



# Harvard Law Record

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America's Oldest Law School Newspaper

May 5, 1989

## 1989 Graduation Plans 'Formalized'

By Michael Hughes  
Staff Writer

Departing from the recent trend of highly unstructured graduations at HLS, the 1989 Class Committee has organized a more formal ceremony for this year's commencement, according to First Class Marshall Jon Vein, 3L.

"In the past, lunch took place at the same time as the diploma granting ceremony, and people just got up to get their diplomas at the whim, in no order," said Vein. "This year, the formal ceremony will precede lunch."

Students will proceed in alphabetical order to accept their diplomas. Vein emphasized that alphabetical order was at all times the Committee's foremost method of organizing the ceremony. "We never realistically considered the possibility of ordering the procession by class rank," he noted. "In fact the rumors that procession in the past have been

in order of class rank are just that — rumors. To the best of my knowledge, the Law School has never had a formal graduation like the one we're having this year."

The Committee is developing other ideas for the ceremony, Vein added. Among the possibilities are addresses by both a student speaker and a prominent figure.

Some students have questioned the need for a formal ceremony, Vein said. "The reason we decided to have a formal ceremony is [that] people are limited to so few tickets to the University graduation that we wanted to enable all of the family members and friends of the graduates to attend a 'regular' ceremony," he explained. "We wanted to make the law school ceremony more of an event than it has been in the past."

The Committee has also made it easier for students who will be out of Cambridge between their last exam and



1989 Class Committee, front row (l-r), Jon Vein, Natalie Hanlon, Alan Jenkins, Doug Blackburn, Melvin Williams; back row (l-r), Terry Franklin, Emre Derman, Jean Ruby, Rob Wilkins

Commencement to pick up their tickets to the ceremony. Tickets will be available during the last week of exams as well as the week of Commencement.

Among the other innovations the Committee has initiated this year is the development of a Class wine. The wine, a white wine by a California winery that,

according to Vein, has won many awards, was the brainchild of Committee members Second Class Marshall Melvin Williams, 3L, and Susan Page, 3L. Vein noted that, despite some initial complaints that the idea of a class wine was too "stuffy," the response has been very good.

Another popular souvenir of the Class of 1989 is the class t-shirt. Committee member Terry Franklin, 3L, came up with the concept for the shirt, which depicts a license plate from the state of Ames inscribed with the words "HLS Law." The shirts have been selling quickly, (continued on back page)

## Administration Attempts To Curb Obscene Phone Calls

By Sally Johnson  
Staff Writer

The perennial harassment of women in the HLS dormitories by obscene and threatening phone callers may soon be abated by the University and HLS administration.

Harvard University will begin installation of a new self-contained telecommunications system this summer, according to Administrative Dean Simone Reagor, who added that the student dorms are slated to be changed over first. Reagor

said that the administration is "checking into the possibility" that dorm phone numbers could be randomized under the new system.

Harvard's present telephone system is structured such that the numbers are sequential, enabling callers who know how the system works to launch a massive onslaught of annoying and frightening obscene calls, room by room, based upon a single phone number.

The administration's action comes in response to a letter written by Bonnie Savage, 3L,

and resident assistant Charlotte Gibberman, 2L, DSAC president, who saw the phone system change as an opportunity for the administration to help alleviate an escalating problem.

"It used to be mostly heavy breathing and obscene talk, sometimes in the middle of the night," Gibberman said, "but recently at least two women I know about have received serious threats over the phone."

"One man actually left a threatening message on a student's answering machine. She was understandably very disturbed and upset and she turned the tape over to the police."

The police, however, have limited means of tracking the calls and have not yet apprehended anyone. In accordance with police procedure, victims who report "mere" heavy breathing or obscene utterances must sign a form committing themselves to prosecution of the offender before the police will employ the primary investigatory tool available to them: wiretapping. Savage stated that many women are not willing to assume that burden.

Women do have options beyond police involvement for dealing with the harassment. Savage and Reagor suggest that women blow whistles, such as those passed out by Women's Law Association earlier this year, into their callers' ears. In addition, women can ask a male friend to tape their answering machine introductory messages, a measure advised by the police.

## La Alianza Continues Drive For Faculty Seat

By Alain Kodsi  
Staff Writer

Newly elected leaders of La Alianza said this week that although they felt they were increasing awareness among the faculty of the need to hire a tenure-track Hispanic, they were still planning a number of activities in the coming year to further educate the Harvard community about Hispanic concerns.

Loretta Martinez, 1L and co-chair of La Alianza, issued a call for interested members of the HLS community to join the organization in a silent protest outside the next faculty meeting on May 10. The purpose of the protest "is to continue our education program on the issues ... and to demonstrate our commitment to continue our campaign," said Martinez.

"We feel this is not just an issue that affects Hispanics, but one that concerns the entire Harvard community," said Ivette Pena, 2L and co-chair. "By not having a tenured Hispanic we are denying everybody at Harvard the opportunity to become more involved in Hispanic legal issues."

Martinez and Pena outlined several measures the group planned to take in the coming year:

- A campaign to make personal contact with each member of the faculty.

- A continued dialogue with Dean Robert Clark '72 and faculty members on the Appointments Committee.

- A Hispanic speaker series that will attract prominent

leaders to discuss important political and social issues affecting the Hispanic community.

— The organization of a support group among the estimated 350 HLS Hispanic alumni.

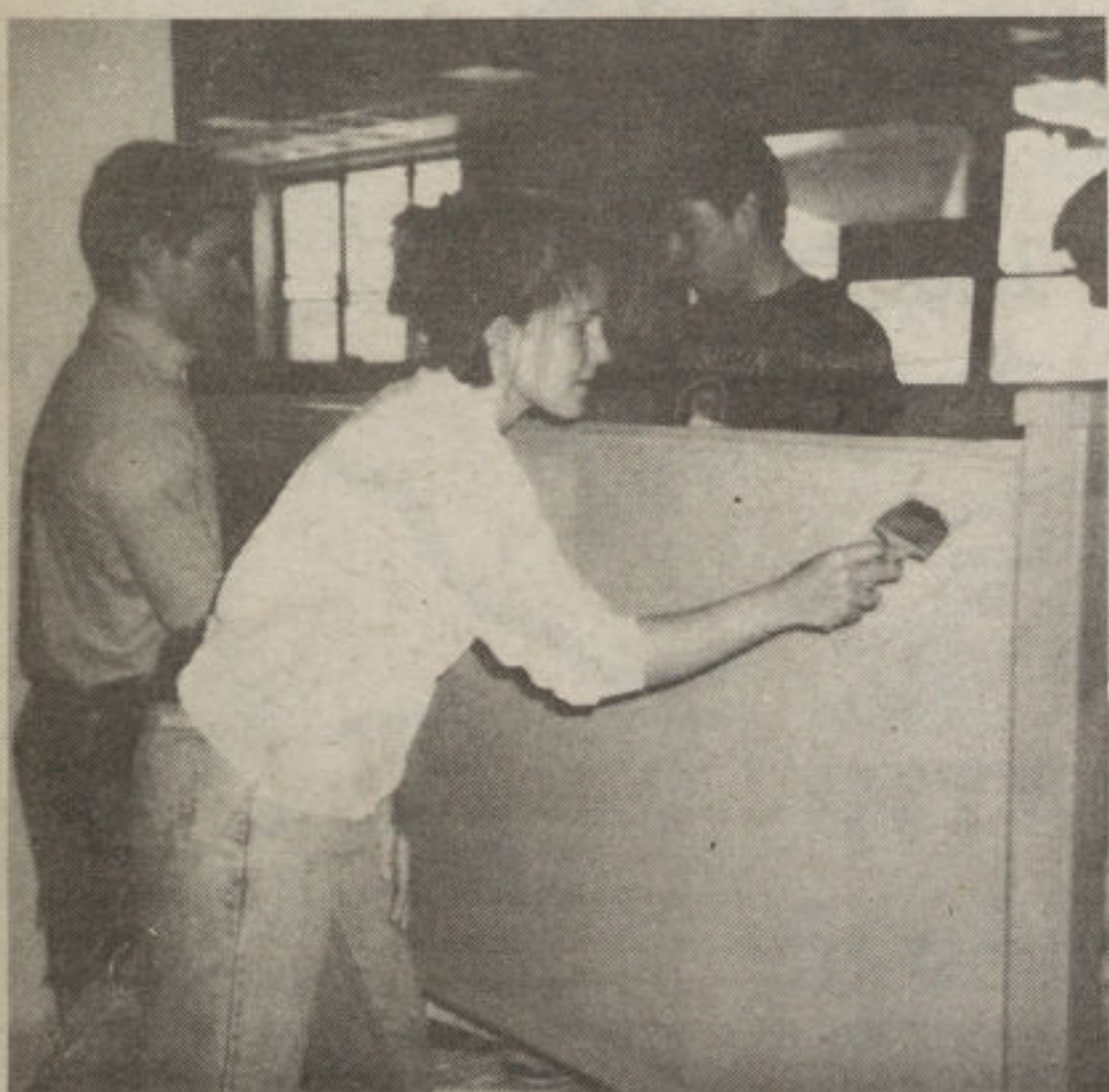
In 1984, the faculty offered a tenured position to a visiting Hispanic professor, Jerry Lopez. However, the offer was considered by some to be tardy because it was not made until Lopez had moved his family back to California and received offers from other schools.

