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Students Stage 'Study In' For Faculty Diversity

Simon Mendelson
Staff Writer

Student concern over the underrepresentation of women and minorities on the Harvard Law School faculty spurred a study-in in the west-wing of Langdell Hall's first floor on April 6. An average of 60 students sat quietly, talking amongst themselves or reading for approximately four hours to demonstrate their support for increased women and minority faculty recruitment. The nearby staff had no complaints, and faculty offices were not blocked by the protestors. The event was sponsored by the Student Coalition for a Diverse Faculty.

The study-in marked the culmination of the Coalition's two-month awareness campaign aimed at underscoring the underrepresentation of women and minorities on the HLS faculty. The study-in was also meant to demonstrate support for the nationwide law students' strike initiated by students at Berkeley's Boalt Hall Law School, according to study-in organizers and co-chair of La

Alianza, Nancy Ramirez, 2L.

The Berkeley event hoped to address issues of racism, sexism, classism and homophobia on law school campuses. While Berkeley students were asked to boycott classes for the

day, the organizers at Harvard felt that a study-in would be more effective. The coalition also distributed green arm-bands to all students. Similar events took place at approximately 30 other law schools

throughout the country.

Although Randall Kennedy and Kathleen Sullivan '81 had been granted tenure earlier in the week, organizers said that the protest was still necessary. According to Bonnie Savage,

3L, chair of the Women's Law Association, the announcement of the tenure decision was "wonderful news, but we still have a large problem here. If they stopped hiring any faculty other than women and minorities for several years, they would still be off the mark. We are so far away."

Similar sentiment was expressed by Ramirez: "We have become very frustrated with attempting to work diplomatically with the faculty ... the administration is not making as great an effort as it could be." Ana Maria Salazar, 3L, co-chair of La Alianza, added that "the claim that there are no qualified minorities out there to teach here is false. Harvard is not working enough."

La Alianza carried out most of the preparations for the event, having been contacted first by the Berkeley group, according to Salazar. In addition, La Alianza had staged a protest the week before spring break at the Wednesday afternoon faculty meeting.

Approximately 50 La Alianza members stood outside the (continued on page 10)



Patricia Lee

Students occupy a Langdell hallway April 6 to protest the lack of diversity on the HLS faculty.

Visiting Professor Responds To WLA Sexism Charges

By Tom Bilello
News Editor

Macneil Demands Regular Student Attendance, see back page

The Women's Law Association raised allegations of sexism recently against Visiting Prof. Ian Macneil '55. The allegations stem both from classroom discussion and the contracts textbook he authored. These charges come at a time when Macneil is embroiled in a dispute with students over his controversial enforcement of attendance policies (see related story on page 12).

Macneil is a faculty member at Northwestern Law School. The WLA concerns were ex-

pressed in a letter to Macneil dated March 23, and signed by Bonnie Savage, 3L, Chair of the WLA. Copies of the two-page letter were sent to Dean James Vorenberg '51, Dean-Designate Robert Clark '72, Appointments Committee Chairman Todd Rakoff '75, Vice Dean David Smith '61 and Senior Student Affairs Coordinator Gwendolyn Bookman.

One element of the WLA complaint centers around Macneil's use of a line from Lord Byron's *Don Juan*, in his textbook, to

introduce a section entitled "Jockeying for Position: The Battle of the Forms." The quotation reads:

A little still she strove, and much repented,

And whispering, "I will ne'er consent," consented.

"A quote about a sexual 'jockeying' for power, depicting a woman struggling, repenting, and being dominated, has no place in a contracts textbook," the WLA letter states. "Such remarks not only reveal inappropriate and sexist atti-

tudes but also pose a more serious problem: the Byron quote exemplifies the attitude that women mean yes when they say no."

The letter goes on to cite further allegations of sexism in the Macneil book, in order to demonstrate that the Byron quote "is not an isolated incident."

Another criticism of Macneil's book includes a "single and isolated use of the female pronoun to refer to a secretary."

The WLA charges were made public through Macneil's eight-page response, which he distributed along with a copy of WLA's letter to his 1L-3 contracts class, as well as to the faculty.

In his response, Macneil explained that he distributed the exchange to his class because "this matter concerns all the students in my class." He continued, "as it raises important issues for the school, I am doing the same respecting my colleagues on the faculty."

"Our decision was not to go public," said Savage. "We (continued on page 3)

Kennedy, Sullivan Granted Tenure, Ogletree Accepted To Tenure Track

By Sally Johnson
Staff Writer

accepted an assistant professorship.

The promotion of Sullivan will leave HLS without any female assistant professors. However, Professor Todd Rakoff, chairperson of the appointments committee, which is comprised of six faculty members, said, "We have invited a woman to join the faculty [as an assistant professor]. Whether she's going to accept or not, I don't know."

When asked for her reaction to the faculty recommendation, Sullivan said, "I am thrilled to have the faculty's unanimous vote, and I cannot imagine a job in which I would be happier."

After earning B.A.'s from Cornell and Oxford, where she was a Marshall Scholar, Sullivan graduated from HLS in 1981. She clerked for Judge Oakes of the Second Circuit for

one year and engaged in litigation practice in Boston for two years before joining the HLS faculty in 1984. Sullivan teaches first year criminal law and second year basic constitutional law, as well as several advanced courses.

Although Sullivan said that she has talked to various schools about visiting professorships and has an interest in government work, she added that she has no immediate plans to pursue either endeavor.

Kennedy responded to his recommendation with equal enthusiasm. "I am elated at the expression by my senior colleagues of support for my past work, and I am very moved by their expression of confidence in my future."

Upon completing his undergraduate work at Princeton in (continued on back page)



Leslie Wolf

PHOTO FINISH: Chris Scobey, 1L, and Carolyn Ballan, 2L, cross the finish line together at Race Judicata, run April 8 and sponsored by the ABA/Law Student Division. The two took first place in the women's category, while Ryan Stoll, 2L, was the first man to complete the race. Fifty HLS runners were among the members of the Boston legal community who braved the snow and rain to run the five kilometer race benefitting Greater Boston Legal Services.



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Negotiation Czar Helps Soviets 'Get To Da'

By Rudy Rodriguez
Features Editor

HLS Professor Roger Fisher '48 returned last week from a trip to Moscow in which he volunteered information to the Soviets, but don't expect to see men in suits and dark glasses dragging him off anytime soon. The purpose of his trip was, in the full spirit of *glasnost* and *detente*, to formally introduce "principled negotiation" to future delegations of Soviet negotiators.

"If you're going to teach dance, you should teach both partners the same steps," explained Fisher. According to him, some of the "most critical" nego-

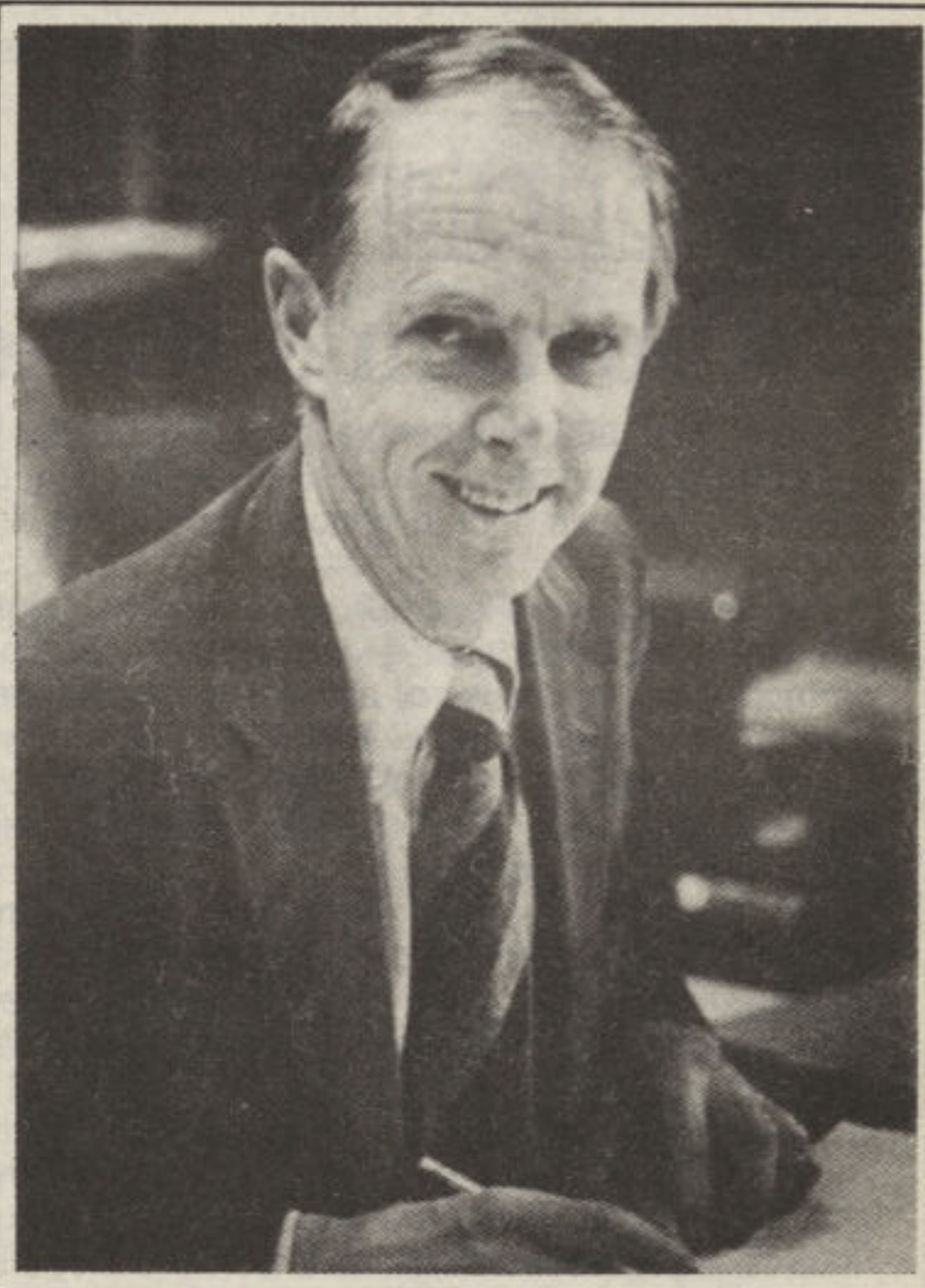
Fisher received a letter from Oleg Peressypkine, rector of the sponsoring Diplomatic Academy, describing the Soviet participants' reaction to the program. According to Peressypkine, "[y]our visit was a great success.... It is not simply that we should negotiate. We need to become more skillful at the way we negotiate."

