly the facts of a single income tax case, and you are about to tax my patience."

"He heard me," dreamed Fenno, twitting with embarrassment and guilt. "Pass," he said in a cool, dignified tone, innocently turning the pages of his phone-book-sized "Selected Federal Statutes", which was upside down.

"Not this time," said Dandros, peering eagle-eyed over his spectacles. "Part of being a lawyer is knowing how to answer the unexpected question. You can't tell the judge, 'Sorry, Your Honor, I'm not prepared.' In other words, Mr. Fenno - wing it!"

Fenno awoke. What a nightmare! His bed was wet from sweat and other bodily fluids elicited by intense fear.

"From now on I'm going to be prepared," he resolved, not noticing his pet dog Spuds huddled and shivering in the corner, looking at him with an expression of bewilderment and incomprehension. "Is this the Fenno I know?" pondered Spuds, dumbfounded.

Fenno took a spoon and carefully removed the dust and cobwebs from his Federal Tax textbook. But when he opened it, a mouse popped out and scattered dust and debris everywhere. "Cough, cough, hack!" exclaimed Fenno, wheezing and sighing as his eyes watered, forming mudcakes in the dirtpile on his desk.

Fenno's pet snake, Rusty, choking on the lump in his throat from the mouse that popped out of the casebook, said, "You ought to study more often, Fenno. That mouse tasted almost as good as the fish that jumped out of that novel you opened the other day. What was it called? *Salmonic Verses*, or something like that," Rusty hissed.

"Shh!! Don't say that too loudly, Rusty," urged Fenno, chiding himself for his choice of the one non-law school book he could remember purchasing since *The Catcher in the Rye* created such a stir back when Fenno was a 2L.

Fenno didn't understand what all the fuss was about with that book, anyway. "Reading it was't such a blast-for-me," he thought.

Propping himself up in his comfy chair, Fenno decided to resume his perusal of his hornbook, *The Joy of Tax*.

As he started to read, however, Fenno was visited by a familiar friend—the Wizard of Blahs. "I've come to help you do your homework. Let's see what it says here, uh, Blah, blah, blah..."

Fenno fell softly back to sleep, comforted by his new ambition to be prepared.

Dead Lines

By KA



SFF Contributions Are Alms For The Rich

I'm against greed pretty much wherever I see it. In fact, that's one reason I don't give to Student Funded Fellowships (SFF).

I mean, think about this for a minute — what are Student Funded Fellowships? People are starving, homeless; this week the plight of a New Hampshire boy was in the news — his family needed



Brad Smith
Columnist

to come up with \$150,000 to pay for a life-saving bone marrow transplant. Yet I'm supposed to fork money over to some HLS student, by definition one of America's most privileged individuals? Where is the CHF when you need it? Call me selfish, but I'll continue send-

Brad Smith, 2L, serves as a senior policy analyst for the Mackinac Center, a conservative libertarian, Michigan think-tank.

ing my bucks to poor children in South America.

There seem to be two lines of response to this cold-hearted argument. The first is that students who want to go serve in "public interest" jobs are somehow morally superior, and so deserving of special support. The second is that the money effectively goes to the "public interest" organization, allowing it to benefit from the services of remarkably talented HLS students working where they otherwise would not.

Neither argument moves me much. Where is the moral superiority in saying, in effect, "I want to work in the public interest, but not if it costs me too much?" Both arguments also falter on a more fundamental ground: much of what today passes for "public interest" law is, in my book, incredibly destructive of the public interest.

Consider a simple example here on campus — Students for Public Interest Law, or SPIL. You know, the rent control guys. Beyond the fact that their mission is to represent tenants in what are very much private disputes with landlords, virtually every economist in the country agrees with the old saw that, next to saturation bombing, rent-control is the surest way to destroy a city's housing stock. Is this the kind of

organization pleading for SFF dollars?

I refuse to cede the title of "public interest" to all the groups that claim it, especially the various left-wing groups whose avowed purpose is to attack the property rights and civil liberties of their fellow citizens. A more appropriate title would be "non-profit," a factually accurate term. Its use would also make clear that people who choose such work are making a voluntary career choice to take a certain type of job — one many prefer for its frequently shorter hours, informal atmosphere, less demand to keep track of billables, and personal satisfaction of doing something they believe in.

Why is it that the poor schmoe who bills 2300 hours a year for some sweatshop New York firm is the one we call "greedy," while those who choose a more pleasant lifestyle feel it entitles them to spend their lives whining about the burdens of "public service"? And where is the sympathy for students who really want to take a risk, and start their own practice? Aren't they equally (indeed, much more heavily) burdened by the combination of debt and low salary than those who work for non-profits?

In fact, of course, no one at HLS is shut out of non-profit law. Anyone here is capable of getting a good job, saving

their money, and using those savings to pay for law school at a later date, thus graduating with little debt. Better yet, borrow now. Take a job with the best-paying corporate law firm you can find, and make them pay for your training and early mistakes. Become a partner, pay off your student loans, get vested in the pension, and save your money. Then cash-out at age 40 and go into non-profit law as a trained, experienced professional. Does it sound a bit less attractive? Who promised you a rose garden? And keep in mind that not a few people — Abe Fortas, Clarence Darrow, and many, many others — have done quite a bit of "public good" from inside lucrative private practices.