Lopez later declined the offer and took a similar position at Stanford. Lopez since said in an interview he did not feel as comfortable at HLS because of the lack of a "institutional awareness" of Hispanic concerns.

Two weeks ago, leaders of La Alianza expressed concern the faculty had passed up an opportunity by not offering a full-time teaching position to Deborah Ramirez, '81 for the Government Lawyer course. Ramirez, an assistant U.S. attorney for the district of Massachusetts, will teach litigation part-time in the spring.

Martinez said ultimately the commitment to greater diversity must come from the faculty, not the students. "We are the catalyst," she said.

Pena added: "We have to remember that since Hispanics entered this law school Harvard could have had a baby, brought him or her through the system, sent him or her to the law school, and had a Hispanic faculty member by now."



Students from several HLS organizations participated in Code Critical's "Project Outreach" on Sat., April 22, by volunteering their assistance at the Long Island Shelter for the Homeless in Quincy. Seen here painting partitions at the shelter are (l-r) Alain Kodsi, 3L, Karen Lilly, and Joe Patino, 2L.

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# Code Critical Caps Off Stellar Year

By Simon Mendelson  
Staff Writer

Since its creation last year, the student organization "Code Critical" has raised nearly \$30,000 to combat homelessness, according to Alain Kodsi, 3L, one of the group's founders. Along with its financial success, Code Critical has received national media attention in *The New York Times*, *The Washington Post*, *Boston Magazine*, ABC News and in several law publications as a pioneering organization. By next year, the project will have expanded to a national level and will include branches at fourteen other law schools including Yale, Duke, Berkeley, Boston University, and Georgetown, according to Code Critical spokesperson Lisa Ferrell, 2L.

Code Critical organized three charitable projects this past year: the Firm Commitment, the Benefit Dance and Project Outreach. James Lovett, 3L, and Bill Sarraile, 3L, oversaw the general operation for most of the year, while Kodsi organized both this year's and last year's Benefit Dances. The Firm Commitment and Project Outreach both began this academic year.

The Firm Commitment campaign asked students to stay at less expensive hotels while on fly-outs and to book flights through File's travel service. In turn, File's donated half of its travel agency commission to Code Critical. Law firms passed on their savings on accommodations as well.

The primary beneficiary of the money raised through the Firm Commitment was the Long Island Shelter, located in Boston, which received \$6,000. Additional money received from the law firms went to shelters in the cities of the participating firms. Over 650 students participated, as did approximately 100 law firms, Kodsi said. As of the most recent accounting, the Firm Commitment had generated over \$14,000, with

\$10,000 of that coming from the participating law firms.

Code Critical's Benefit Dance was held on April 28 at the CITI Club in Boston. The event generated approximately \$6,000 from ticket sales, primarily to law students. Although the business school co-sponsored the event, their main efforts have been directed at a benefit scheduled to take place in Newport later this year.

While this year's turn-out was described as "outstanding" by Ferrell, the Benefit Dance did not raise as much as last year's event. The 1988 Code Critical Benefit Dance, held at the Boston World Trade Center, featured a fashion show and dancing. That event raised \$10,492 according to Kodsi. Had there not been last minute scheduling problems, this year's Benefit Dance would have generated more money, according to Kodsi.

The money from the benefit dances went to a number of Boston area shelters including the Long Island Shelter, Rosie's Place, the Pine Street Inn, and Kingston House.

Finally, Code Critical inaugurated Project Outreach this year, in which students volunteered to go to the shelters and provide direct assistance for a day. Code Critical asked all other student organizations at the law school to send members to the shelters. For example, La Alianza participated by serving a spaghetti meal at a nearby church. Code Critical members spent the day painting at the Long Island Shelter. Frank Cardenas, 2L, was responsible for the project.

Joe Patino, 2L, who spent a day painting with Project Outreach, found the experience to be "incredibly rewarding." He added that "actually working in the shelter is when it all became real to me ... no one can accuse Project Outreach of being 'Yuppie charity.'"

Patino, who will head the program



Anne-Marie Poliquin and Maria Vavquez, L.L.M.S. at a Code Critical Benefit Dance at CITI in Boston on April 28.

next year, hopes to be able to go directly to student volunteers rather than going through existing student organizations. In addition, students will be asked to volunteer work time on a regular basis. Patino's goal is 150 volunteers at various area shelters. "That could make a real difference," he said. Patino stated that law students can learn a lot from dealing with the homeless up close and in person. Rather than being an abstract group discussed in detached economic terms, the homeless become real when volunteers work with them directly, he said.

"These are often people struggling not to be homeless ... they are not leeches or free-loaders. The shelters not only provide a warm place, they provide them with the first human eye contact they have had in a long time," Patino said.

Recipients of Project Outreach's help

were extremely grateful, Kodsi said. Anne Murdock, director of the Long Island Shelter, sent a special letter of thanks to Code Critical.

In the wake of this incredible success, Code Critical has gone national. The Harvard chapter was incorporated earlier this year with Kodsi as president. In addition, a national organization has been created called the National Association of Students Against Homelessness, Inc. (NASAH). The various law schools that form Code Critical projects will be subchapters of the national organization which will coordinate the efforts on the various campuses. For the next year, the national organization will be run out of Harvard with David Harper, 1L, as director.

In the future, NASAH leadership will rotate among other participating schools on a yearly basis. Participating schools will vote on which school will run the national organization each year.

## HLS Students Challenge Rape Conviction

By Karen Lilly  
Special to the RECORD

In 1984 a young man of black and Hispanic descent was convicted by an

all-white jury of raping a 59-year-old Leominster, Mass. woman. Now, more than five years later, after two unsuccessful appeals, Benjamin La Guer has filed a petition with the Worcester

Superior Court for a new trial. La Guer contends that his counsel in the original trial was ineffective and failed to represent him adequately. Thanks to the dedication and assistance of two

members of HLS's Prison Legal Assistance Project (PLAP), Barry Berke and Lee Crawford, both 3Ls, it looks like La Guer will be granted a new trial after all.

One day in February, Barry happened to be sitting by the telephone in the PLAP office. Little did he know that when he answered the phone that day, he would soon embark upon a project that would consume much of his time and energy for the next year.

Having been frustrated by attorneys whom he perceived to be ineffective, La Guer was calling PLAP to ask for someone to help him with his petition for a new trial. Berke and his partner Crawford admit that they were skeptical at first about taking on a client who had already been convicted. After all, it is not unusual for a convicted criminal to assert that justice has not been served in his or her particular case. In many instances, once they are behind bars with free time on their hands, criminals have little else to do but think of technicalities and loopholes in the system on which they might be released. In the words of Crawford, "Usually they [the criminals] do not have any [legitimate] claims...it's just ridiculous."

But Berke and Crawford both knew from the start that La Guer's case was different from all the rest. When Crawford realized that certain facts had not been disclosed at the original trial and that affidavits of several alibi witnesses had not been presented, she knew that justice had not been served in the case of La Guer. In her words, "The more I got involved, the more I realized there's definitely something wrong here." Berke, too, was suspicious: "Slowly I recognized that this was one of those special cases. In every facet of the trial there was error."