The Soviet diplomat went on to state that "[i]f the Soviet Union and the United States are to shift from a confrontational approach to a joint problem-solving approach, we will need to learn new methods. The framework for preparation and for organized thinking that you have provided should prove most helpful."

Fisher's approach is not completely novel to Soviet negotiators (it is rumored that Mikhail Gorbachev has a copy of Fisher's *Getting to Yes* in his office), but to this point the Soviet negotiating posture has been more confrontational than Fisher's approach would advocate. Fisher proposes a more "principled" negotiation, in which each side knows and appreciates the other side's interests, generates some fair options, and keeps up two-way communications which will lead to a desirable settlement.

Fisher stated that the Soviets were more surprised by the pedagogical techniques of the workshop — which involved presentations, simulations, and case studies — than they were by the content of the exercises. Fisher says he appeared on Soviet national television at one point, explaining the purpose of the visit. The result of the appearance was a wave of phone calls questioning why an American would have to teach the Soviets negotiating techniques.

Fisher sees the international negotiating process as being similar to "family counseling. If both spouses have problems, you don't just counsel one spouse."



Prof. Roger Fisher

"Dance teachers must teach both partners the same steps."

PROFS IN THE PUBLIC EYE



tiations happen between the United States and the Soviet Union, and the prospects for success are greatly enhanced when both sides approach the negotiations in a similar manner.

Having Fisher and several associates teach a Negotiation Workshop in Moscow was suggested last fall by Soviet Deputy Foreign Minister Petrovsky. In preparation, Fisher had two Soviets sit in on the Negotiation Workshop he conducted at HLS during the winter term. The March 28-April 1 workshop was sponsored by the Diplomatic Academy of the Soviet Ministry of Foreign Affairs, and was attended by 24 Academy students. Fisher said that his group comprised the "first Americans" to visit the residential facility at which the Workshop was conducted.

Placement Committee Has Yet To Determine Baker's Fate

By Michael Hughes
Staff Writer

The law school is still formulating its official response to the recent incident involving racist, sexist and anti-semitic remarks made during an interview by a recruiter for the Baker & McKenzie law firm, according to Assistant Dean for Academic Administration Stephen Bernardi '55.

The controversy surrounding Baker & McKenzie stems from questions posed to a black law student by a senior partner of the firm during an interview at the University of Chicago. The recruiter asked the student how she would react to being called a "nigger" or a "black bitch". The University of Chicago has suspended the firm from recruiting on its campus for a year.

Harvard Law School's Placement Committee, chaired by Prof. Abram Chayes '49 and including, in addition to Bernardi, Director of Placement June Thompson and Prof. David Westfall '50, met in late March to consider possible courses of action to be taken against the Chicago law firm. Members of both the Placement Office and the Counsel-

ing Office also participated in the discussion.

Among the options reviewed was the proposal contained in a resolution passed by the Law School Council (LSC) on March 13. That resolution included recommendations that the school ban Baker & McKenzie from interviewing at Harvard for the 1989-90 academic year, that the Placement Office publicly censure the Chicago law firm and work with the firm to improve their hiring practices and that the Placement Office alert all firms interviewing at Harvard to the incident and remind the firms that any similar behavior at Harvard will result in sanctions.

Susan Page, 3L, who led the effort to pass the resolution in LSC, noted that many student organizations, including the Black Law Students Association, the Women's Law Association, and the Harvard Jewish Law Students Association, have added their support to the

resolution. The groups decided to take a joint action because, as Page noted, "if the whole student body backed (the resolution), it would be more effective."

Both Page and Bonnie Savage, 3L, president of the Women's Law Association, felt that the unambiguous nature of the Baker & McKenzie incident and the fact that the law firm did not contest its culpability made the case an especially strong one for action. Both Page and Savage felt it especially important that Harvard bar the firm from recruiting for a year; they felt that action by such a prestigious school would send a powerful signal to all firms while minimizing any inconvenience to students, who could still obtain interviews with the firm if they desire.

At this point, any measures to be taken by the law school are "tentative," according to Dean Bernardi. The matter is "very much under advisement; [we're] in the middle of things," he said.

The committee will meet with members of the LSC within the next several weeks to discuss the school's course of action; representatives of Baker & McKenzie will also attend that meeting.

The firm has filed an Equal Employment Opportunity Program with the Office of Career Services. That program includes a description of the firm's educational program for interviewers, its efforts to recruit minorities, and statistical information about hires of and offers made to minorities.

Whatever action the Placement Committee takes in response to the Baker & McKenzie incident, one challenge facing the firm, the law schools, and minority students will be whether minority students will interview with the firm, Bernardi said. "On one level, I can see why they wouldn't interview, but on another level it's too bad, if the result is not making offers to minorities because they don't interview."

Professor Defends Textbook From Sexism Charges

(continued from front page)

thought he might be considered for tenure. Our point was to go on record with the problem and get him to change. It wasn't intended to be a public humiliation."

"We're not saying every woman feels this way, or every woman in section 3 feels this way. It's just that some women feel this way and were offended," Savage continued.

Macneil's written response to the allegations, dated April 3, stated "I have no apologies to make," after which he specifically addressed each allegation.

Macneil's letter expressed concern with the process by which he was "convicted of the sin of sexism. This conviction has been the result of proceedings of which I was in fact unaware, of which I was given no notice, and in which I have not been heard." Macneil also took issue with the fact that his "conviction" was based upon the testimony of "an unnamed informer or informers," and that he had been punished through the harm done to his reputation. "It reeks of McCarthyism," he summarized.

"The technique of calling a student 'an informer' is really intended to say that they had no right to speak out on these issues," said Savage. "[Macneil's counter charges] were silencing techniques. By making this public, he was really saying 'you'll think twice before

trying this again."

Macneil, who refused to be interviewed, argued in his response that the Byron quote was an appropriate characterization of what happens in the "Battle of the Forms."

"In that struggle each party — without regard to his or her sex — strives to make contracts on his or her own terms, says that he or she is not making a contract on the other person's terms, and just as firmly goes on and makes one knowing that the other is insisting on their [sic] terms," Macneil explained.

"Had you and your informer paid more attention to the course and less seeking to be offended, you might have recognized the pedagogical point of the Don Juan quotation," Macneil concluded. He went on to explain the other charges in a similar manner.

Macneil said criticism of his use of pronouns raises questions of academic freedom. Many jobs are filled disproportionately by one sex, he explained. To use "words and constructions which pretend that those occupations have become sexually balanced smacks too much of Orwell's 1984."

Savage said that she was disappointed with Macneil's response. "He failed to ever say that he was sorry that he offended students. In all, it's a fairly extreme response; extreme in length, in its public nature and in its charges."

Savage defended the WLA letter,

saying "We never called him a sexist. We tried to allow the readers to make their own judgments regarding the examples."

The WLA letter, approved at a general meeting of the organization, is the first of its kind sent to a professor in Savage's three years of participation.

"The atmosphere created in his classroom is such that women don't feel comfortable dealing with it there," Savage continued.

Student response to the charges has been mixed. "The WLA wasn't making a public issue of it, or convicting him without due process," said Lisa Sheehy 1L-3. "They were just raising some important issues."

"I think he's gone out of his way to be even-handed in his treatment of men and women," said Jacqueline Fuchs 1L-3. Fuchs said that the WLA letter could have been handled differently. "You have to assume that people don't know [that they are offending] and educate them. I'm not making a comment about the quotes' offensiveness. I'm just saying there was a better way to go about it."

"The language of his response contains words which aren't meant to say 'I don't understand, educate me,'" concluded Savage, "but to say 'you're wrong, there's no possible way you could be saying this in good faith.'"

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Editorials

Abortion's False Issues

More than 300,000 people marched on the nation's capitol this past weekend to preemptively protest any weakening by the Supreme Court of a pregnant woman's right to choose abortion as a form of after-the-fact birth control.