This is not to say that all so-called "public interest" jobs and organizations are a bunch of hokey, not at all. Many do perform a lot of good, and personally I admire people who don't select their interviews by the dollar figure on a NALP form.

But SFF asks me to give my money to privileged HLS students in the hope that, while doing what they want, they will do something I consider worthwhile. No thanks. Perhaps I just don't understand, but it sounds like someone pleading, "Alms for the rich ... alms for the rich."

Absence Of Hispanic Prof: An HLS Embarrassment

Ana Maria Salazar, co-chair of La Alianza, has a warning for Hispanics admitted to HLS: come indulge in a Harvard education, but understand you might leave angry.

"Harvard tells us we are good enough to be accepted into this school," she says. "We are good enough to be law professors, judges, mayors, and congressmen. Yet



Steven Donziger
Columnist

when it comes to finding a Hispanic who is good enough to teach at Harvard all of a sudden none exists.

"I find that insulting."

Salazar, a 3L who also recruits for the admissions office, is spearheading another effort by La Alianza to bring a tenured Hispanic to the faculty at HLS for the first time in the 172-year history of

Steven Donziger, 1L, worked as chief UPI correspondent in Managua, Nicaragua.

the school. Hispanics were not admitted to HLS in significant numbers until the early 1970s. The fact this effort is even necessary should be an embarrassment to Harvard, which is only hurting itself by making La Alianza do the battle.

The absence of a Hispanic faculty member diminishes Harvard in a variety of ways. The most obvious is that the school cannot fully participate in the scholarly debates over the political and legal issues affecting Hispanics. It is a desire to be a part of these debates that recently led law schools like Stanford, Boalt, and UCLA to vault ahead of Harvard by hiring Hispanic professors and giving them tenure.

It also hurts Harvard in that the Hispanic students in La Alianza feel anger and frustration, especially when Hispanic alumni tell of similarly fruitless struggles at HLS throughout this decade and last.

Debbie Ramirez, a Hispanic who graduated from HLS in 1981 and who is now a staff member of the U.S. Attorney's Office in Boston, has agreed to teach a part-time clinical course next year. A dynamic speaker, Ramirez has served as an unofficial advisor this year to La Alianza and would be a candidate for a fulltime clinical teaching job.

"Hispanic students today need the same things we needed ten years ago," said

Ramirez. "They need someone to organize the alumni, to create a network between alumni and students, to do outreach to the Hispanic community, to inform them of job opportunities, and to help them work with other minority groups on Third World issues."

While the problem for Dean James Vorenberg is how to find someone qualified who is willing to come to Harvard, there is a feeling among the members of La Alianza that Harvard does not know how to conduct a competent search for a Hispanic faculty member.

Jerry Lopez, maybe the most well-known Hispanic law professor in the country, is one person who agrees. Lopez, who is tenured at Stanford, graduated from HLS in 1974. He declined a professorship in 1984 after teaching here one year, mostly for personal reasons but partly because he felt Harvard as an institution "had a considerably long way to go to understand Latin life in this country." Lopez keeps a list of Hispanics he thinks would qualify for teaching jobs at top law schools.

Lopez said there were many faculty members at Harvard who were "immensely supportive" of him on a personal level, including Dean Vorenberg. "What was lacking," said Lopez, "was an institutional

awareness or curiosity of the issues that affect Latinos in this country—of Chicano life, of Puerto Rican life, of the active and ongoing cultural and political impact of Latinos and how that interfaces with legal issues. That is a tremendous price to pay for an institution that holds itself out as a national and international leader."

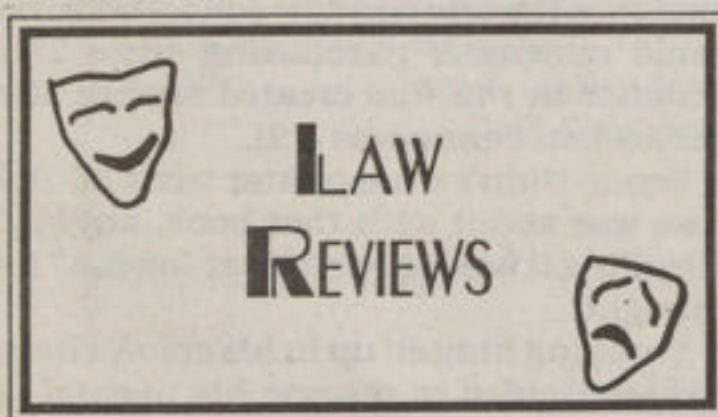
Last spring, members of the Black Law Students Association staged a peaceful sit-in to demonstrate a similar concern. Regina Austin, a black woman who has tenure at Penn, has since received an appointment as a visiting professor at Harvard and will begin teaching here in the fall. The university also has agreed to back a BLSA-created "mentor" program that allows all minorities who wish to become professors to work closely with a faculty member. These are steps in the right direction, but much more needs to be done.

Clearly the solution cannot come overnight, but the particular concerns of La Alianza have barely seen the light of day. About 350 Hispanics have graduated from HLS in the last 30 years. It is a sad commentary on Harvard that it has yet to find one of its own Hispanics who is both qualified and willing to be a professor. Harvard needs to try harder.