For instance, questions have  
(continued on back page)

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## Editorials

### Bok's Ethical Hypocrisy

Several Wednesdays ago, the Harvard Community was privileged to hear Derek Bok moderate a panel on ethics, as part of his push to include an ethical component in the Harvard educational experience. Mr. Bok's words on the subject are welcome; his actions, however, demonstrate to students and others just what Mr. Bok thinks of ethics.

Here is an ethical dilemma for Mr. Bok: Jane is the member of a committee. The committee's sole function is to award a prize, a very prestigious and widely sought-after prize. The committee has been set up to last just nine months, or until it has chosen the prize winner. Jane is an active committee member, interviewing prospective awardees and scrutinizing their achievements. She helps the committee evaluate and eliminate many potential winners; in doing this she acquires special information about what the committee is looking for in a winner. Jane resigns from the committee after eight months, and applies for the prize. Shortly thereafter, over the protests of some of the committee members, Jane is awarded the prize. Is Jane's conduct ethical?

While many would see the obvious conflict of interest in Jane's situation, and conclude that Jane's conduct is unethical, Mr. Bok is apparently oblivious to the appearance of impropriety in Jane's behavior. For "Jane" is none other than our own Bob Clark, whom Derek Bok has recently elevated to the deanship of the law school, despite the fact that Clark served for eight months on the very committee designed to find the new dean.

If this were Derek Bok's only ethical lapse, one might be tempted to excuse it. This is not the case. The Clark appointment is instead part of a much larger pattern of questionable processes and decisions involving Mr. Bok, processes and decisions which reveal the hypocrisy of his call for ethics.

In the Clare Dalton tenure case, Bok appointed a "neutral" committee that was about as disinterested as Bob-and-Jane of the story above. He also oversaw Harvard's vicious anti-union campaign, which even the Reagan-appointed National Labor Relations Board found out of bounds.

Harvard needs to concentrate more on ethics, to be sure; it might start by examining those of its President.

L.C.

### Another Option

You've probably been contacted by either SFF, FIPIL, Code Critical or a myriad of other student organizations, for a donation in the public interest. These solicitations are not intended to evoke a feeling of guilt or embarrassment. A student should not feel the need to walk an alternate route to their Hark Box in order to avoid a table staffed by students from these respective groups. Their purpose is to provide students with alternative ways to become involved in public interest work. It is up to the individual to determine the method of involvement that best suits him or her and it is the responsibility of the student organizations not to put undue pressure on students to participate in any one specific project. It is just as hard for the student sitting at a table to approach someone walking by as it is for someone walking by to approach someone sitting at a table. The general goal is to improve our community by becoming involved and informed.

Although not all students belong to the same activities or have the same definition of public interest, students here are involved. Too often we assume that other people who do not share our convictions or activities are acting in bad faith. We should all be more tolerant and assume a little good faith. We should act as a support system for our classmates and our community.

One proposal which might foster a feeling of cooperation is a program where students pledge for a period of time 5% of their salary or 50 hours of work a year, or a combination of the two, to work in the public interest. Unlike FIPIL, the individual student would be able to choose the type of public interest work he or she would support. While many students already contribute to their communities in various ways, the legal community could benefit greatly from such a program by encouraging students to devote some of their experience to the public interest.

A.K.

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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.

## LSC Article Unfair

### To the Editor:

Greg Herbert's article, "Melendez Proposes Merger of LSC, DSAC, ABA/LSD," skews some facts, and completely omits others. The article also puts words into the mouth of at least one news source.

To begin with, nobody, including me, has proposed a "merger" that would consolidate the three organizations. What I have proposed is an umbrella under which each organization keeps its present identity, structure, and function, and shares in a joint executive board whose purpose is to coordinate a common agenda and calendar. No possible spin on the proposal, however, fits any definition of the word "merger"; in fact, a better word could hardly be chosen to obscure the actual concept.

### Letters To The Editor

Secondly, I have never attempted "consolidation," nor has the actual proposal that is on the table been "aborted," as your interior headline suggests. That proposal must undergo substantial refinement before anyone, including me, digs in to advocate it; in fact, I have supported every change that has been suggested to date, and I hope that this process of improving my draft will continue. But the proposal is still on the table, and I hope that cool heads and open minds can work from there to an improvement on the status quo.

Your article plays the controversy as a "power grab," citing the opposition of George Anhang, a representative to the Law School Council, as your basis. George and I do disagree about many of the merits of the proposal, but that disagreement has always been open and friendly — because although George and I differ about the means, we do agree about many of the ends that such a proposal should serve. Your article tried to turn that disagreement into a personal attack, and put words into George's mouth in order to do so. George tells me that he has written his own letter with what he *does* say, so I will let him speak for himself. My proposal does not suggest that the Law School Council or its president "grab" any new "power" that the other organizations

are not also sharing equally.

Finally, Charlotte Gibberman has legitimately complained that I circulated the first draft, including suggested language relating to DSAC, to the Law School Council and Dean Sarah Wald without consulting DSAC first. The article conveniently neglects to mention that (1) the draft was my suggested outcome from a brief discussion with Charlotte, and extensive consultation with her predecessor, Lynn Gerber; (2) a copy was circulated to DSAC, via Charlotte at literally the same time as copies were circulated to the Law School Council and Dean Wald; (3) Dean Wald routinely gets a copy of *every* document that is circulated to the Law School Council; (4) I explicitly told Dean Wald that I would like her input only on the provisions relating to finance (which the administration must approve) and that the administration's views on any other part of the draft could be ignored with impunity (Dean Wald can confirm this conversation); and (5) the suggested language whose inclusion was objected to was not itself controversial. I have, at Charlotte's request, removed the proposed language relating to DSAC from the second draft, in the hope that DSAC itself will fill in the blanks. Second, it is more than a little disingenuous for your article to quote Charlotte saying, "I do not feel that Law School Council has the right to dictate changes in any student organization's constitution," when nobody has ever made such a suggestion. In fact, I have stated publicly to DSAC, to the Law School Council, and to your reporter that the Law School Council and I agree with Charlotte's statement.

The object of my proposal is to build cooperation among the three student organizations whose decisions represent the student body, to do so in a form that insures minimum standards of representativeness when those organizations do make representative decisions, and to prevent the occasional turf skirmishes that have caused needless friction in the past. All the sources who are quoted in your article are trying to effect that outcome in a form that best serves the interests of the student body, and we are simply disagreeing over what form is best — the status quo, my proposal, or something in between. The muck and disinformation that your article have stirred up serve only to muddy the issues and obscure the facts.

Brian Melendez, 2L

Chair, Governance Committee

## MacNeil Rebuts Sexism Charges

### To the Editor:

On April 3 I sent the Harvard Law Women's Association a detailed answer to each of the charges it made against me of "sexism." (RECORD, p.1, April 14.) (This caused the reply to be "extremely lengthy" — it sometimes takes a lot of clean water to try to wash off mud.)

Has the HWLA responded to each — or to any — of those answers to its charges? No. Has it withdrawn the charges with, or even without, apology? No. What has it done? Its President, Bonnie Savage, has in effect simply reiterated to the press all the charges as originally made. And she has tried to deny the original smear while leaving it entirely intact: "We never called him a sexist." Speak of Nineteen Eighty-Four! If accusing someone of "repeated instances of sexism" does not constitute calling someone a sexist, what does?

All this is shoddy, unlawyerlike, reminiscent of Senator McCarthy, and entirely consistent with HWLA's prior conduct.

Savage has also been quoted as saying "Our decision was not to go public [in making the charges.]" Consider the facts. A large student political action organization adopts at a "general meeting" of its membership a letter making serious charges against a faculty member and sends copies to five of the highest officials in the Law School. All of these necessarily must discuss such a serious matter with a good many other people. Can Savage deny with a straight face that such charges will

become almost instantly public through the efficient rumor system of the school, and indeed, of the law school world generally?

Anyone the least familiar with the situation now obtaining on many American campuses, including this one, would recognize the HWLA's intention to instill fear and to intimidate rather than to convince. But if there were any doubt of that, Savage has laid it to rest. Savage, in explaining the HWLA action, has twice been quoted as saying "We thought he might be considered for tenure." This statement removes any doubt as to why a copy of the original HWLA letter was sent to the Chairman of the Faculty Appointments Committee. Clearly anyone holding any of the views erroneously attributed to me by HWLA is not fit in the eyes of Savage to serve on the Harvard Law School faculty. The HWLA letter was intended to prevent such an appointment, not simply to express views on the subject of sexism. That neither HLS nor I ever had any intention (continued on page 6)

## Staff Changes

Chris Crain resigned his post as Editor-in-Chief of the RECORD at a RECORD Board of Directors meeting on Thurs., April 27. This issue was collectively produced by the RECORD staff. A new Board of Directors and Editor-in-Chief for next year have been elected by the staff.