Peppering the weekend rally were hand-held signs and polemic chants that, like their counterparts in a January anti-abortion march on Washington, promote the false issues of abortion that serve only to sustain emotion and obstruct any real discussion. The typical clash between a "pro-lifer" and a "pro-choicer" reduces rather quickly into an irrelevant exchange of bald assertions. "Abortion is murder," cries the pro-lifer. "A woman has a right to control her body," retorts the pro-choicer.

Even a cursory analysis disposes of these claims.

A woman who decides to terminate her pregnancy is clearly choosing to extinguish a biological life. "Murder," on the other hand, would involve the intentional killing of a "person." Claiming abortion is murder, then, only serves to beg the question of whether the fetus is indeed a person.

Similarly, a claim that a woman should have control over her own body is not meant to include a situation in which the fetus has reached "personhood." Pro-choice advocates do not argue that a woman should have the right to abort a fetus once it has developed into a "person;" they dispute just when the point of "personhood" has been reached.

Other false issues abound in the abortion debate. Among the most prominent last weekend was the claim, made repeatedly by NOW President Molly Yard, that pro-choice advocates "are the overwhelming majority."

The most recent Gallup survey, conducted last October, found that only 24 percent believed abortion should be legal under any circumstances, and only 17 percent believed abortion should be illegal under all circumstances.

The majority (57 percent) in fact believed that abortion should be legal only under certain circumstances. Of that 57 percent, most adopted the position espoused by President Bush, providing for abortions when the mother's life is in danger (94 percent) and in cases of rape or incest (85 percent).

It is clear from the survey, however, that the majority of Americans do not support the legality of "convenience abortions." When 57 percent mentioned above were asked whether a woman should have the legal right to an abortion if her family could not afford to raise the potential child, only 19 percent said yes.

The abortion quandary is a highly complex and emotional one, presenting a number of genuinely debatable issues, including the physical attributes that make up "personhood" in drawing inevitable lines in a pregnancy, the proper role of the judiciary in determining the state's interest in potential life, the proper civil and criminal punishment for violation of an anti-abortion statute, the role of religion and morality in abortion-related legislation, etc.

There are easily enough puzzling questions to go around when the issue of abortion comes up for discussion. And while their answers may not lend themselves to the placard catch-phrases of abortion activists, they do make up the *real* issues any honest resolution of the debate must confront.

C.A.C.

LSC Elections Flawed

Law School Council holds itself out to be the representative body of the students. However, when the student body went to the polls on Wednesday and Thursday to vote for "student body president," the election process left many students short of fully informed.

First, LSC would do well to actively recruit candidates for the office of president and treasurer. This year, only two candidates ran for president, and the treasurer's election was uncontested.

Second, the three-class-day period between the close of nominations and the election should be extended. Although the candidates could have campaigned before nominations closed, the process failed somewhere. Not until the day before the election were the candidates' statements put in students' boxes; the walls of HLS were bare of campaign posters until immediately before the election.

Finally, LSC could facilitate the democratic process by sponsoring an open forum for the students to hear the candidates' views.

Hopefully, LSC is guilty only of not ensuring a fair election. At worst, LSC is a non-representative body, interested only in preserving the status quo.

E.H.

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The RECORD welcomes letters to the editor on any subject from students, alumni and interested members of the law school community. Letters are printed as space provides, and are edited for space and clarity. All letters should include the name(s) and phone number(s) of the author(s). All letters submitted become the property of the RECORD.

BLSA Defends Baker Ban

To the Editor:

I would like to address your editorial of March 17, 1989 regarding two Baker & McKenzie attorneys who came to the Black Law Students Association (BLSA) Spring Career Conference on March 10. You wrote that when BLSA "prevented a Baker & McKenzie attorney from attending a weekend HLS symposium on, among other things, minority placement, it robbed a law firm, which could obviously use the lesson, of an opportunity to learn about issues important to black students." If you had taken the time to speak to a BLSA member involved or to read the RECORD's own article covering the story, you would have learned that the attorneys "were informed by conference organizers that they would be allowed to participate in the conference as individuals and not as representatives of Baker & McKenzie." (HLS RECORD, March 17, 1989 at p. 9.) We prevented them from participating in the Employer's Recruitment Forum on Friday, not other conference events such as Saturday's symposium on black women and the legal profession. The attorneys left the conference of their own volition on Friday afternoon. We can only assume that they were only interested in making a presence at the employer forum, for had they been interested in "issues important to black students," they would have registered for the conference as individuals and stayed for the Saturday

discussion to learn about black women's problems at law firms.

The accompanying letter from Kim Talley and Nicole Walthour shows that law firms subject black Harvard law students to racism and insensitivity on a regular basis, which is exactly the reason for banning Baker & McKenzie. The law school placement committee must take strong action against Baker & McKenzie to encourage all firms to take measures to eliminate these atrocities. BLSA is not calling for a ban of all firms with racist partners. We are insisting on an effective effort to prevent racism from eliminating private practice as an employment option for black students.

Further, I took the time to research Baker & McKenzie by examining all available HLS Placement Directories from 1980 to 1988. Between 1979 and 1988, the Chicago office had no black partners. During this same period, the office has never had more than one black associate. They had no blacks at all in 1983, '84 and '85. These numbers speak for themselves. The office currently has 82 partners and 83 associates, and since 1980, has had at least 50 partners and 50 associates each year. The San Francisco, Los Angeles, Miami, New York, San Diego and Washington offices also have listings in the 1988 directory. Of the aggregate 86

(continued on page 7)

Editorial Ignores Racist Interviews

To the Editor:

We are writing in response to Chris Crain's March 17 editorial ("Baker Ban Too Knee-Jerk") concerning BLSA's decision not to allow Baker & McKenzie to attend its employer reception as well as the Law School Council's decision to support a one-year ban against the firm interviewing on campus.

We applaud both BLSA's and the Law School Council's action against Baker & McKenzie. These organizations responded appropriately to the Baker & McKenzie interview in which a black female law student from the University of Chicago was asked racist and sexist questions.

Chris Crain's editorial characterized BLSA's reaction as "knee-jerk" and "symbolic moralizing." Crain erroneously concluded that BLSA acted hastily in its decision to penalize Baker & McKenzie for its conduct.

If Crain had taken the time to discuss the matter with any BLSA student, he would have known that both BLSA's executive committee as well as its membership had postponed making any decisions regarding sanctions against Baker & McKenzie until the matter was fully investigated.

Furthermore, if Crain had taken the time to discuss the matter with any BLSA student, he would have realized that this type of conduct is commonplace, and that minority students and women are consistently subject to overt racism and sexism during interview season and during their summers at firms.

Perhaps Crain cannot understand why BLSA responded the way it did because he has never experienced such overt racism in one of his interviews.

Perhaps he has never been told by the firm recruitment coordinator that the firm "just isn't into minority recruitment" or gone to a firm interview and been sent to the interviews being conducted for the janitorial staff.

Perhaps Crain has never been asked during a third-year interview about his high school rank, GPA and SAT scores, or asked to send a LSAT report to verify his LSAT scores.

Perhaps he cannot understand what it is like to be told by a partner that blacks just don't have the "technical writing ability" to become partners in the major firms or that the firm dinner is for "whites only." (jokingly, of course)

Perhaps Crain has never been asked during one of his interviews how he would react to being called a "black bitch" or a "nigger" by an adversary or colleague.

Obviously, Crain is unaware of the racism and sexism that minority stu-

(continued on page 6)

Letters To The Editor

Library Vandalism All Too Common

To the Editor:

We would like to clear up a misunderstanding in your article about vandalism in the library. Sue Parker is quoted as saying that this incident of vandalism is isolated. This should read that, under these circumstances, it is isolated.

Unfortunately, vandalism in the library is not that uncommon. The Preservation Department, which is charged with coping with the vast number of books that are being destroyed by acids in paper and binding materials, must all too often use limited resources to correct thoughtless or malicious vandalism to current volumes.

The types of damage include deliberate destruction of volumes, removal of articles, writing in volumes, damage caused by photocopying and food and drink, and careless handling.

Exact numbers are not available, and not all volumes that are defaced or razored are found right away, but every instance of damage to a library volume

requires the use of time and materials to repair or replace that volume; time and materials that should have been used for more urgent work on deteriorating volumes.

The library is a unique resource. There is no other law library as extensive outside of the Library of Congress. But this is a critical time for the Library. The paper used for printing since 1850 is highly acidic, and over one-third of the collection is in danger of crumbling on the shelf, almost 500,000 volumes. The money available for preservation will preserve only a fraction of this number.

We would ask everyone to be aware of his or her privilege and responsibility. Everyone's cooperation is needed to preserve this resource for use today, and in years to come.

Willis C. Meredith
Preservation Librarian

Sue Parker
Acting Head of Public Services

Minnesota-speak Confuses, Bemuses Northeasterners

I don't know about anyone else, but I had a great spring break. I was in Minnesota, that balmy land of sun, sand and surf. (Okay, I lied. But it was pretty warm, and we did have sun.)

Aside from the fact that I got to eat good food and saw a lot of old friends, I had a great time because no one, for an entire week, made fun of the way I



Robin Juni
Columnist

speak.

You see, I speak Minnesotan, which is not exactly the same things as standard American English.

My language problem began the first week I got here, when someone asked me if I knew of any place to park. Having taken notice of the large, car parking

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

structure next to Story Hall, I very helpfully informed him that there was a ramp around the next corner. He just stared at me.