'Nightmare On Mass Ave,' Far From 'Horror' To Watch

By Dawn Ross
Features Editor

Every sort of unimaginable occurrence befalls four "unusually typical" HLS 1Ls as they take their chances entering that mysterious fortress known as Gannett House, in the spring production of the Harvard Law School Drama Society. "The Gannett House Horror: A Nightmare on Mass. Ave.," produced by Karyn Langhorne, 3L, and Adam Raichel, 2L, was staged March 9, 10, and 11 in the Ropes-Gray Room, and will also be presented on March 16, 17, and 18.



The four 1Ls are played to perfection: Marc Benjamin, 3L, plays Brad, a geek so real, you'd swear he was in *your* O-group; Carolyn Curtis, 3L, captures the essence of Janet, who is sweet enough to give the entire Class of '89 diabetes; Timothy Moore, 3L, is the terminally-oversexed Stanley, lusting constantly over Babette, a woman driven to be the

most media-exposed law personality since Alan Dershowitz, played by Jennifer Radding, 1L.

The 1Ls all have reasons for wanting to get onto *Law Review* and attend the *Review's* introductory ice-cream and vienna sausage social, where unbeknownst to any of them, a diabolical plot is underfoot to steal a couple of high-powered brains to fulfill the mad plans of bizarre transvestite Frankenfurter (Karl Austen, 3L) and his leather-clad, whip-cracking companion Morticia (Pamela Thomas, 3L).

The 1Ls take us along as they try to escape the evil clutches of Frankenfurter and Morticia. Along the way they encounter such horrors as the Zombies, green-tinted law review drones, and make their way through the tunnels, where they emerge in "that place for underachievers," the Pub. One of the biggest laughs of the evening occurs when a disbelieving Stanley refuses to accept the reality of being in the Pub when he doesn't see "the guy with the pipe!"

Under the direction of Terry Franklin, 3L, the production's laughs are well-paced and although the jokes are standard law school fare, they are presented well and in some fresh ways.

As you may suspect, the master plot is foiled, and the heroes find love and happiness, but I don't want to give away



'Nightmare' cast and crew

Patricia Lee

too many of the surprises if you plan to attend this weekend.

"Nightmare" is a fine writing effort by Moore, assisted by Austen and Raichel. The supporting cast turns in some fine performances, most notably, that of Frankenfurter's submissive, cringing assistant, Igor, played by Everett Carbajal, 2L. Jeff Dunlap's, 3L, portrayal of Pee Wee also drew big laughs from the audience.

The original music, under the direction of Robert Schwartz, 1L, and dancing under the direction of Kathleen

McAhran, 2L, and Thomas, provided some lively accompaniment to the story. One highlight was "Enter Rapping," in which the main characters introduce themselves by means of a rap.

Additional cast and crew members, although too many in number to mention individually, provide excellent support for the production.

"Nightmare on Mass. Ave." is a fun and bawdy production, showcasing the extra-legal talents of your classmates. Tickets are on sale in the Hark for this weekend's shows.

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BLSA Conference Solicits Student Aid For Black Causes

By Daphne R. McFerren
Special to the RECORD

The Harvard Black Law Students Association (BLSA) held its Sixth Annual Spring Career Conference on March 10 and 11 at the Harvard Law School with over 250 students, alumni and other guests in attendance. The theme of the conference was *Community Responsibility - Discovering the Excellence Within*. The conference focused on the responsibilities of black law students and alumni to the black community. Panel participants' and the keynote speakers' comments addressed strategies that would advance blacks' struggle for political, economic and social empowerment.