# Television Provides Educational Escape

Television is a wonderful thing. It educates and informs when you want it to, but works best in providing an escape from education, information and reality in general (for other suggestions, see last week's column on procrastination).



Robin Juni  
Columnist

TV trash is pabulum for the mind. Everybody's got a favorite trash genre, but the vacuous plot, inane dialogue and unrealistic settings are common to all of them. A few examples:

*The shoot-em-up-and-the-bad-guys-come-back-next-week series:* Western shows are the best example of this genre. I particularly like *Wild, Wild West*,

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

where Robert Conrad and his buddy ride around in a train and get themselves captured by the bad guys in every episode. Of course, they extricate themselves just before the imminent explosion, capture the bad guys and avert whatever disaster was about to befall the world. Those bad guys are vanquished, but next week Bob and buddy will find somebody else to capture them.

*Star Trek:* *Star Trek* gets a category all by itself because it's very similar to the shoot-em-up shows, but has distinctive characteristics. The bad guys in *Star Trek* are usually Romulans or Klingons and Kirk doesn't get captured as much, but otherwise it's pretty much the same as *Wild, Wild West* — they ride around in the *Starship Enterprise* and fight the bad guys with truth, justice and all those other good legal goals.

The most distinctive thing about *Star Trek*, though, is its great foreshadowing. You know, absolutely know, that if a guy in a red shirt who you haven't seen before (i.e., is not Scotty or Kyle, the transporter chief) appears at the beginning of an episode, he'll be history by the end of the show and Bones will have exclaimed, "He's dead, Jim!" Sur-

prise, surprise.

*The beautiful-people-run-around-and-do-stupid-things series:* My favorite example of this genre is *Love Boat*. They do an amazing amount of utterly idiotic stuff on that show, but everybody is good-looking and has nice teeth, so it's OK. *Charlie's Angels* runs a close second for most stupid things per minute of series time, even if you exempt Bosley and only count all the Angels' inane cover stories. (How many times was Sabrina [a.k.a. "the smart one"] playing some sort of consultant?) Remember, *Love Boat* and *Charlie's Angels* used to run back-to-back on ABC and were both brought to us courtesy of Spelling Productions. Scary, huh?

*Soaps:* Soap operas are the greatest for plot predictability and repetitive dialogue, but they pump those shows out every day, so you can forgive them a little dramatic license. It does get a little ridiculous, though, when the kids go from birth to 15 in three years (Carrie on *Days of Our Lives*) or the same guy is killed five times (Stefano, also on *Days of Our Lives*).

*TV movies based on a previously inane series:* Recent escapist television has provided several prime examples of this

genre, including *The Bionic Showdown*, which is a reunion of the Six Million Dollar Man and the Bionic Woman — she asks him to marry her at the end. (No, they don't fight each other; instead, they fight together against an evil bionic man.) *The Bionic Showdown* was on just last Sunday and this Sunday features an equally riveting drama: *The Return of the Incredible Hulk*, or something like that. (I forgot the exact title, but it's definitely about the Hulk.) There's one you won't want to miss.

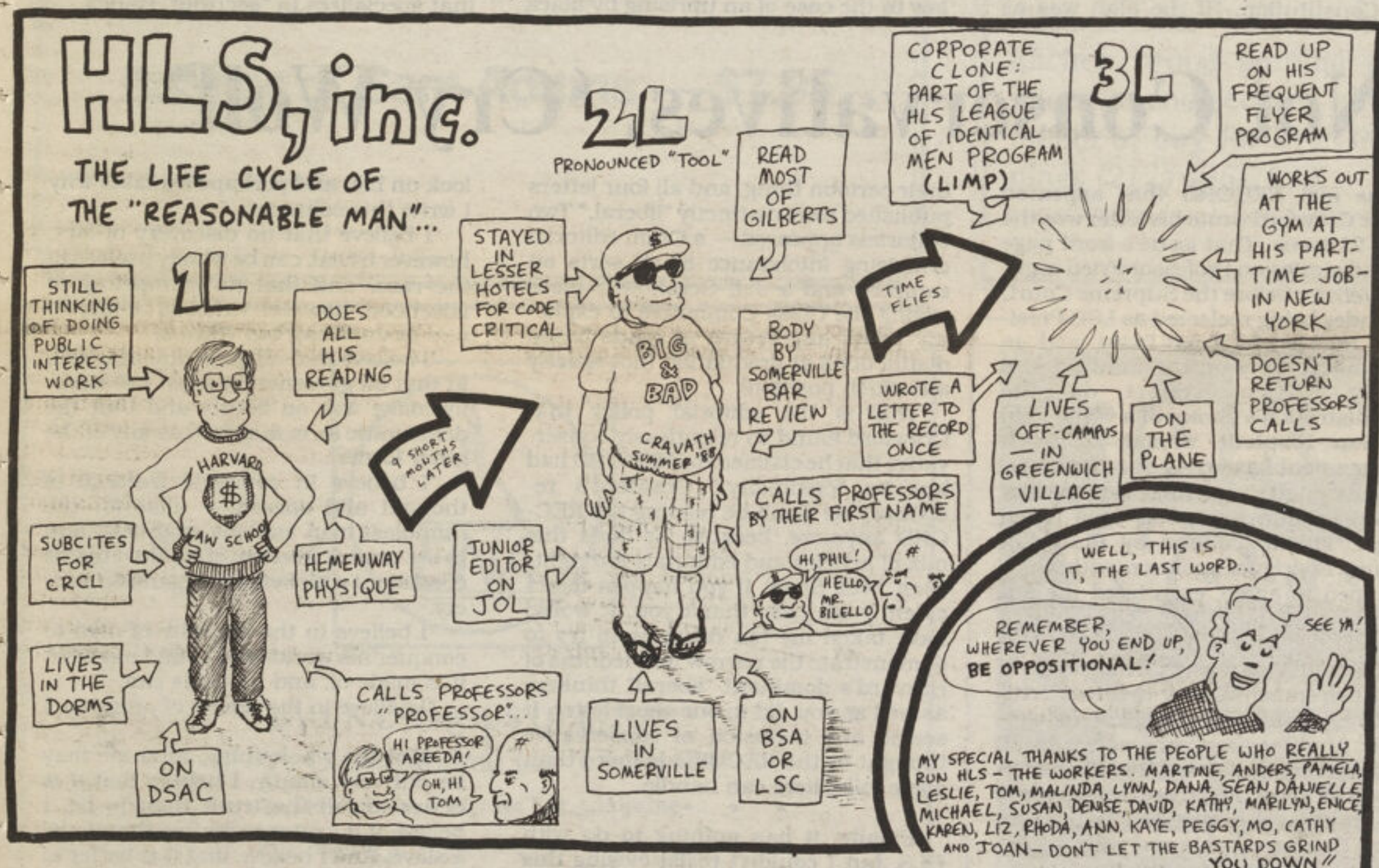
*Siren shows:* I learned early that watching siren shows — like *CHiPs*, *Emergency* and *T.J. Hooker* — is a great way to get out of doing stuff around the house. Since at least one-third of the show involves watching fire trucks or cop cars speed around screaming their sirens, you simply can't hear any demands for housework assistance and thus have a valid excuse. It really works.

Anyway, with finals coming up, you want to have these escapist options firmly in mind. It might provide some tension relief and, at the very least, will give you something to talk about on your exam. I think an analysis of Constitutional Law as used on *Charlie's Angels* could be enlightening.

## HLS, Inc.

By Luke Cole

## Fenno



"A guitar, Fenno my lad, is like a beautiful woman." Fenno harkened back to the days of his first lesson as he recalled the words of his friend and musical mentor, Tom Baloney. An unseemly rage welled up in Fenno's breast.

"Well, I tried making love to my guitar!" Fenno shouted angrily, "but the strings got in the way."

"Sorry," said Baloney, shrugging helplessly. "I didn't think you would take me literally on that one. Hey - wait a minute - I'm diggin' that vibe. I'm pickin' up what you're puttin' down. Say it again!"