Figuring he hadn't heard me, I repeated myself more loudly. "A PARKING RAMP AROUND THE CORNER." Another blank look. We were definitely not communicating here. After he'd driven away in frustration, I sought out a couple of friends.

Taking them to the scene of the crime, I explained what had just transpired, then pointed to the building and said, "Parking Ramp."

Immediately catching on, they pointed and in unison chimed, "Parking Garage." "Or Parking Structure," one quickly added. People walking by thought we were a little weird, but point-and-speak communication got the job done.

If it had stopped there, I might have forgotten about my career in Minnesota translation. However, close on the heels of parking ramp came dishsoap, hotdish, and salad.

Dishsoap, to a Minnesotan, is the stuff Madge soaks everybody's fingers in. When my friends finished laughing

about dishsoap, they wanted to know whether an analogy held to Tide. Was that called clothes soap? I very indignantly denied the possibility, since I generally refer to it as laundry detergent.

But I wasn't out of the woods yet. In telling her the story, my mother, in all innocence, said, "Oh, you mean laundry soap?" I almost fainted. Of course, I couldn't keep it to myself. As a result,

canned fruit. Miniature colored marshmallows or cooked rice are optional. You mix all the stuff together and serve it, usually after a few hours of refrigeration.

It is NOT called coldish, much to the disappointment of my budding linguist friends. (By the way, a lettuce salad is usually called just that, or tossed salad. I wouldn't want to confuse anybody.)

"Dishsoap, to a Minnesotan, is the stuff Madge soaks everybody's fingers in."

a couple of friends have identified alternative careers in linguistic analysis.

Hotdish and salads, both food items, are staples in small town Minnesota potlucks. Hotdish is what the rest of the civilized world calls casserole. In Minnesota, the base is usually cream of mushroom soup; noodles are often included; and absolutely any leftovers are fair game.

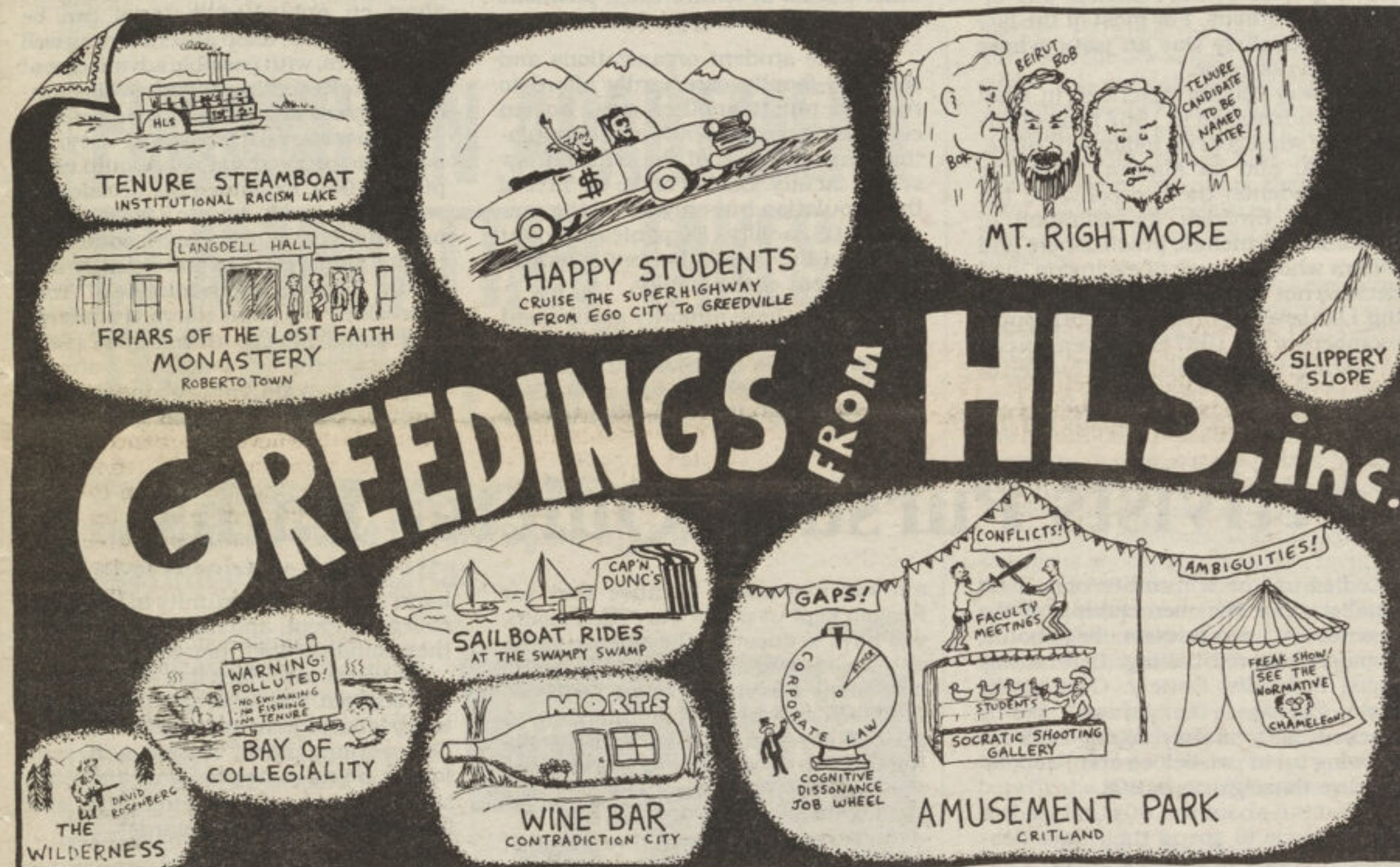
Salad, on the other hand, generally includes cottage cheese, Kool Whip, powdered Jell-o, and some kind of

A friend from Minnesota visited me last week; my friends spent a fair amount of time quizzing him on Minnesota language and culture. He confirmed everything I said, so they no longer think I'm making it up.

As a result of his visit, my friends have developed a new appreciation for proud Minnesotans like me. The basis for this insight? "Save on your entertainment budget — invite a Minnesotan to dinner!" I wonder if Rodney Dangerfield is from Minnesota.

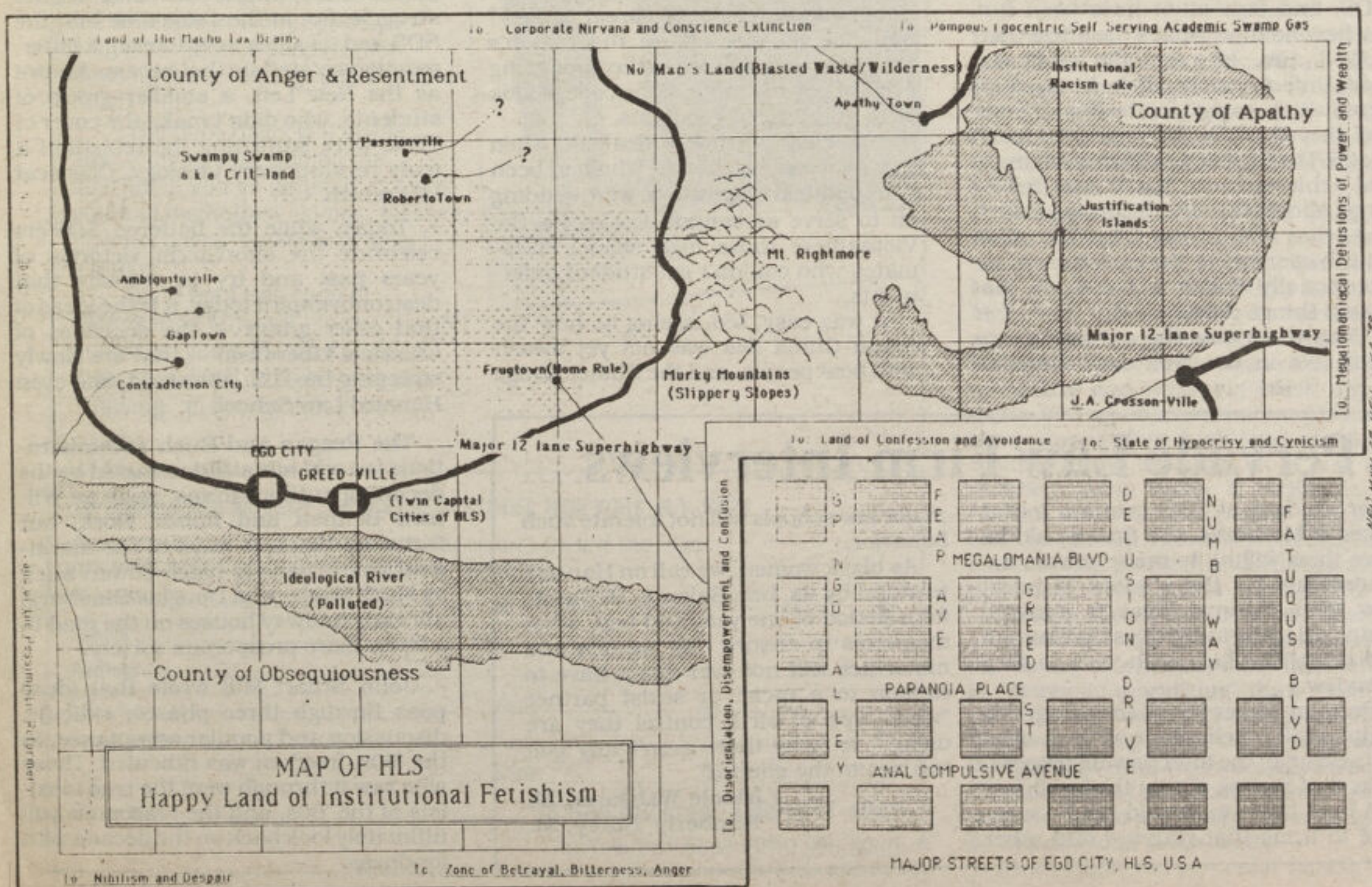
HLS, Inc.