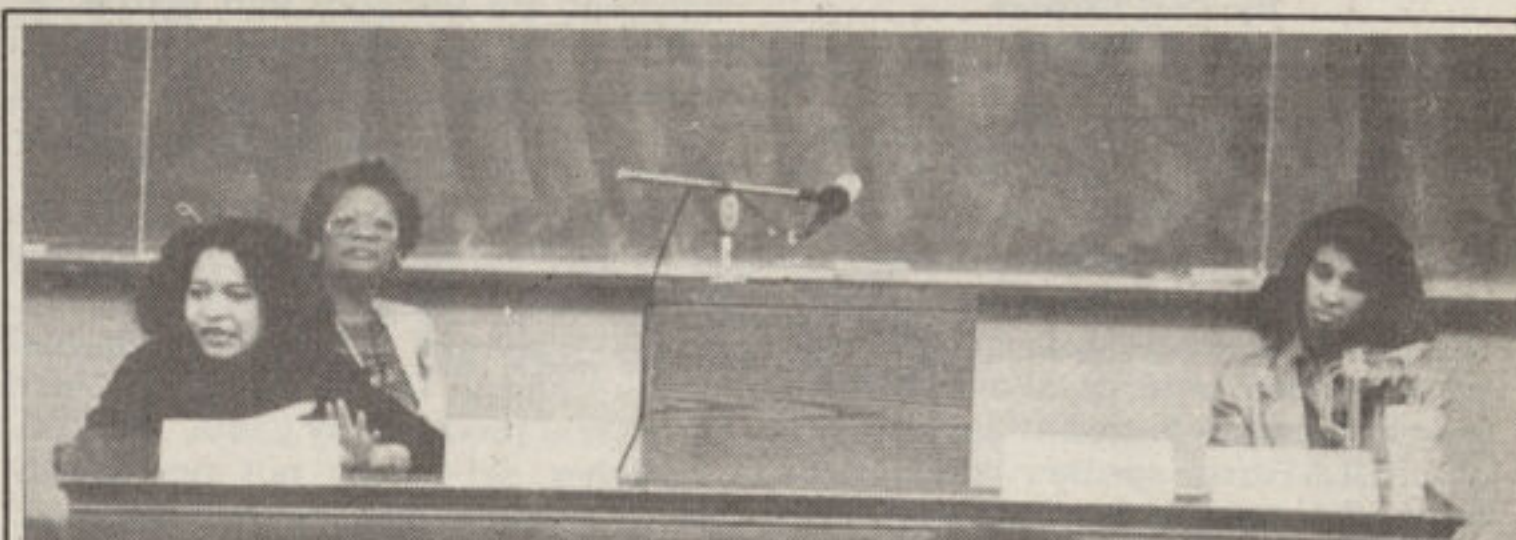
The Honorable Kurt Schmoke '76, Mayor of Baltimore, delivered the March 10 keynote address. Reflecting the current problems affecting the Washington-Baltimore area, Mayor Schmoke's remarks described the harmful effects the drug problem is having on the black community. Mayor Schmoke stated that he viewed drug dependency as a disease and that our society should treat drug abuse with various forms of medical treatment. Summarizing his feelings on the subject, Mayor Schmoke stated that "The war on drugs should be led by the Surgeon General, not the Attorney General." Mayor Schmoke argued that the criminal justice system has demonstrated that criminal penalties have been largely unsuccessful in waging an effective war on drugs and that our society must address the problems of drug addiction and the economic and social circumstances which encourage persons to use drugs to escape reality.

The panels held throughout the conference concentrated upon the needs of

the black community and how those needs might be addressed by the skills black law students and alumni possess. As a participant on *The Future of Civil Rights Litigation* panel, Randolph Scott-McLaughlin '78, Associate Professor at Pace School of Law, stated that in order to be an effective advocate for the black community, black lawyers "must be prepared to utilize all forms of pressure. This [pressure] encompasses legislative and political activities."

Addressing the unique role black women can play in both the legal and black community, Merinda D. Wilson '76, a partner at Sidley & Austin, stated during the *Women and the Legal Profession* panel that "black attorneys have an obligation to participate in pro bono activities" and that by "supporting black and white candidates that are responsible to the black community," black attorneys can help ensure that black constituencies' interests will be acknowledged in the political arena.

The *Women and Legal Profession* panel not only addressed the needs of the black community, but also the concerns of black women entering the legal profession. Various perspectives on black women's experiences in the legal profession were given by panel participants Patricia Irvin '79, a partner at Milbank, Tweed, Hadley & McCloy, Leslie Wilson '76, an attorney at Government Services Agency, and Ruth Howe, Associate Professor at Boston College Law School. These panelists addressed experiences of black women in the private law firm environment, in the government sector and in the black community. Other panels included in the conference were *Economic Development Blueprint for the 1990s*, *The Family as Community* and *The Black Church*. Congressman John Lewis, United



Discussing women and the legal profession, from l to r: Merinda Wilson, Ruth Howe, and Patricia Lee.

States House of Representatives, Fifth Congressional District, Georgia, delivered the conference's final keynote address at a dinner-dance at the Boston Sheraton on March 11. Lewis has a distinguished civil rights career. From 1963 to 1966 he was chair of the Student Nonviolent Coordinating Committee (SNCC). SNCC conducted numerous demonstrations and sit-ins during the civil rights movement. A close associate of Dr. Martin Luther King, Jr., Lewis has assumed a place in American history as an illustrious leader during the civil rights movement.

In his address, Lewis stated that black students face a "challenging and exciting period in human history" and that our efforts should address the "ongoing struggle for human liberation, peace and brotherhood." Lewis' remarks focused upon the civil rights movement of the '60s in suggesting roles blacks must play in advancing their civil rights. Young students put their bodies and lives on the line using nonviolent tactics to secure equality under the laws, Lewis explained. Further "we [must] continue to send forth young black men

and women who will work for the betterment of the human race."

Lewis noted that it was not just black lawyers but also the courageous people from the black community in general who helped write the laws of equality. Lewis explained, however, that black lawyers played a crucial role during the civil rights movement because they acted as intermediaries between the movement and the judicial system. Black lawyers, Lewis stated, such as Fred Gray, Wiley Granton, Constance Baker Motley and Thurgood Marshall, made tremendous efforts and personal sacrifices for racial equality. And, Lewis argued, there is a continuing need in the black community for the services black lawyers can provide.

In addressing future challenges facing blacks, Lewis noted that political empowerment, economic development and the problems of drug abuse are complicated issues facing the black community. Nonetheless, Lewis stated, "Black students have a responsibility to step forward and take our place in the ... struggle [for the betterment of blacks]."

LSC, BLSA Act To Protest Racist U Of Chicago Interview

(continued from page 1)

interview, O'Kane questioned U of C student Linda Golden about how she got into the law school, observing that the University "loves to admit 'foreigners' to the exclusion of 'qualified' Americans," according to a letter that Golden sent to Baker & McKenzie.