"I said..."

"Shut up. Let me think. Is my brow furrowing?" Baloney brooded impatiently a moment and cry-laughed. "It's a hit! Fenno, you'll be sensational overnight! Oh, what joy yon young ears might know!"

"What?" Fenno queried suspiciously.

"All-night lovemaking making love to my guitar - but the strings got in the way - say it for me Fenno, say it in French."

"But I don't know French, Tom."

"Man, you've got a gift - improvise."

Bob Clerk couldn't believe his ears. Whose voice was that bouncing off his bountiful bookshelves?

"Coach?" Clerk whispered. His voice was hushed reverently, and his head cocked skyward. But this was no voice from above. This voice was on the radio, and it was none other than...

"Fenno!" he cried, nearly ruffling his corporate composure. So here was the kickback for all the years of singing class after class of corporate law jingles, pushing the big Hammond B3 around Pound.

"One of my students finally made it big," he muttered, humming an old Jamaican refrain. "My hand in this is obvious, and I can rest, warm and toasty with the knowledge that my life's mission - a mission nearly from God! - has been realized." And with that, Clerk fell back into his La-Z-Boy, satisfied.

In the blink of an eye, Clerk sprung up and, gripped by a fit of passion and confusion, swung open the window of his now musty office. His voice would be heard.

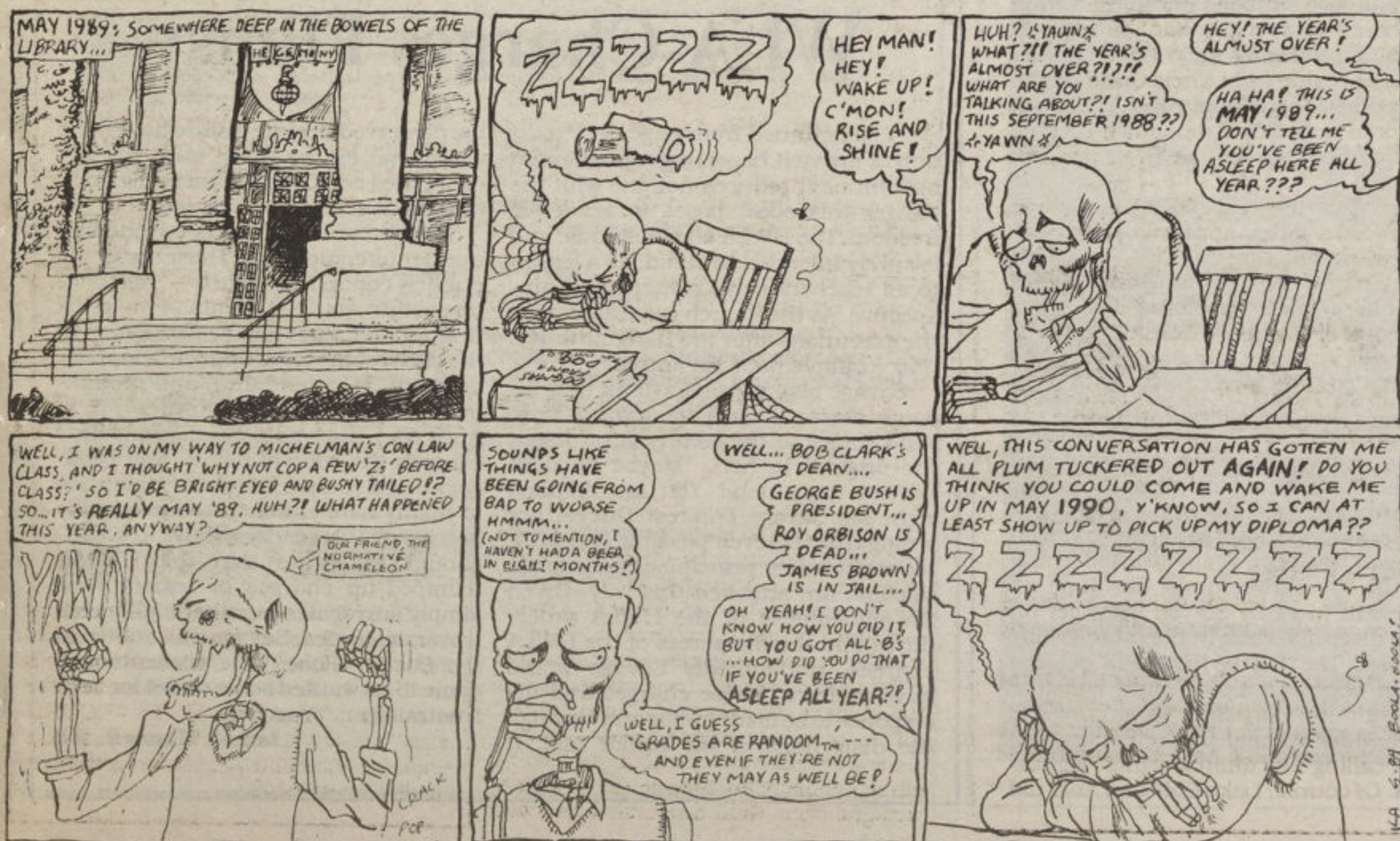
"It is finished!" he shrieked, and collapsed, a sated man.

That was "The Strings Got in the Way," by Fenno, the author of *Wangdo*. Man, that crazy cat has it all - brains, talent - and he took Clerk for Corporations. Oh, if I only had a brain," said WCORP disk jockey Elmer-Coughman.

"I must be dreaming," thought Fenno, putting his hand in his pocket and kicking it. "Nope. This time it's for real," hissed Rusty, approvingly. "Have an M.B. Fenno, you deserve it, kid."

## Dead Lines

By KA



# Reagan Officials Considered Martial Law

From his perch in the National Security Council, Oliver North so badly wanted to overthrow the Sandinista government in Nicaragua he helped create a shocking scenario. The next steps proposed as a response to expected Vietnam-style protests at home — were to suspend the Constitution and impose martial law. That was to be followed by the abolition of state legislatures and the detention of protesters



**Steven Donziger**  
*Columnist*

in relocation camps. The final step was to let military commanders assume control of regional governments.

This secret contingency plan was not the blueprint for another palace coup in Guatemala. As bizarre as it might appear, it was drawn up by relatively high-level officials in the Reagan administration to be implemented here at home in the event of nuclear war or domestic unrest. The plan is discussed in detail

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

by Michael Linfield, 3L, in his forthcoming book, *The Limits of Democracy: Wartime Violations Of Civil Liberties In The United States*.

According to Linfield, the plan was written in the form of an executive order and legislative package that President Reagan would sign and hold within the NSC until a national crisis arose. It is not public knowledge if Reagan signed the plan or was even aware of it. The best chance of having that question answered was squelched during the televised Iran-contra hearings, when discussion of the issue was disallowed by the chair on grounds of national security. (The next day the committee announced it had raised the issue in executive session.)

Prof. Laurence Tribe, who has been in touch with Linfield, is studying how seriously the Reagan administration took the plan. "It is not at all unheard of that even the United States would take grievous shortcuts with the Constitution during periods of national panic or emergency," said Tribe. "But the idea of suspending the entire Constitution and obliterating state governments under emergency rule goes far beyond a tolerable response."

Tribe said that in the event of nuclear war, such sweeping emergency measures could be justified to assure continuity of government. But he said domestic political unrest could provide "no conceivable excuse" for suspending the Constitution. "If the plan was as

described and was taken seriously and not immediately deflected, it would represent a matter of very great concern," he said.

Linfield became interested in the topic of wartime civil liberties while clerking for the Nicaraguan Supreme Court in 1987. He did some investigating and ended up with a 400-page manuscript that traces illegal and unconstitutional actions by the United States from the Revolutionary War through Vietnam and beyond. It is to be published this fall by South End Press.

Curiously, the information about the secret plan has been virtually ignored by the television networks and major newspapers. Most of Linfield's information on the secret plan came from an investigative article published by *The Miami Herald* in 1987. Written by award-winning journalist Alfonso Chardy, the article said the plan was drawn up between 1982 and 1984 by North and Louis Guiffreda, who was the director of the Federal Emergency Management Agency (FEMA), the national crisis management unit of the government.