By Luke Cole



Dead Lines

By KA



Fenno harumphed.
"Harumph!"

Fenno was deeply disturbed by the events of the world (and darn it) he was not just gonna sit there and be silent in the face of these imbroglios.

"23 Skidool!" thought Fenno. "What am I doing in class anyway?"

"Oh yeah, bang," thought Fenno, as he recalled Loose Wheel MacDeal's Perverse Attendance Policy, threatening him with graduation for non-attendance.

"Harumph! Do you believe it? Sold out! Larry Bence sold out. I mean, there goes the neighborhood, really. Where else can a guy get a hearty breakfast and get the opportunity to peruse the latest in contraceptive-wear, all for under three bucks? Now, I might be able to live with that. But did you hear that due to the Exxon spill that Three Aces is raising its prices again? I don't get it. It happened so far from here."

"Pshaw!"

The student next to Fenno shifted uncomfortably in her seat, trying to avoid the perception that she might be having a conversation with him, and vainly attempting to avoid his beer breath. She turned her back to her babbling, half-conscious neighbor.

Fenno happily continued his observations on the world.

"Wade got a standing ovation from the Fenway crowd, did you hear that?" Fenno cringed at the thought of the headline which might haunt him if caught with the goods: *Fenno Filly Flashes Fanny, etc.*

"I mean, what's the big deal on this Soviet sub thing?" extemporized Fenno. "The Greeks have more problems with those, and everyone knows they're called grinders!"

Inspired, Fenno borrowed a pen and paper from his exasperated neighbor, and hurriedly scribbled the following verse:

A little he offended, and ne'er repented,

And whispering "I will still be appointed," was ne'er appointed.

Fenno never broke stride, reaching for a new Meister Brau from his backpack while tossing a spent can to the ground. And still, not a topical issue escaped his fine-tooth scrutiny.

Fenno continued imbibing his favored libation, beer after beer, until his tongue lay broken in his mouth. At times his animated tirade was reduced to mere mumblings; at others, his voice rose so loud as to obscure the professor's tired monotone.

By the end of the class hour, Fenno was fast asleep — well, passed out — at his desk, to the great relief of his lawmates. He lay there, dreaming dreams of waterfalls and soothing lakes, limpid pools and warm rain.

Fenno wet.

Minority Profs Hired When HLS Students Act

Law student organizations seeking more women and minorities on the HLS faculty have learned the lesson of the famed Harvard student strike of 1969. Nothing much gets done around here without a push from well-organized students willing to occupy space when dialogue falters.

In April of 1969, about 400 mostly undergraduate students took over University Hall for almost two days before Harvard President Nathan Pusey ordered the police to drag them out. About 250 were arrested. Students,



Steven Donziger
Columnist

including those at the law school, voted for a class strike that shut down the university for six days.

The result: the primary student demands were met. The college faculty reversed itself and voted the ROTC off campus, and an Afro-American studies department was created. At the law school, students staged a parallel sit-in in Langdell Library, prompting the faculty to vote in favor of student participation in faculty meetings.

In 1970, Derrick Bell was hired as the first black professor at HLS after three years of systematic pressure by BLSA. Professors Minow, Sullivan, Kennedy, and Wilkins also received faculty appointments after similar pressure through the '70s and early '80s. In 1983, the faculty dropped a plan to grade class participation after hundreds of students marched on the dean's office.

In the coming fall, HLS will welcome its first black woman visiting professor.

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

It will also begin a "mentor program" that will allow faculty to work closely with minority students who want to pursue careers in teaching. Both changes were granted following a sit-in last year outside Dean Vorenberg's office by the Harvard Black Law Students Association.

A look at the Harvard Law *RECORD* in 1968 gives a sense of how long students have been striving to get more women and minorities on the faculty. That year the *RECORD* ran a lengthy article with the headline BLACK AWARENESS AND BLACK UNITY SURGING FORWARD AT LAW SCHOOL.

The article noted that the issue of minority hiring was raised by BLSA for the first time shortly after it formed in 1967, when all members of the tenured faculty were white men. HLS never admitted more than one black student per class until 1963, when three were admitted. By 1968, the number of blacks in the entering class of approximately 600 was 35, and the number of women was 44.

"The issue of getting black professors on the faculty was what led to the organization of BLSA," Reginald Gilliam, who was chairperson of the inaugural BLSA chapter and is now a writer in Washington, D.C., said in a telephone interview. "When we asked for a black professor, the reaction was almost incredulous. For most of the faculty, it definitely was an issue whose time had not come."

The way Gilliam described it, what black students did in 1967 is no different than what goes on today with BLSA, the WLA, and La Alianza. They [the black students] tried to convince the faculty to broaden its definition of "qualified" to include practitioners and others who, because of exclusion, had decided not to pursue careers in teaching. Like several current student groups, members of the 1967 BLSA were forced to assume the administrative burden of finding their own candidates and recommending them to the faculty (on the

original BLSA list was Derrick Bell).

Other grievances of the 1967 BLSA group concerned the irrelevance of the law school curriculum to black community needs (also a demand of BLSA during the 1988 sit-in); the paucity of blacks on the law school staff; the lack

cally excluded them from pursuing a legal career. When Harvard blames the small pool of "qualified" candidates for the lack of women and minority faculty, it is partly blaming itself.

When HLS decided in the mid-60s to commit itself to recruiting black stu-

"Students groups willing to occupy space when dialogue falters often get results."

of interview opportunities for blacks in the Placement Office; the absence of a plan to invest law school money in black communities; and the low number of black workers on a campus construction project. It was reported that the latter problem was solved immediately when then-Dean Derek Bok, a specialist in labor law, placed a call to the construction company.

It has been 22 years since Reginald Gilliam and other BLSA leaders like Bishop Holifield (now chief counsel for Florida A&M University) and Hank Sanders (practicing in Selma, AL) took that first message to the faculty. Harvard now has three tenured blacks and six tenured women among 63 professors. By next year, there will be two other blacks in tenure-track positions and one in a visiting professor slot.

But the student organizations and the HLS faculty can hardly afford to rest. To put it another way, women comprise more than 50% of the population but only 10% of the tenured law school faculty. Blacks make up 11% of the population but only 5% of the tenured HLS faculty. Hispanics account for 9% of the population but comprise zero percent of the faculty.

It is true these minority groups and women are underrepresented in the legal profession, but that situation was in part created by Harvard and other law schools who for so long systemati-

cally excluded them from pursuing a legal career. When Harvard blames the small pool of "qualified" candidates for the lack of women and minority faculty, it is partly blaming itself.

In theory, Harvard faculty keeps a special eye out for "qualified" minorities and women. The people who do this are full-time professors with full-time duties. That is not enough. What HLS needs, and what student groups should demand, is a commitment to hire a full-time recruiting staff to search America for women and minority attorneys who can be brought to HLS for a year or two or three, either as visiting professors, lecturers, or clinical instructors. Those short on published material can be given time to develop as scholars as well as teachers, with possible advancement to full professorships. If it takes a foundation grant to finance it, then get one.

Former Harvard President Pusey, the man who ordered the police onto campus in 1969, explained his decision by saying, "... And it came to a point at that break-in where I thought somebody had to act forcibly to state clearly and loudly. This will not be tolerated." That is precisely the point Harvard students were making to the university in 1969, and precisely the point they should continue making today about the lack of minority and women faculty.

Real '60s Activists Pursued Quieter Paths

Wow! Was this a groovy weekend, or what? Right here at HLS we had the big "study-in" for diversity, while over at the Yard even bigger doings were going on — a rally commemorating the 20th anniversary of the student takeover of Harvard University.



Brad Smith
Columnist

Why, if anyone had shown up, it would have been almost like the fabulous '60s. But few did show up. The "study-in" was billed as part of a "nationwide" law school protest, although my buddies at SMU, Wayne State, and Detroit College of Law didn't know anything about it, so I assume it was a "nationwide" protest for elite students only.

Anyway, only about 150 students

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

"studied-in," or a number only a bit smaller than the membership of the reactionary, neo-fascists, hegemonic, homophobic, red-baiting, Crit-hating, racist Federalist Society. Over at the main campus, the "crowd" barely reached 200, mainly aging SDS'ers showing up in pot-bellies and Reeboks to relive those glorious '60s.

What is it about the '60s that leads a small coterie to spend their days desperately trying to recreate them? Certainly it can't be black lights, Nehru jackets, and never cutting your hair. Oh sure, you could have casual sex without worrying about herpes, let alone AIDS, and that must have been fun. But beyond that, what's the attraction?

Well...um...let's see...the music was good. Unfortunately, all the best groups were British, except for the Beach Boys, and they don't count once you reach age 25. The Civil Rights Movement made real achievements, but it was led by King, Abernathy, the Supreme Court, and other men of the '50s. The main contribution of the students was to unintentionally foster a backlash that slowed things down.