Golden's letter stated that O'Kane went on to question Golden about how she would react to being called a "black bitch" or "nigger" by adversaries or her colleagues. After discovering that Golden played golf, he asked, "Why don't blacks have their own country clubs?" observing that "Jews have their own country clubs," but that he "would never want to belong to a Jewish country club." O'Kane concluded that "the reason blacks don't have their own country clubs is that there aren't too many golf courses in the ghetto," the letter continued.

Golden informed the firm and the law school of the incident one month after the interview. Her account of the interview was never contested by Baker & McKenzie. The firm and O'Kane subsequently apologized to Golden and U of C.

"Baker & McKenzie has been very cooperative with U of C, [and is] trying not to get a bad reputation. Some resolutions were [intended] to help them improve their process," Page stated.

A letter to Dean James Vorenberg '51 from Baker & McKenzie stated "we wish to assure you that we continue to be committed to addressing any concerns you may have about our firm, its response to the recent University of Chicago interviewing incident, and our ongoing efforts to enhance the attraction of minority students."

The letter was a response to a phone call to Baker & McKenzie from Dean Stephen Bernardi '55, a member of the Placement Committee, in which he sought "assurances that they would bring the matter under control ... and that it would not happen to any of our students," Bernardi said.

Although some of the actions in the recommendation are directed at Baker & McKenzie, Page feels the goal of the recommendation was "to try to come up with different ideas the committee could do." Not all of the recommendations are punitive, and some are directed at the entire legal community, she added.

Another motive of the recommendation, according to Page, was that this type of harassment often goes unreported and the aim of the Placement

Office should be to encourage the reporting of such occurrences and to make firms aware of the intolerance of such activity and the potential for sanctions.

The Black Law Students Association (BLSA) supported LSC's action, according to BLSA President Robert Wilkins, 3L, who said there was a "general consensus" at two recent BLSA meetings in favor of strong action.

Wilkins said that the Harvard chapter of BLSA will work with the U of C delegation at the upcoming conference of the National Black Law Students Association to draft a resolution binding on all BLSA chapters nationwide in response to the incident.

Although BLSA had planned on banning Baker & McKenzie from participating in its Sixth Annual Spring Career Conference over the weekend, two Baker & McKenzie attorneys attended due to an administrative oversight, Wilkins said. The attorneys were already on their way when BLSA attempted to remedy the situation, he added.

The attorneys decided to leave when

they were informed by conference organizers that they would only be allowed to participate in the conference as individuals and not as representatives of Baker & McKenzie, according to Wilkins.

Wilkins said that although the attorney from the New York office was expected, an attorney from the Chicago office showed up "uninvited and unannounced."

Wilkins said that BLSA also returned Baker & McKenzie's contribution to the conference which he noted was received after the March 2 deadline.

Correction

Last week's crossword puzzle contained several errors. The editors apologize to our readers for the inconvenience and beg their indulgence as we institute this new feature.

Solution

(see anacrostic puzzle, page 4)

A. GLENDON
B. RECKLESS
C. ATTORNEY
D. NBC
E. TEABAG
F. GHENT
G. ILLUSORY
H. LOTTE LENYA
I. MADAM
J. OVINE
K. RAIDER
L. ET CETERA
M. TRIBBLES
N. HUMP
O. EVERETT

P. DECENNIAL
Q. EPHEMERAL
R. ACACIA
S. THWACK
T. HEE HAW
U. OPPOSITE
V. FLITTER
W. COGNOVIT
X. OVID
Y. NEIGH
Z. THAW
AA. RHETT
BB. ACTUS REUS
CC. CROSSPATCH
DD. TWIST

Author: Grant Gilmore

Work: THE DEATH OF CONTRACT*

*Classical contract theory might well be described as an attempt to stake out an enclave within the general domain of tort. The dykes which were set up to protect the enclave have, it is clear enough, been crumbling at a progressively rapid rate.

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created by Dawn Ross



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Beatrice Executive Defends Leveraged Buyouts

By Teri Silvers
Staff Writer

Reginald Lewis '68, Chairman and CEO of TLC Group and TLC Beatrice International Food Co., told a capacity audience in Ames courtroom March 9 that it is "the increasing responsibility of we as Americans to keep a fair and open-minded attitude about we as a people." Lewis delivered his lecture, part of the HLS Forum speaker series, on the topic of leveraged buyouts and their role in America.

Lewis founded TLC Group in 1983 for the purpose of engaging in leveraged buyouts. In 1985 he purchased McCall Pattern Company, from which TLC realized a ninety-to-one return on its initial investment. Then, in August of 1987, TLC acquired Beatrice International for a price of \$985 million.

Lewis focused on the trend in America towards leveraged buyouts and the criticisms often lodged against them. Lewis identified three factors in the movement toward LBO's: the increasing internationalization of the world economy; the fact that "America is no longer number one in the industrialized world"; and the establishment of social security in 1939, which fueled a search for alternative investments by creating huge pools of capital in the form of pensions.