The martial law portions of the plan were outlined in a memo obtained by the *Herald* written by a Guiffreda deputy, John Brinkerhoff. The plan was strikingly similar to a paper that Guiffreda wrote in 1970 while a student at the National War College in Carlisle, Pa. That paper, titled "National Survival — Racial Imperative", advocated martial law in the case of an uprising by black

militants. Guiffreda's 1970 paper also advocated the roundup and transfer to "assembly centers or relocations camps" of at least 21 million "American Negroes."

In *Guts and Glory*, an unauthorized biography of North, author Ben Bradlee, Jr. asserts that the draft executive order had provisions for "alien control," the "detention of enemy aliens," and the seizure of their property. Part of the plan called for the immediate internment of 400,000 undocumented Central American aliens in ten military bases around the country.

Bradlee also points out that Guiffreda and Reagan were longtime political allies. As governor of California from 1968 to 1972, Reagan organized a series of military exercises called Operation Cable Splicer that was designed to train state and local police and the national guard in how to impose martial law on rebellious students. Guiffreda was the chief legal theoretician behind Operation Cable Splicer.

As it turns out, the first step of the Guiffreda North plan — the invasion of Nicaragua — was never ordered. What we don't know is whether the other steps are still on the drawing board or are mere residue from a harebrained scheme. Guiffreda, by the way, resigned in 1985 following a House committee report that charged him with contract favoritism and making home renovations at government expense. He now runs a Washington consulting firm that specializes in "security" issues.

## Liberals, Not Conservatives, 'Cry Wolf'

It's the end of the year, so I thought I'd clean up the files.

Just a few years ago a self-appointed group of HLS students decided that no self-respecting society should exist without a government to order its members around and meddle in their affairs, and so, presto! Law School Council was formed. For a time, LSC remained the backwater of student organizations, but the energetic efforts of Brian Melendez have given the or-



**Brad Smith**  
*Columnist*

ganization new respect. Two weeks ago, a record 370 students (of 1600) voted in LSC elections. Perhaps flexing its newfound muscle, LSC immediately made a power grab to take over DSAC.

Perhaps what we need now is for another group of students to organize themselves into a self-appointed Student Supreme Court, which would declare such power grabs "unconstitutional."

Other students might start a Student Body Office of Management and Budget (SBOMB). SBOMB's mission would be to point out waste in the LSC — for example, in connection with those elections, LSC made some thirty-odd thousand copies of candidate statements and other documents.

By the way, did you know that if Congress had as many representatives per eligible voter as LSC, we would have approximately 5,000,000 congressmen? Now there's a chilling thought.

A letter appeared in last week's RECORD to which I cannot help but respond. Steve Crawford wrote that, "the RECORD is no longer seen as a place for the healthy exchange of intelligent positions." This is so, Crawford said, because the RECORD has become too "conservative" — conservative complaints in the RECORD were without foundation, like "the boy who cried wolf."

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

The last RECORD that appeared before Crawford wrote his letter was the April 21 issue. That issue's front page carried stories on Professor Fried arguing Webster before the Supreme Court, Melendez being reelected as LSC President, the Capital Fund Drive, and, in the longest story on the front page, a highly critical report on the administration's choice of a white man over an Hispanic woman to teach "Government Lawyer."

As for opinion columns, my "conservative" column was offset by a much longer "liberal" column by Rudy Rodriguez. Rodriguez's column, with which I happen to agree, excoriated the administration over the "Government Lawyer" decision. Elsewhere, the "Off the RECORD" column by Erik Meyers of the Environmental Law Institute criticized commercial developers of wetlands. Another guest perspective, by 2L Chris Bacon, discussed the insensitivity of HLS in particular and legal education in general to gay and lesbian issues. The Bacon column, with an accompanying photo, took up three-quarters of a page.

The leftist cartoons of Luke Cole and Aoki filled their usual half-page; Fenno more or less satirized my column from a "liberal" perspective; and the "official" RECORD editorials included a "conservative" column from Chris Crain on the "Fairness Amendment" and a "liberal" editorial from Erin Edmonds attacking the methods of visiting Professor Ian Macneil.

As for the RECORD in which Crawford's letter appeared, the front page featured three stories — one on the results of the administration's "quality of life" survey, one on LSC's proposal to merge with DSAC, and one covering a recent program sponsored by COGLI, Alianza, the Asian-American and American Indian Law Students Associations, BLSA, and WLA, concerning the ways in which minority and women students are silenced in the classroom.

As for editorials, my "conservative" column was once again dwarfed in size by the "liberal" column, this time an excellent piece by Steven Donziger on race discrimination in the interviewing process. The "Off the RECORD" column again was one most would consider "liberal" — Christine Stevens of the Society for Animal Protective Legislation calling for "animal rights" legislation. Of course, Luke Cole and Aoki did

their cartoon thing, and all four letters published were distinctly "liberal." Two editorials appeared — a Crain editorial criticizing intolerance of all sorts on campus, and a Jeff Gershowitz piece urging the Class Committee to explicitly reject any return of grade-based distinctions at graduation (not exactly a Borkish position).

This is the editorial policy that Crawford found so relentlessly conservative that he claimed the RECORD had lost its "credibility." Crawford's response? He won't be reading the RECORD anymore, because he finds this mix of articles and editorials too right-wing. Well Steve, if you happen to accidentally see this, thank you. It would have taken me ten columns to try to demonstrate the narrow mindedness of Harvard's dominant "liberal" thinkers as well as you did in one short letter. It seems any inclusion of conservative thought in the RECORD is more than some folks here can handle.

Finally, it has nothing to do with HLS, but I couldn't resist closing this year with a passage from H.L. Mencken which neatly summarizes my own out-

look on life, and perhaps explains why I write this column:

"I believe that no discovery of fact, however trivial, can be wholly useless to the race, and that no trumpeting of falsehood, however virtuous in intent, can be anything but vicious.

"I believe that all government is evil, in that all government must necessarily make war on liberty and that the democratic form is as bad as any of the other forms ...

"I believe in complete freedom of thought and speech — alike for the humblest man and the mightiest, and in the utmost freedom of conduct that is consistent with living in organized society.

"I believe in the capacity of man to conquer his world, and to find out what it is made of, and how it is run.

"I believe in the reality of progress. I

"But the whole thing, after all, may be put very simply. I believe that it is better to tell the truth than to lie. I believe it is better to be free than to be a slave. And I believe that it is better to know than to be ignorant."

## WLA Charges Flimsy

(continued from page 4)

tion of my visit becoming a permanent appointment reduces not one whit the danger this effort poses to academic freedom. The HWLA attack stands, and is surely intended to stand, as a lesson to all teachers here, present and prospective. As the French generals said of the executions after the 1916 mutinies: "Par exemple pour les autres."

Savage also seems to think that for some reason it was inappropriate to send copies to the faculty (after I sent the original to her). "Maybe he doth protest too much." You are damned right, Ms. Savage, I protest. But you are wrong that it is even possible to protest too much when principles of academic freedom are attacked this way. Given the shoddiness of the HWLA procedures and the flimsiness of the HWLA charges, undoubtedly Savage would have preferred those charges and my response to be made public only through the distortions of the rumor mill. It

hardly served her interests to have them clearly set out so those most directly concerned could read them in the original. But it served the interests of truth.

My course in contracts engendered numerous complaints. Those surfacing publicly concern my efforts — vain ones respecting many students — to insist that students act like professionals in the classroom respecting participation, preparation, attendance, and promptness. (RECORD, p. 12, April 14; p. 4, April 21.) Less publicized complaints concern the content, focus, and pedagogy of the course. It is not my intention to justify here either the course or the pedagogy. But readers of the RECORD should be aware that the HWLA's trumped-up charges of sexism were simply surrogates for other highly controversial issues. Savage was quoted in the *Boston Globe*: "The students who came to us wanted some outlet for their frustration ..." You bet!

Ian R. Macneil, '55

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## Katzmann Mischaracterized

### To the Editor:

I have no interest in joining the fray concerning who should or should not teach the Government Lawyer course next year. But a decent respect for the facts requires that the RECORD be set straight about the qualifications of my colleague, Assistant United States Attorney Gary S. Katzmann, who has been appointed to teach the course next year.