Then there was the antiwar movement. We in the '80s can't have an

antiwar movement because that rat Reagan kept us out of war. Then again, you have to question the efficacy of the antiwar movement, seeing as how the movement was in full swing by 1968, yet it took us longer, from that point, to get out of Vietnam than to fight the Korean War, World War II, World War I, the Spanish War, the Civil War, the Mexican War, or the War of 1812.

So what was it? Wait, I've got it! It was the idealism! That's the one thing they always drone on about, how "idealistic" students were back then.

Of course, it was easy to be idealistic in those days. The quasi-socialist economic measures of the "Great Society" had not yet messed up the nation's economy and created today's ongoing cycle of poverty, and all the college kids were guaranteed good jobs.

How could you not be idealistic, when the "best and brightest," who had been your political inspiration, were sending off to serve as cannon fodder for the Vietnamese those high school classmates who couldn't get student deferments.

It was easy, too, seeing as how the South China Sea was not yet awash with boat people, and the Khmer Rouge

hadn't had the opportunity to kill every college student, and most anyone else, they could get their hands on.

Students today lack that sort of burning idealism. Your average HLS student today is only interested in selfish things, like working hard, raising a decent family, doing some pro bono, and leaving the world a little better than she found it. Hegemonic bastards!

So what of the '60s? I think that ultimately the '60s will, in fact, be remembered as the great decade of idealism, and not only for the idealism of the poor blacks who fought the Civil Rights struggle. For at the same time that the SDS and its allies were touting a bitter, reactionary statism that became known as the New Left, a smaller group of students, who didn't make the cover of *Time*, were launching the rebirth of a truly revolutionary ideology, Classical Liberalism.

Today, while the battered SDS'ers celebrate the short-term victories of years past and try to recreate that destructive spirit today, it is the ideas of that other group — the doctrines of Classical Liberalism — that are slowly sweeping the U.S., the world, and even Harvard Law School.

The Reagan and Bush administrations (an odd mix still dominated by the declining authoritarians, such as William Bennett and Robert Bork, but featuring the first wave of the ascendant libertarians to reach power, such as Mark Fowler and Douglas Ginsburg) are early halfway houses on the road to a freer, more prosperous society.

John Stuart Mill wrote that ideas pass through three phases: ridicule, discussion and popular acceptance. In the '60s, freedom was ridiculed. Those who saw it through were the true idealists of the '60s, and the reason we will ultimately look back on the decade with fondness.

Racism, Sexism, Pervade Law Firm Interviews

(continued from page 4)

dents and women at HLS, the University of Chicago and other law schools face every interview season by firms that profess to be committed to hiring women and minorities. Otherwise, he would understand BLSA's desire to demonstrate its total disgust over such conduct.

It is ironic that Crain believes that students such as himself would be the victims of a year-long ban on Baker & McKenzie. Doubtless, if Crain or any

other student at HLS wants a job at Baker & McKenzie, the firm would be more than willing to make private arrangements for the student to interview. This inconvenience is minimal compared to the indignities that women and minorities face each year as they interview.

Banning Baker & McKenzie from this campus will not eliminate all the racism and sexism in the interviewing process, or for that matter, within the law firms.

A ban, however, would send a message to firms that Harvard and other

major law schools will not tolerate such behavior.

As black women, we call on Harvard to stand by us, ban Baker & McKenzie for a period of one year and take other measures to ensure that women and minorities will not ever again have to explain to a racist or sexist partner "what type of birth control they are using," or "why there aren't any golf courses in the ghetto."

Nicole Walthour, 3L
Kimberly Talley, 3L

Corporate Law Talent Drain Lamentable

Every year thousands of the country's finest students enroll in the nation's top law schools.

They are generally young, ambitious, and energetic. Many are idealistic, seeking a law degree as a passport to public service.

Others have little idea what they will do with their degree but know that it will open many doors.

Yet despite the diversity of jobs avail-

Alan Hirsch Off The Record

able to these gifted students, the overwhelming majority will join law firms whose clientele consists primarily of commercial corporations.

This state of affairs has long been deplored by persons arguing that corporations engage in nefarious practices, e.g., polluting the environment, endangering the public, and abusing their employees, and that corporate law firms assist their clients in these destructive deeds.

Alan Hirsch is an attorney for Essential Information, a non-profit group founded by Ralph Nader.

I agree that the flow of talent from the top law schools to corporate law firms is lamentable. However, my thesis has a wrinkle.

I believe that even if we reject "liberal" depictions of corporate firms and the corporations they represent, the law school/law firm nexus remains a serious problem.

The question of what young lawyers should do with their lives becomes skewed when the focus is on the morality of corporate law. When the debate is so framed, an important point tends to be overlooked: the opportunity cost to society when so many talented youths head for the firms.

For the most part, those who bemoan the fact that the top law schools produce primarily corporate lawyers are severe critics of both corporate law firms and corporations generally.

The most persistent critic of the law school/law firm nexus is consumer advocate Ralph Nader '58. Almost 20 years ago, Nader criticized law schools for churning out talented people who devote their lives to helping greedy Goliaths crush innocent Davids:

[Corporate lawyers labor] for polluters, not anti-polluters; for sellers, not consumers; for corporations, not citizens; for labor leaders, not rank and file; for, not against rate increases or weak stan-

dards before government agencies; for highway builders, not displaced residents.

Two decades later, Nader delivers this message with the same vehemence.

Another prominent critic of the law firm/law school connection is Harvard Law School Prof. Duncan Kennedy, for whom the great evil is hierarchy.

Kennedy believes that the rigidly hierarchical law schools, where students look down on custodians but are obsequious to professors, prepare students perfectly for corporate law firms, where the pecking order (partner, associate,

But apart from whatever hold "trickle down" economics still has on us, few will dispute that the primary effect of most corporate law is to maximize the wealth of the wealthy. (There are exceptions, of course, but we're talking about the norm.)

The opportunity costs to society are overwhelming. While the best and the brightest are whisked away to the firms, the battles against homelessness, child abuse, hunger, governmental corruption, pollution, and discrimination are hopelessly understaffed.

Harvard President Derek Bok recently

"Our top law schools admit people with rare skills and graduate them to places where their skills are of limited usefulness to society."

paralegal, secretary, hired help) is virtually engraved on the firm stationery.

Hierarchy becomes so engrained that the young attorneys feel comfortable doing work that reinforces society's caste system.

Nader and Kennedy have different emphases, but they share misgivings about corporations and disapprove of the work that law firms do on their behalf. Because the most prominent critics of the law school/law firm nexus share this outlook, an alternative perspective has been overshadowed.

What I have in mind is that one can disagree with Nader and Kennedy's specific views, yet share their conclusion that it is scandalous that the top law schools mass-produce corporate lawyers.

Let us stipulate for the sake of argument that, Nader to the contrary, corporations are overregulated and their benefit to society underappreciated.

Let us stipulate further that, Kennedy notwithstanding, most hierarchies are healthy and natural. Granting these premises, it does not follow that society is well-served when the top law schools produce mostly corporate lawyers.

The most common tasks of corporate law firms are commercial, e.g., mergers and acquisitions, business contracts and real estate transactions, tax assistance. (Their litigation usually involves financial disputes between corporations.)

There are learned people who make a living by explaining how mergers and other corporate transactions actually benefit the homeless in Harlem.

observed:

As I travel around the country looking at different professions and institutions, I am constantly struck by how pressing are the needs for more creativity and intelligence... [T]he supply of exceptional people is limited. Yet far too many of these rare individuals are becoming lawyers at a time when the country cries out for more talented executives, more enlightened public servants, more inventive engineers, more able high school principals and teachers.

Bok is surely correct that the supply of creativity and intelligence is limited and the demand for it as great or greater than ever.

He is equally correct that our top law schools admit people with rare skills and graduate them to places where their skills are of limited usefulness to society.

However, Bok didn't have to restrict his point to lawyers vs. non-lawyers. I hope he won't be offended if I slightly restate his observations to make a related point:

[T]he supply of exceptional lawyers is limited. Yet far too many of these rare individuals are becoming corporate lawyers at a time when the country cries out for lawyers to assist the handicapped, the homeless, and the poor.

We can disagree about corporate capitalism and about the morality of law firm work.

But can't we all agree that society would be better served if a greater number of talented attorneys chose alternative careers in the law?

Editorial Mischaracterized BLSA Motives in Baker Ban

(continued from page 4)

partners and 134 associates in those six offices, there are currently no black partners and only four black associates. In a law firm reputed to be the largest in the world, there are only five black associates out of 385 attorneys in seven U.S. offices.

These numbers show that Baker & McKenzie has an inexcusably poor black employment record. Perhaps the numbers alone do not show that Baker & McKenzie intentionally discriminates against black applicants, but Baker & McKenzie is obviously not successfully recruiting and retaining black applicants, and we do know that racists have been among their high-level partners making hiring decisions. It is now incumbent upon Baker & McKenzie to explain and rid its apparent policy of racial exclusion. Baker & McKenzie has a nationwide problem and a nationwide placement office ban is appropriate.

A major theme in both of your March 17 editorials was that black students are "hasty" to criticize, more interested in "symbolic moralizing" than "practical" reforms or "intellectual honesty." You seem to imply that black people are incapable of thinking rationally. Well, I thought that even an omniscient, "reasonable" white man like yourself might be interested in a few facts.