The increasing internationalization of the world economy was a recurrent theme in Lewis' speech. "It will be impossible to do business without a clear understanding of the relations between countries," stated Lewis, citing the relations of the United States with Canada as an example. Lewis suggested that

"Equity versus debt rules can be thrown out the window."

the United States has to continue to encourage internationalization by establishing a sensible trade policy, dealing with the Latin American debt crisis, and creating a true culture within our nation by investing in, for example, child care and welfare.

As to another major factor leading to LBO's — America's weakening position in the industrial market — Lewis identified a cause as the diversification of American companies resulting from the recessions of the 1970s and 1980s and the movement in business towards conglomerates. Such diversification, he said, has caused the companies to lose touch with their own goals and is one reason that America is falling behind in business. Due to diversification, "companies are no longer productive relative to their pasts."

Leveraged buyouts can remedy some of the problems connected with diversification, Lewis said. "Leveraged buyouts get companies to focus back on their core missions," he stated.

Lewis said that the key to what will make the United States more competitive is an affirmation of American diversity and investment in this country. "Moral and ethnic diversity must be seen as an asset of our nation for us to be competitive," stated Lewis. "We must continue to fight for an America that has no place for racial intolerance or bigotry.... That cause has to be a permanent part of our portfolio," he added.

Lewis responded to the criticism that LBO's are non-productive and too risky by repeatedly emphasizing the importance of management. Lewis attributed the significance of the McCall story to its "tremendous corporate culture.... The people were dedicated and knew what they were doing.... What generally will make a leveraged acquisition work is the management, the people. That is the one theme that will run through every transaction."

Chrysler's problem was bad management, Lewis said, adding that many other companies have an inability to manage change effectively. "Insolvencies are most often caused by poor management, not by the fact that they're leveraging it," he said. According to Lewis, the most important qualities for man-

agement are integrity and a true respect for colleagues, both peers and workers; managers who act according to that never have to worry about performance.

Far from being non-productive, LBO's in fact result in an increase in new products and innovations, Lewis said. LBO's "enhance productivity in real terms," and in the McCall deal, there were "real productivity gains," he said.

Higher debt does not necessarily mean riskier deals, Lewis continued. "Equity versus debt rules can be thrown out the window," he said. As an example, Lewis cited the fact that although McCall had little in the way of assets, its plant was on valuable land. "If you borrow, it is not so much borrowing that gets people in trouble, it's what they do after the buyout," Lewis said.

In response to the accusation that, in essence, taxpayers subsidize the buyout because the interest on the debt used to effectuate the buyout is tax-deductible, Lewis stated: "that really doesn't wash." According to Lewis, it overlooks the fact that, when the price is paid, there are significant capital gains on the purchase price, and that the recipient of the interest income has to pay taxes.

Lewis suggested that tax laws themselves are a small part of the initial motivation to LBO's, but become significant at the later stages. For example, in Beatrice, tax planning was extremely important because they had to structure the transaction in a way to push interest expenses into foreign jurisdictions where they had earnings, then push them back to the USA to pay the debt.

HLS Assistant Professor David Wilkins introduced Lewis as a speaker, describing him as "by all definitions a truly extraordinary man." Wilkins attributed Lewis' success to preparation, courage, integrity, and balance in his personal and professional life. Wilkins concluded that, "in short, Mr. Lewis is everything that's right about American business."

Wilkins noted that, in the Beatrice deal, Lewis gave ten percent of the company to Beatrice management to keep the core sound, "not just to rape it or to loot it," and that Lewis has personally met every manager in the company.

Lewis, a native of Baltimore, graduated from Virginia State University in 1965, and from HLS in 1968. After two years with the New York firm of Paul, Weiss, Rifkind, Wharton & Garrison, he started his own firm, Lewis & Clarkson.



Patricia Lee

Beatrice Executive Reginald Lewis

Coop Nominations

The Board of Directors of the Harvard Cooperative Society has 23 members—11 students from MIT and Harvard, 11 members of the faculty and staff or alumni of MIT and Harvard and the President of the society. The Board oversees the operation of The Coop, a seven store college bookstore cooperative, and sets the policy for The Coop's operation. The Board meets monthly during the academic year. The following persons have been nominated by the stockholders of the society to serve as Student Directors during the 1989-1990 school year.

Harvard and Radcliffe College Students

Alexander Edelstein
Rick Louie
Travis R. Metz
Pawan G. Patil

Harvard Graduate Students

Mark Metcalfe
Kevin P. Mohan
Julia S. Rubin

MIT Undergraduate Students

Robert E. Potter
Julie Ang Mi Kim

MIT Graduate Students

Thomas W. Altschuler
Mark D. Hansen

Procedure for Additional Nominations for Student Directors

Additional nominations for Student Directors may be made by the petition process. Petitions for Student Directors must be validly signed by at least 100 student members and filed with the Clerk of the Society (by leaving the petition at the president's office in the Harvard Square store) no later than 5pm, March 15, 1989.

Ballots will be distributed in April to all student members for the purpose of electing eleven directors 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 between the hours of 9:30am and 5pm, Monday through Friday.

Remember that completed petitions cannot be accepted after 5pm, March 15, 1989.