In last week's RECORD, Rudy Rodriguez wrote that Katzmann's "job at the United States Attorney's Office is basically reviewing the briefs written by his co-workers. He does not deal with clients, with investigations, or with situations facing a prosecutor on a day-to-day basis." This is bunk. As Deputy Chief of the Criminal Division, Katzmann reviews the results of all significant investigations. He also has his own cases. He conducts grand jury investigations, works closely with many investigative agencies, tries his own cases, and argues cases in the First Circuit Court of Appeals. In short, he does deal with "situations facing a prosecutor on a day-to-day basis."

A phone call to any member of U.S. Attorney Wayne Budd's staff would have let Mr. Rodriguez know that his description of Katzmann's job was wrong. He is an experienced, able prosecutor, well qualified to teach the Government Lawyer. The tactics that Mr. Rodriguez uses to achieve his goals are his own business. But the RECORD does a disservice to its readers when it prints

### Letter To The Editor

fiction, not fact. One would think that Mr. Rodriguez would have enough confidence in his cause to make his points without belittling the position and accomplishments of a dedicated, talented prosecutor like Gary Katzmann.

**Martin F. Murphy '83**  
Assistant U.S. Attorney  
Clinical Instructor  
Government Lawyer (1988)

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# A Proposed Agenda For The New Dean

## The New Order

Commentary on the selection of Bob Clark as dean of the law school has focused on his record of opposition to critical legal studies. The reaction is understandable. Bob came to prominence in the school not simply as an outstanding corporate law scholar and teacher, but also as the leader of a political faction noted for its hostility to critical legal studies. Nevertheless, talk about CLS obscures the broader challenges Bob's deanship poses to the school. Challenges of diversity — but also challenges to our traditions for faculty governance, and our commitments to the profession and the public interest.

## Protecting Diversity

Although diversity will certainly require constant attention — from the

## Prof. David Kennedy Off The Record

dean, the faculty, alumni and students, CLS is not the issue. After Dalton, Tarullo and Trubek, there is no one left to fire. Although participation by tenured CLS scholars in school governance and openness to hire outstanding young people working in a critical tradition remain thorny, Bob's repeated post-appointment promise to run an even-handed appointments process would, if realized, address such issues easily. The difficult diversity issue is our history — and our capacity to build a more open intellectual environment.

Our institution has been tainted by intolerance, by discrimination, by sexism and racism subtle and not so subtle. Surely numbers are an important benchmark — and the faculty is woefully off the mark in hiring women and minorities. But perhaps more difficult will be encouraging truly diverse opin-

ions and approaches to the law by faculty and students. Pressure for agreement in a fractious faculty tempts us to prefer the unobjectionable to the outstanding. It is difficult to resist pressuring faculty members — particularly junior faculty — to conform to conventional styles of teaching and thought. And we are most enthusiastic about women, about minorities, about progressives and about conservatives when they hew to the rather stereotypical roles assigned them. Bob's deanship challenges us to build a faculty, a classroom experience and an alumni which is invigorated by a more insistent pluralism.

## The HLS Traditions

Still, the measure of Bob's deanship will not be made on diversity grounds — although it may be lost there. Nor will it be made in fundraising. It will be made in his approach to faculty governance, the profession and the public interest. In each of these areas, Bob's record suggests a striking departure from the school's traditions. Although some would be exhilarated by such a change, others would find erosion in these traditions profoundly threatening. Bob's success will depend upon his ability to communicate, persuade and, most importantly, to modify his program in cooperation with the faculty.

## Faculty Governance

Although many remember an era of strong centralized decanal leadership, the faculty has developed such collegial spirit as has been possible during a period of diversification and growth primarily through insistence on a tradition of equality and autonomy. Each faculty member has been left relatively free to pursue his or her own teaching and scholarly agenda. Important questions — particularly questions of appointment — have been decided by the faculty as a whole. Although the extremes of faculty opinion have often been excluded from the governance of the school, a wide range of opinions have been heard. Bob has reaffirmed

these traditions since being named dean, but his record suggests a deep hostility to democratic faculty governance. Although tempting, diluting faculty autonomy in the name of efficiency or standards would heighten conflict and make it far more difficult for the school to address issues of curricular reform or fundraising which have long been on our common agenda. I know the faculty is ready to work with Bob. I hope he is ready to work with us.

## HLS and the Public Interest

Harvard Law School has a strong history of commitment to the public interest — expressed through the activities of its faculty, its clinical programs, and a variety of programs for students and faculty. Strengthening this commitment is among Jim Vorenberg's most prominent legacies. Bob's record suggests skepticism about these commitments and there are those at the school who regard any public interest mission beyond teaching and scholarship as inappropriate. We might need to rethink our commitments, restructure our programs, or redeploy our energies. But such a restructuring will be difficult to achieve if it seems motivated by a desire to turn the school away from its involvement with poverty, criminal justice, welfare and human rights. Like deans before him, Bob will leave his mark on the school. I hope his will also be a mark with which we can all be proud to be associated.

## HLS and the Profession

Like any professional school, HLS wears two hats — one academic, the other oriented towards practice. A strong alumni program, an aggressive clinical effort, and a willingness to promote faculty whose orientation is professional rather than esoteric have given us strong ties to the profession. The Program on the Legal Profession is perhaps the most recent expression of this tradition.

Although no incoming dean would criticize the school's ties to the practice of law, the drive to "raise standards" for promotion has threatened our ability to

attract and retain teachers committed to the profession, particularly in the clinical area. And Bob's record suggests both a strong academic appointments bias and skepticism about the value of clinical legal education. Interdisciplinary work in law and economics, law and literature, or law and sociology may ultimately reward us with insights about the legal profession. But the dazzle of the exotic should not lead us to neglect our traditional sense of the intellectual promise of immersion in the practice of law.

Pursuing a coherent program of institutional development and reform is more difficult than honoring commitments to leave CLS in peace — and more difficult than overseeing a forced march to scholarship. Curricular reform, program development, fundraising — all require faculty cooperation. Although critical of Bob's positions over the years, I have enjoyed and respected him as a teacher, scholar and colleague. I look forward to working with him as Dean. My challenge to him as a friend and colleague is this: work with your colleagues and make good our commitments to diversity, to the profession, to a vigorous and cooperative faculty governance, and to the public interest.

## Law Annex Closes Door

By Gretchen von Helms  
Staff Writer

The Harvard Book Store's Law Annex, the only book store in New England offering exclusively law-related books and the largest law book store in the state of Massachusetts, will close its doors on May 27. The Law Annex is closing because the *Harvard Crimson* did not renew the store's lease in January, since the undergraduate paper is planning to expand its operations and make use of the space currently occupied by the Law Annex.

A new book store of the same general type as the Law Annex, called Boston Law Books, will open August, 1989 at 975 Commonwealth Avenue in Boston.

The upcoming closing of the Law Annex has students concerned about the spectre of a virtual Harvard Coop monopoly in the sale of legal books to Harvard Law students.

Brian Melendez, 2L, LSC President, promised to be responsive to student concerns. "We'd be happy to badger [the] Coop to raise its standards."

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# PLAP Workers Push For New Trial

(continued from page 3)  
surfaced regarding the potential racial bias of the jury. One juror, William Nowick, has filed an affidavit attesting to certain racial comments which were made by some of the jurors during their deliberations.

In preparing the petition for La Guer and aiding him in his defense, Berke and Crawford each spent close to forty hours per week for almost five months working exclusively on this case. Essentially their primary responsibility was to La Guer and not to themselves. Once they had taken on the case, there was no turning back. Berke says, "We were going out to Worcester to file briefs even during the middle of finals last spring."

One of the most difficult aspects of the case for Crawford and Berke is trying to reconcile their differences of opinion with La Guer. Crawford who speaks La Guer's native language [Spanish] says, "Ben and I are very close, I feel like we're friends...he's very intelligent...very different from other clients. He's just not a guilty man." Nevertheless, Crawford says, "It is difficult to strike a balance between the client's interest and your own." But Crawford and Berke have given La Guer complete control over the writing of the brief. As much as they try to see eye-to-eye with La Guer, Crawford says "Ben always has the final word...From the beginning, Ben has taken all of the credit as we have wanted him to."

Crawford concedes without

the incredible media campaign launched by La Guer and his efforts to get communities involved, the case would not be where it is today. "The public relations [efforts] by Ben have been great for the case. T.V. cameras in the courtroom also helped. It took us awhile to get them to listen to us...but they have been very fair...Ben deserves all the credit." Berke adds, "Ben is a one-man public relations team. Through the press, the public has come to see this as an exceptional case."