First, BLSA did not react hastily to

the Baker & McKenzie incident. We reached a consensus that strong action was necessary at both our Feb. 8 and March 1 meetings, but we waited to recommend a ban for over a month while several students investigated the facts related to the incident.

Second, I spoke to Professor Randall Kennedy about your editorial charging that he has been subjected to "unfair abuse for committing the sin of bucking the black party line." He told me that he has never spoken to you about the subject and that he would not characterize any criticism he has received from Harvard students as "unfair abuse."

As I read your two March 17 editorials, I realized that one major reason why I am glad that my tenure as BLSA president ends this month is that I will no longer have the responsibility of dealing with ignorant white men such as yourself. You reach opinions without knowing all of the facts or hearing important points of view. You are even so bold as to publish these opinions. You presume to know much about how black people think and how they should solve their problems. You would do yourself and the entire HLS community a favor by spending less time proselytizing and more time evaluating your own ignorance and prejudice.

Robert Wilkins, 3L
President, BLSA

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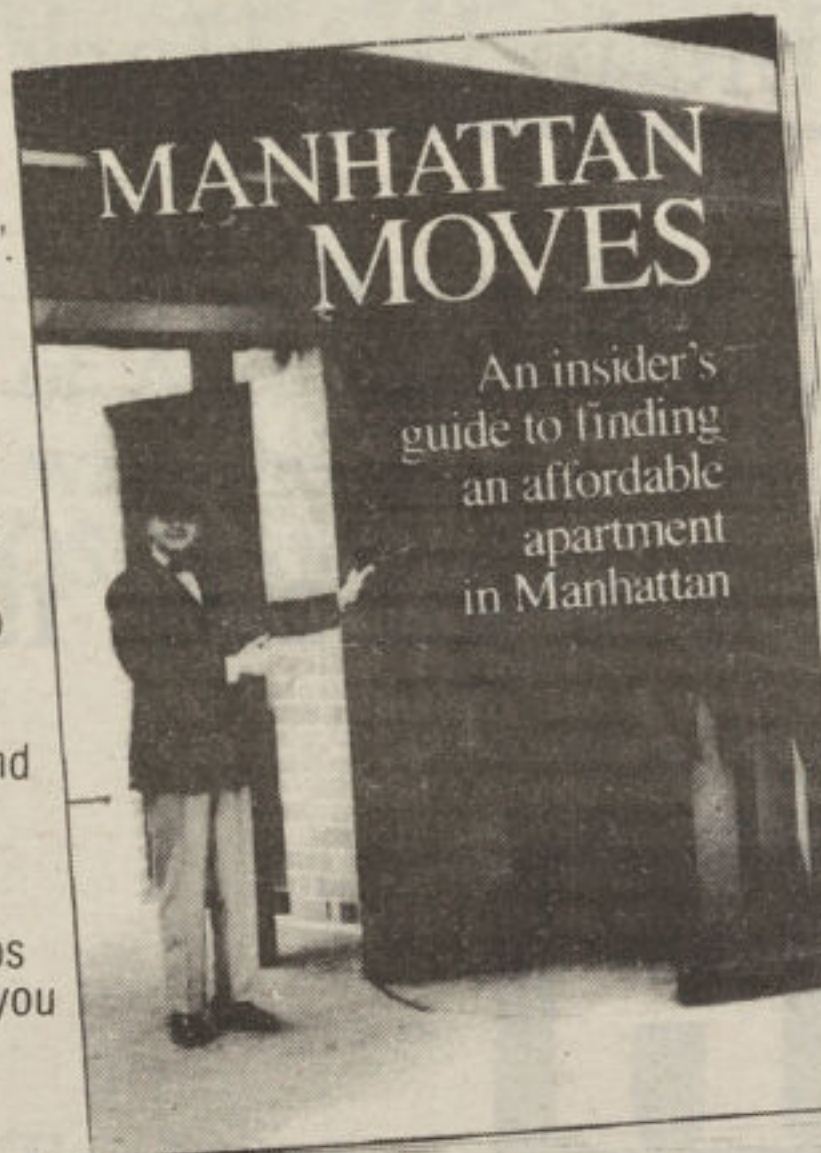
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Pioneering Woman Lawyer Honored

By Troy Morgan
Staff Writer

Artist Melvin Robbins unveiled his painting of Myra Bradwell (1831-1894), among the first women to practice law in the United States, on March 20 in the Langdell Treasury Room. The work now hangs in the Langdell lobby opposite Robbin's painting of HLS's "First Women Graduates," class of 1953.

Dean James Vorenberg '51 described HLS's women graduates as "a legacy of Mrs. Myra Bradwell." Vorenberg introduced Professor Martha Minow as "another legacy of Myra Bradwell."

Myra Bradwell was the subject of the now famous Supreme Court decision *Bradwell v. Illinois* (1873) which held that Illinois could constitutionally bar women from the practice of law.

Minow said that *The Chicago Legal News* (1868), which Bradwell edited, set "a clear path for the *American Lawyer* and the *National Law Journal*, along with *West* and *Lexis*." Her own editorials in this newspaper, according to Minow, helped Bradwell to challenge the system as she struggled to gain admission to the Illinois bar after passing the Chicago bar exam.

The Illinois Supreme Court, Minow explained, reasoned that Bradwell "would not be bound by obligations necessary to be assumed where the relation of attorney and client shall exist, by reason of the disability imposed by [her] married condition — meaning [that as a wife, she was] not legally entitled to enter into contracts on her own, to sue or be sued."

The United States Supreme Court ruled that Illinois could exclude women from the bar because "the practice of law is not one of the privileges and immunities that the states are forbidden to abridge," Minow said. Justice Bradley concurred, writing that "[t]he natural and proper timidity and delicacy which belongs to the female sex evi-

dently unfits it for many of the occupations of civil life."

Finally, in 1890, the "Illinois Supreme Court, on its own motion, granted Bradwell license to practice law, and a Special Act of the legislature authorized her [by name] to keep her own earnings, even though she was a married woman," Minow said.

Minow summed up the significance of the event by stating that "[w]ith the unveiling of this portrait, the law school begins what I hope will be a long tradition of not only honoring historic women who have contributed to the growth of the law, but also honoring critics — men and women, white and black, Native American and immigrant — who found ways to use their positions as outsiders not only to seek inclusion, but also to seek transformation of the legal system."

Next
RECORD:
April 21

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Graduates of the Class of 1989 will be proposed, seconded and interviewed in one step for membership in the Club. Requirements for supporting letters, etc., are waived for this event for 1989 graduates. Information about the Club will be available, and Committee Members will try to answer any questions you may have concerning membership.

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By Appointment

Students Study-In For Diversity

(continued from front page)
faculty meeting in silence, holding placards. Faculty members filed past the protestors as they entered the meeting. Some faculty members made supportive comments to the students, while most chose to say nothing, according to Ramirez.

Unlike the April 6 study-in, the faculty meeting protest was aimed specifically at protesting the lack of tenured or tenure-track Hispanic faculty at HLS. La Alianza also put up signs protesting the lack of Hispanic faculty around the school. "It is time for Harvard Law School to move out of the dark age and into the modern era [in the hiring of Hispanic faculty]," Ramirez said.

The Committee on Gay and Lesbian Legal Issues (COGLLI) Chair Carrie Costello, 2L, was pleased with the study-in turnout, but would have organized "a more visible, loud, prominent and disruptive event." Costello implied that the study-in format used on April 6 resulted from compromise and coalition politics. COGLLI hopes to bring about the hiring of openly gay and lesbian faculty members.

In addition, COGLLI wants courses on sexual orientation offered. Such courses are taught at many other law schools, according to Costello.

HLS is a particularly difficult place in which to be openly gay or lesbian, Costello added. If homosexuals make up 10 percent of the population, then there should be approximately 150 homosexuals at HLS. Yet only about 50 individuals have joined COGLLI and an even smaller number feel comfortable enough to openly attend COGLLI events. "A smaller percentage of HLS homosexuals are out of the closet than at other law schools. People may feel that

they have to conform in order to get the right jobs," Costello argued.

Study-in organizers hoped primarily to reach the faculty and administration with their message. "In general, this is an awareness issue; the school must stay aware of the problem," Savage said. Organizers believe that student protests do affect the administration. "The BLSA sit-in effected the granting of tenure to Derrick Bell," Ramirez said.

Dean James Vorenberg '51 presented the faculty response to the protest. Appearing before the protestors, he expressed appreciation that the students had not disrupted or inconvenienced those at work in the neighboring offices. In an interview following his appearance, the Dean said that the faculty was aware of the protest and that reaction was varied. He found it to be a "large and impressive turnout."

Vorenberg went on to say that "we are, and have been for many years working hard on the issue of minority recruiting. Anyone looking at our record will see that we have made significant progress." He added that "we are not there yet and we hope that we are going to continue to make progress. There is still room and the need for many more [women and minorities] on the faculty."

The Student Coalition for a Diverse Faculty consists of all the student groups on campus which represent the interests of minority students. These include La Alianza, the American Indian Law Students Association, the Asian American Law Students Association, the Black Law Students Association, the Committee on Gay and Lesbian Issues and the Women's Law Association.