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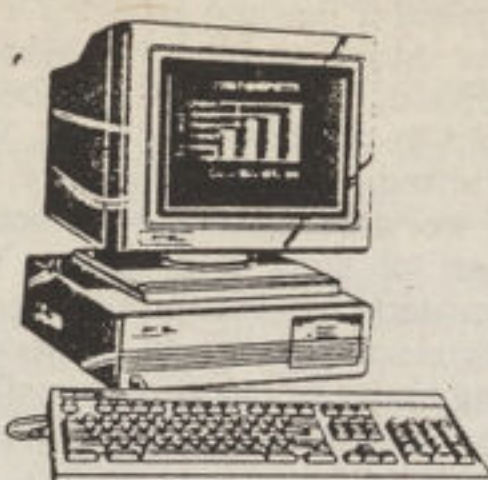
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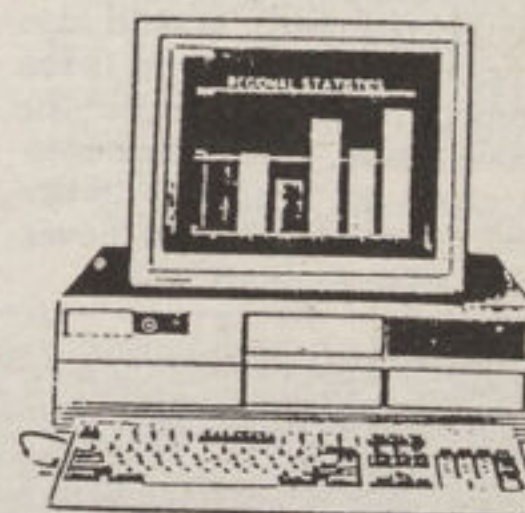
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Dershowitz Outraged At Mason's 'Misleading' Accusations

By Troy Morgan
Staff Writer

"Falsely accusing an innocent man . . . is a fearful and unacceptable way of practicing

can't believe that. The evidence is overwhelming. It would be like saying that the world is flat. It is an issue of black and white," he exclaimed.

Returning to the Brawley

that all the report really attributed to Pagones was the statement "Have you heard of a missing girl?" Dershowitz said the report mentioned the "bag of shit" statement only as an

but these misleading statements were not [appropriate] for a Harvard Law School audience," Dershowitz commented. "So much of what Mason said was true, but the grand jury's report of the facts was very different than the story that Mason said it presented."

Dershowitz emphasized, however, that grand jury conclusions ought not to be taken to be conclusive.

Despite his strong feelings that Mason misled his audience, Dershowitz stated, "I don't believe that a lawyer should be disbarred for statements made out of court, especially where he believed them to be true."

While stating that New York Attorney General Robert Abrams "is a good friend of mine," Dershowitz said the report that Abrams wrote to the grievance and disciplinary committees was inadequate in several respects. Specifically, Dershowitz said that one provision of the Code of Professional Responsibility Abrams cited against Mason and Maddox was DR 7-102(A)(5), which

states that "a lawyer shall not knowingly make a false or misleading statement of law or fact." "I have never heard of that canon being used against anybody for an out of court statement," Dershowitz said.

He explained that "rules for out-of-court statements have much more permissive standards than those for in-court statements, and they should." He noted, however, that Abrams' letter does not distinguish between in- and out-of-court statements.

Dershowitz stated that "if Mason and Maddox are allowed to be disbarred or disciplined on the basis of this provision of the Code, 'it will enormously set back the liberty of lawyers to question and to criticize.' He maintained that "controversial legal and political issues should not be challenged in bar association proceedings," concluding that "in the marketplace of ideas, the answer to falsehood is truth.... We have had plenty of opportunity to answer him in the court of public opinion."

"These misleading statements are not appropriate for a Harvard Law School audience"

law," said HLS Professor Alan Dershowitz, responding to statements made by Tawana Brawley's attorney, C. Vernon Mason, in his March 7 speech [see story, front page].

While stating that "nothing in the grand jury report precludes the possibility that [Mason's] story is true," Dershowitz said he is convinced of Pagones' innocence and that "from everything I know, Tawana Brawley was not raped." Similarly, Dershowitz said that Dominick Blum, a Howard Beach police officer's son, was not a member of the conspiracy in the Howard Beach case. "You

case, Dershowitz stated that Mason's best defense to arguments that he is lying would be to say that he believed his own accusations. "By repeating his statements at Harvard Law School, in the face of overwhelming evidence that they are not true, Mason has undermined the credibility of that defense," Dershowitz said.

Responding to Mason's claim that the grand jury report issued in the investigation described Pagones as asking, before Tawana Brawley was found or her rape was reported, "Have they found the girl in the bag of s-h-i-t?," Dershowitz said

allegation that was raised and disbelieved.

Dershowitz also said that Mason should have known that the *City Sun's* report that Brawley had burns on thirty percent of her body was determined by the grand jury to be a mistake. He explained that her "jeans" contained burn marks to the extent of about ten or twenty percent but that the grand jury found that "there was not a single burn on her body."

"I can understand how somebody speaking could feel it was necessary to stretch the truth to support such a conclusion,

Mason Accuses White Media Of Bias In Brawley Case

(continued from page 1)
against Blum, except that a hearing was held to revoke Blum's driver's license, Mason stated.