Indeed, Ben La Guer's case has all the makings of a dramatic mini-series. According to Crawford, there is no question that La Guer's story is a great news item. "At first the media was reluctant to listen to him [because of his race], but because of the issues of racism and because reputations are on the line, it is a hot issue."

Both Berke and Crawford have been involved with PLAP since their first year at HLS. For both of them, the chance to get hands-on experience in the law was an opportunity too valuable to pass up. Crawford says, "I wanted to have real cases with my own files, my own cases, and my own clients." Working at PLAP and in particular, aiding in the defense of La Guer, has given Berke and Crawford a unique perspective on the legal system that will remain with them for the rest of their lives. Not only are they better versed in the procedural questions of law, but the experience has made them aware of the personal dilemmas that

lawyers face in everyday practice.

Crawford says, "I've learned what it really means to be an attorney...the sacrifices that have to be made...the ethical issues which have to be weighed."

In particular, Crawford has found the moral and ethical issues in La Guer's case to be overwhelmingly complex at times. In her mind, it is difficult to justify going back and questioning the testimony of a woman who has obviously been traumatized severely by such an incident. There is no question that the rape occurred. The only question that remains to be answered is who committed such a heinous act?

Both Crawford and Berke are completely convinced of La Guer's innocence. Since they have taken on the case, several individuals have come forward and admitted that they were with La Guer on the night of the rape. These alibi witnesses were not presented, however, by Attorney Peter Ettenberg. La Guer's counsel in his original trial. Furthermore, the prosecution relied heavily on two pieces of evidence found in the woman's apartment after the rape—a pair of underpants and a tube sock. According to forensic tests performed on the tube sock, the wearer of the sock had type-O blood. Recent blood tests reveal that La Guer's blood type is B-positive, not type-O as was previously indicated on his Army records.

Based on the new evidence about La Guer's blood type,



Barry Berke and Lee Crawford, 3LS, share a brief moment of relaxation in PLAP office.

Judge Robert V. Mulkern has scheduled an evidentiary hearing on May 11 at which time these new issues will be presented in trial format. Crawford is confident that the case will be resolved in the near future.

If Judge Mulkern finds enough discrepancy in the facts as they have been presented, he is likely to assent to a new trial for La Guer. If a new trial is scheduled, Crawford anticipates that the state will not go forward with its prosecution. To do so after the judge has found reasonable doubt as to La Guer's guilt would seem pointless.

Since Berke is more oriented toward defense law and Crawford hopes to be a prosecuting attorney, they differed on many issues regarding the handling of La Guer's defense. Crawford states, "I grapple with many things Barry doesn't grapple with...but I have learned the mentality of de-

fense attorneys and the inside workings of the system...the human issues are incredible."

Each year, many HLS students would like to become involved in legal work outside the classroom setting but few are fortunate enough to take on a once-in-a-lifetime case like Ben La Guer's. Both Crawford and Berke acknowledge that luck played a small part in their taking on Benjamin La Guer's case. But, Crawford says, "If you are working all along and you are doing what you like to do, then something good is bound to happen...Clinical programs offer opportunity to get involved instead of staying in the student realm. Get out there and make contacts. Don't be content with the clinical program. Take the initiative." To that, Berke adds, "Be open when the opportunity presents itself. Often times people are too wedded to conventional ideas."

## Student Funding For Public Interest Jobs Drops

By Alain Kodsi  
Staff Writer

Approximately 120 third year students have pledged 1 percent of their first year's salary, amounting to a total of approximately \$35,000, to fund fellow students seeking jobs in the public sector as a result of the Fellowship In Public Interest Law's (FIPIL) annual pledge drive.

According to Amy Renkert,

3L, the Treasurer of FIPIL, "the purpose of FIPIL is to provide funds for students taking public interest jobs for which there would otherwise not be any funding. These students are going to work for [places] that can't afford to pay them."

Last year FIPIL was able to fund 3 projects for 4 students. This year, because of dramatically lower student pledges, FIPIL was only able to fund one of the 6 applicants, Stacey Brustin, 3L, with \$19,000.

Brustin will be working at La Clinica Ayuda in Washington, D.C., "a battered women's shelter specializing in the needs of the Latino community," according to Victor Bolden, 3L, secretary of FIPIL.

Corey Nicholson, 3L, President of FIPIL, stated that it is important that those who pledge do in fact contribute to FIPIL.

When asked why FIPIL donations had decreased so sharply from last year Bolden stated that "unfortunate snags occurred." Among them were the scheduling of FIPIL's annual telefund at the same time students were being contacted by Student Funded Fellowships (SFF), another student funded program seeking to provide funds for summer jobs in the public interest.

The views among FIPIL board members as to the generosity of the present 3L class varied. Renkert appeared particularly disappointed with the graduating class and stated "What is frightening is that students earning big city salaries feel that 1 percent is too much to give to one organization." Renkert stated that she wished that FIPIL could have funded all six applicants. "They all deserved to be funded," she said.

Bolden stated that he did not think "that students are any less generous in this graduating class." Bolden added, "As an organization we might have to regroup, we may want to start fundraising earlier and recruit more students. I feel FIPIL as a whole did a good job. Thirty-five thousand dollars in pledges for one program is still a fair amount."

## Grads Go Formal

(continued from front page)  
Vein stated. "We got a tremendous response, and we're about to sell out," he remarked. "We ordered three hundred, and sold one hundred in the first hour." Many of those sales were to people other than third-year students, he added.

The Committee has already hosted several events for graduating students, including a third-year paper party, co-sponsored by the Pub, which featured a raffle with a cash prize going to the student whose title page was drawn from those submitted, and a happy hour at Grendel's. The Committee also hosted a Comedy Night on April 18, which featured three professional comedians from the Comedy Connection and was hosted by Committee member Victor Bolden, 3L.

Among the other events planned by the Committee are a boat cruise on May 5th, which is open to all students; a jazz

festival on May 19, which will take place outside Harkness Commons; and a 3L cocktail party and dance on May 8; and reception with the faculty on June 7.

The Committee is also collecting money for the first HLS Class Gift, according to Vein. The Committee is hoping to raise \$2500 for the Low Income Protection Plan (LIPP). "We would like to send a clear message to the School that the Class of 1989 feels LIPP should be a priority for the School," stated a letter to 3L's from the Committee.

According to Vein, the Committee has received some funds from the Alumni Association and the Law School Council Programming Committee. This money could not cover the cost of all the events, he noted, and thus the Committee must finance these events through admission fees and other charges.

## Legal Aid Strikes Gold For Indigents

By Alain Kodsi  
Staff Writer

Several student attorneys from the Harvard Legal Aid Bureau have recently won a series of battles for their housing clients, resulting in judgments totaling over \$180,000. The Legal Aid Bureau represents indigent clients on a variety of matters including housing, entitlements, family, and divorce issues.

Beth Levi, 3L, a member of the Legal Aid Bureau, recently represented a family in an affirmative housing case against their landlord at the Boston Housing Court. In a three-day trial, Levi presented the testimony of six witnesses concerning violations of the State Sanitary Code, the Boston Rent Equity Board Regulations, and the Consumer Protection Act.

In a nine-page opinion, Levi's clients were awarded over \$116,000, plus \$7,600 in attorneys' fees. The attorneys' fees awarded go into a general litigation fund to cover future Legal Aid litigation costs.

Levi said, "Hopefully, large judgments like this one will make landlords think a little more carefully about

the conditions that they make families live in."

Ken Schmetterer, 3L, recently defended an eviction case in Cambridge District Court. Asserting counterclaims which included breach of the warranty of habitability, Schmetterer's client was awarded a judgment in excess of \$16,000, after a two-day trial.

Bernard Harcourt, 3L, and Bill Sarraile, 3L, won in excess of \$42,000 in Somerville District Court trial. "We represented three families in an incredibly run-down, negligently maintained house," said Sarraile. Sarraile further stated "What really closed the case was when the judge took a view of the premises on his own initiative. This was probably the first time in the judge's career that he visited rented premises." According to Paul Collier, supervising attorney for the Bureau, the judge "had never ruled in favor of a tenant."

Harcourt stated, "Bill fried the landlord on cross and I sweet-talked the judge into giving us \$42,000." When asked whether the amount of time and effort was worth the result, Harcourt stated, "It was fun."