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Macneil Threatens Disciplinary Action For Absenteeism

By Tom Billello
News Editor

The vigorous enforcement by Visiting Prof. Ian Macneil '55 of HLS' long-dormant attendance policy has drawn fire from members of his first-year contracts class. The enforcement policy has led Macneil to refer three students to the Administrative

professors is lax.

By contrast, Macneil monitors his 1L-3 contracts class attendance by asking students to sign a sheet at the beginning of each class. Macneil's attendance policy allows each student five unexcused absences and five "unprepared" attendances. However, Macneil explained at a meeting with stu-

warning the students against fraud.

One student concern centered on the issue of notice of punishment. Students expected that consultation would be the extent of Macneil's interaction with violators of the policy.

"Disciplinary action never seemed to enter into this," said

tendance policy and that of the regular HLS faculty.

"I think that the school should be protecting us [from these types of disparities]" said Ray Jasen, 1L-3. "Procedurally, we should be treated the same as other sections.

"Early on in the semester, people wanted to switch out of his class and were told that they couldn't," Jasen continued. "At least in those classes where there is no choice, professors should follow form."

Macneil refused to speak to the RECORD on this issue. However, Macneil explained his motivations in an April 5 meeting with class representatives. Through the enforced attendance policy, Macneil reportedly said, he hoped in part to promote professionalism, track problem students, and avoid participating in untruths when the university certifies that students attend classes regularly.

During the April 5 meeting, Macneil stated that the student concern over notice of punitive consequences was questionable. Macneil explained that "if push ever came

to shove, if the Administrative Board said 'you're out,' a person would have every right to raise the adequate notice issue."

Jasen additionally raised a reliance issue. "I was told by an administrator during my visit on 'New Student's Day' that attendance and participation could not count against you."

The section was unified in wanting clarification of Macneil's attendance policy, according to section representative Kevin Mohan, 1L-3. However, opinion on the policy itself was characteristically diverse.

Jacqueline Fuchs, 1L-3, sees the problem as lying with the administration's lack of sensitivity to student concerns. "The students brought complaints to the administration very early on and the administration did nothing. The students had nowhere to go," she concluded.

Don Gaffney, 1L-3 explained the purpose of the group meetings with Macneil. "I'm going to feel terrible if next year another section has to sit through what we did because we sat on our duffs all year," he said.

"I'm going to feel terrible if next year another section has to sit through what we did because we sat on our duffs all year."

Board for excessive absences.

If one of the referred students misses one more class this semester, Macneil intends to petition the Administrative Board and ask that it commence proceedings against that student, according to a letter sent by the professor to the student. Additionally, the letter stated that Macneil intends to recommend that the student be dropped from the course.

The American Bar Association requires university enforcement of student attendance for accreditation. However, enforcement by the majority of

students that he only contacts students after they have deviated from the norm established by approximately 40% of the class. Students indicated that they never understood the mechanics of his policy.

One of the student responses to Macneil's sign-in policy, deemed the "smiley-face defense" by one student, was organized at a student meeting. Students were encouraged to resist the policy by substituting happy faces for their initials. Students were also encouraged to sign for their neighbors. Macneil responded by

one student. "At first, the attendance policy was to aid the student. Nothing like that [disciplinary action] was threatened."

One student raised procedural questions as to the consequences of being dropped from a first year course. "No one knows the ramifications of being dropped. Will the student repeat contracts? Or will they be dropped from the law school for non-fulfillment of the first year requirements?"

Other students expressed concern stemming from the disparity between Macneil's at-

Thirty Students Join Abortion Rights March On D.C.

By Greg Herbert
Commentary Editor

About 30 HLS students joined a nationwide march and rally in Washington, D.C. on April 9 to demonstrate support for the protection of a woman's right to choose an abortion. The March for Women's Equality, Women's Lives was organized by the National Organization for Women (NOW) and drew over 300,000 participants, according to police estimates.

The march inspired "a real sense of euphoria" among the HLS students participating, according to Ayelet Waldman, 1L, who organized the HLS contingent along with Pam Silberstein, 1L.

Harvard University was well represented at the march. Student groups included representatives from the College, the Kennedy School of Government and the Medical School. March organizers grouped the Harvard contingent with a large delegation from other New England schools such as Yale, Brown and Boston University.

According to Waldman, the HLS faction was one of the more visible groups represented. "We had very large signs. We all sang and chanted together. A lot of alums yelled out to us as

we passed them during the march," she said.

NOW had originally planned the demonstration as a show of support for women's equality generally, with an emphasis on keeping alive consideration of the Equal Rights Amendment, according to Waldman. The focus of the march changed to abortion rights, however, when the Supreme Court granted certiorari last year in *Webster v. Reproductive Health Services*, in which the Court will consider the constitutionality of a Missouri anti-abortion law. Abortion rights have now become "the number one priority for the feminist movement," Waldman said.

"Women have gotten complacent. We thought this was a battle that our mothers had won. We woke up and realized that we must continue the fight fought by the last generation."

Molly Yard, president of NOW, opened the rally with a brief speech exhorting demonstrators to raise their voices for a woman's right to choose and reminding her audience of the much larger, longer struggle ahead for women's rights. Several activists, politicians and entertainers also took the stage voicing their ardent support for abortion rights.

Senator Alan Cranston (D-CA) was the first politician to speak. "When the rights of few are suppressed, then all people are diminished and hindered," he said. Cranston was joined by Senator Howard Metzen-

baum (D-OH), in his pledge to fight any anti-abortion legislation in the Senate.

Waldman articulated the main goal of the march as an effort "to show not so much the Supreme Court, but also Con-

gress and the American public that the people who support Operation Rescue [anti-abortion activists] are in a definite minority." Overall, Waldman described her participation in the march as "one of the best days of my life."

Finals Set For Ames Competition

By Patrick Miles
Staff Writer

Ames "March Madness" captured HLS, as the final four upper-round Ames teams competed on March 21 and 22 advance to the 1989 Ames Moot Court Championship next November.

On March 21, the Footnote Four Team, composed of 2Ls David Blank, Mary Cliff, Michael Dorf (oralist), Michael Grossman, Matthew Kreager (oralist), and Sylvia Quast, captured best team and best brief honors. In addition, Dorf was named best oralist. The Footnote Four Team and their opponents, the J. Skelly Wright Team, 2Ls Kurt Bjorklund, Kevin Buehler (oralist), Melody

Harris, Rhonda Moorman, Edward Reitter, and David Zubkoff (oralist), argued the fictional case *Johnson v. Barlow* before District of Columbia Court of Appeals Judge Judith Rogers, United States District Court Judge Barbara Jacobs Rothstein (Western District of Washington), and Massachusetts Appeals Court Judge Benjamin Kaplan.

The *Johnson* case involved the issue of stop-and-frisk and Constitutional rights.

In the second semi-final match, on March 22, the Six Points of Light squad, consisting of 2Ls Anne Berleman (oralist), David Gormley, Karen Jacobs, Kathleen Mulligan (oralist), George Postolos, and Jeffrey Tolk were awarded best

team and best brief honors. Their opposition, the Res Ipsa Loquitor Team, 2Ls Alice Maris, Stacy Rosenberg, Pauline Scalvino (oralist), Matthew Stevens, Toni Stevens (oralist), and Marilyn Wiesen, argued for the Appellants in the fictional *Brown v. Ferguson* case which involved school district discrimination. Toni Stevens was named best oralist.

The Six Points of Light and the Res Ipsa Loquitor Teams argued their cases in front of Justice Mary Mullarkey of the Colorado Supreme Court, United States Court of Appeals Judge Stephen Reinhardt (Ninth Circuit), and Judge Jose Cabranes (District Court of Connecticut).

Faculty Tenures Two

(continued from front page)

1977, Kennedy was a Rhodes Scholar at Balliol College, Oxford. He graduated from Yale Law School in 1982, after which he clerked for Judge J. Skelly Wright, U.S. Court of Appeals, D.C. Circuit, and U.S. Supreme Court Justice Thurgood Marshall. Kennedy was appointed assistant professor at HLS in 1984. Among the many courses Kennedy teaches at HLS are first-year contracts and "Race, Racism and American Law."

Rakoff remarked that he was not surprised by the unanimity of the faculty vote "because of the outstanding quality of both of the people." He said that "students sometimes don't take seriously the degree to which the faculty is serious about the teaching quality of the people

they admit to the faculty. I'm delighted about these two appointments in part because I think we are adding two terrific teachers to the faculty as well as excellent scholars."

Rakoff described the protocol used for all tenure cases. "On the teaching side," faculty members observe classes taught by assistant professors, interview random students who have taken the classes, and go over BSA course evaluations.

On the scholarship side, Rakoff said that the committee reviews, with the assistance of faculty members knowledgeable in the area, scholarly articles written by the candidate. In addition, the committee seeks out formal written evaluations of the same work by members of other law school faculties who are scholars in the particular field.



Patricia Lee

TWENTY YEARS AGO TODAY: Kelly Dermody and Dale Fink co-emceed a rally commemorating the Harvard Strike of 1969. The rally, held April 7 on the steps of University Hall and attended by about 400 people, included speakers from past and present University organizations who declared that student activism is alive and well. HLS was represented by BLSA President Rob Wilkins, 3L, who argued for Harvard divestment from South Africa, and La Alianza member Rudy Rodriguez, 2L, who advocated the hiring of a tenure-track Hispanic professor at the law school.