Dershowitz, who told the *Boston Globe* (Jan. 1, 1987) that "Blum could sue for libel," reiterated his opinion that Mason should have charged negligent driving and leaving the scene of the accident instead of murder.

Mason retorted that "Blum did sue us for libel, and his case was dismissed." He exclaimed that "There was never any interest in the establishment in charging [Blum] with anything, because his father was a police officer and he was an untouchable."

Following their strategy in the Beach case, Mason and Maddox have refused to allow Tawana Brawley or her mother to testify before a grand jury until another prosecutor is appointed. They believe New York Attorney General Robert Abrams has not prosecuted the case in good faith. Mason also complained that Abrams is too inexperienced to handle the Brawley case, "one of the heaviest cases in criminal justice ever, [because] he has never tried a case in court."

Mason alleged that Abrams stole the grand jury minutes, which he said disappeared from Abrams' office one week after he was appointed to the Brawley case, and that Abrams gave them to the *New York Times*, which is protected by a shield law.

Mason said that he distrusts Abrams because he "gave immunity to Samuel McCleave," when McCleave said that he bugged Mason's house and office in a ploy to get him to admit that he was lying. Mason acted surprised that this elicited "no *New York Times* editorial saying 'You should not bug lawyers' offices.'" In addition, Mason said that he did not trust Abrams because "Abrams didn't do anything when the chief investigator in Abrams' office working on the Brawley case was arrested for selling drugs in Brooklyn."

In response to Mason and Maddox's conduct, Abrams filed a report to grievance and disciplinary committees in New York. According to Dershowitz, that report stated that Mason and Maddox had accused Abrams of masturbating in front of Tawana Brawley's picture (in the D.A.'s office). Ma-

son and Maddox also reportedly said that the Mafia paid for Governor Cuomo's education, Dershowitz said. "Those statements may be excusable hyperbole," Dershowitz said, but he added that there were fifteen lies mentioned in the report that "Abrams said he could prove demonstrably and categorically false."

When Prof. David Wilkins asked, "Wouldn't truth be furthered if Tawana Brawley told her story publicly?" Mason replied, "Her story has been told in a number of ways. We wanted not to tell the story, as if we were dealing with some sort of soap box opera. We wanted the state to discharge its responsibility in prosecuting those persons responsible for what happened to Tawana Brawley."

Mason said that the press wanted to write books and to put the incident on television, but his position was, "we want a prosecution. We could have said, 'fine, Bob Abrams, you want Tawana Brawley, you have her' — and we could have washed our hands of her. But that is not the position we have taken and that is not a position I will take."

Wilkins stated that Mason's policy of noncooperation "worked in the Beach case only because sooner or later it stopped. It worries me that Tawana's story is not coming out, that Mason may be waiting too long, and that failure to cooperate with any prosecution may result in no prosecution at all in her case."

Mason said that "some people believe that all Tawana Brawley had to do was to go to Bob Abrams and then everything would work out fine. To those people I say, 'Give me an example of this, cite the cases in which you can show me that this has occurred. Howard

Beach (1987) was the first successfully prosecuted case involving racial violence in the history of New York City — and I'm talking about hundreds, if not thousands of these cases."

Fed up with this history of nonprosecution, Mason said of the Tawana Brawley case, "If this had to be the one, then it will be the one. Somebody has to look at the good of the whole more so than that of the individual." He mentioned that HLS alumna Stephanie Moore is representing him on disciplinary charges, and he predicted, quoting Martin Luther King Jr., that "truth crushed to earth will rise again."

Vandalism Incident Remains Unsolved

(continued from page 1)
Bookman.

At the meeting, the BSA "basically stressed the seriousness of the problem," Parker said. The BSA said the incident involved "unacceptable behavior in an academic community, as well as the destruction of private property," said Parker.

Although no suspect has been identified, Parker maintained that "if we do get information and can prove [who vandalized the reporter], we strongly intend to mete out discipline."

Bookman, however, was eager to discourage the assumption that Ames competitiveness caused the incident, stressing that "no one has said it grew out of Ames, and there is no way it can be identified with Ames."

"We are not investigating it," Bookman continued. "As far as I'm concerned, the issue is done." Most first-year students involved in the exercise were reluctant to discuss the incident.

Even before the incident, the BSA had attempted to limit the competitive instincts which Ames provokes. "In the past, students had the option to have the justices name a best oralist and best brief," said Bill

Weiss, BSA member and First-year Ames Committee Chair. "We have eliminated that to make Ames a less competitive and more positive exercise," he added.

"We also deemphasized the perception that it's a competition," Weiss continued, "because it's not. First-year moot court is a required part of the curriculum at the law school. It's an opportunity for the student to be exposed to written and oral advocacy at the appellate level, and for students to get some individual feedback for their legal work."

The library staff remedied the problem through a process called "tipping," whereby a photocopy of the case was inserted into the reporter with adhesive.

"The reporter was back on the shelf in three to four hours, with extra copies on reserve," Parker said.

Bookman stressed that this destruction was an "isolated incident." Parker also stated that there had "never been [a similar] instance in the two and one-half years" of her employment. But Parker added that since the incident, students have been turning in other damaged reporters, apparently not related to the Ames exercise.



Patricia Lee

Harvard biker takes advantage of unusually spring-like weather.