



# Harvard Law Record

Volume 89, No. 2

America's Oldest Law School Newspaper

September 15, 1989

## Student Groups Meet With Clark, Rally Planned For Tuesday

A coalition of student groups has launched a petition drive and scheduled a "speak-out" in front of Harkness Commons Tues. Sept. 19 to persuade Dean Robert Clark '72 to restore the two public interest counseling positions he eliminated over the summer.

In a meeting last Wednesday, Clark promised student leaders that he will reflect on his decision to eliminate the two positions, which were the first of their kind in the nation and have been used as a model by 15 leading law schools. The shakeup caused the dismissal of Ron Fox, a lawyer who served as public interest counselor for the past six years.

The Dean also appeared receptive when the students emphasized that Fox's job included not only the promotion of public interest jobs but also career alternatives in government service and small firm practice, those attending the meeting said.

"We are encouraged by the Dean's openness," Alice Kaswan, 2L, a member of the Alliance for Public Interest Alternatives (APIA), said after the meeting with Clark. "Now we look forward to seeing some concrete steps taken to guarantee Harvard will remain a national leader in the area of public interest law and career alternatives to large-firm practice."

"The feeling I got from the meeting is that he could not make any commitments, but that we should still have faith," said Tynia Richard, 3L and president of BLSA. "I for one find it difficult to have faith when the Dean has no track record in promoting career alternatives."

After speaking with Clark, APIA held an open meeting at which a decision was made to schedule the rally and start a petition drive that will target J.D. candidates, LL.M. candidates, and faculty. About 150 students attended the meeting.

The purpose of the petition is to allow all HLS students to have a way of communicating directly to Clark their desire that the two positions be restored, said Dan Rabinovitz, 2L and an APIA member who led the afternoon meeting. The petition "respectfully calls on" Clark to restore the eliminated positions "and halt the erosion of support for public interest law at Harvard."

The "speak-out" is planned as an outdoor, open-mike forum where all students and faculty can come and express their sentiments about the issue of public interest law and about Dean Clark, who took office July 1. The idea is to record the "speak-out" and send a transcript to Dean Clark with the petition, APIA members



Ron Fox '63, former Public Interest Counselor

said.

"Now is the time for all students to constructively express their feelings to Dean Clark," said Rabinovitz. "This is an issue that cuts across ideological lines and gets to the very heart of what this law school is about and should be about—the promotion of not only tradi-

tional careers in large firms, but also alternative careers in small firms, government service, and public interest."

The meeting with Clark was attended by representatives of the Woman's Law Association, Black Law Students Association, La Alianza, and Asian

(continued on page 3)

## Law Schools Across Nation Respond To Fox Departure

By Patrick Miles

The elimination of the public interest career counseling position at HLS has caused a stir among the placement office directors and public interest counselors at other law schools with similar programs.

On Aug. 9 Dean Robert Clark '72 informed Ron Fox '63, then the HLS director of the career counseling office for public interest, that Fox's position and that of his assistant Dana Bullwinkel, had been eliminated in an effort to reorganize and streamline the school's administrative bureaucracy. Clark told Fox that he planned to consolidate the position into the work of the Placement Office.

Lujana Treadwell, director of the Office of Career Services at Boalt Hall and also the president of the National Association for Law Placement (NALP), in response to the change at HLS, stated, "Harvard and Ron Fox have been leaders nationally in the public interest area. We [NALP] are distressed and concerned because of the change. Both because of Ron's position as a leader in the area, and Harvard's position as a leading academic institution."

The Director of Public Interest Programs at Stanford Law (continued on back page)

## Little "A" And Other Celebrities Enter HLS

By Troy Morgan

Applications to HLS for the 1989-90 academic year increased substantially from last year, with a larger number of minority students applying, as well as a former gravedigger and a former child songster in the San Francisco Opera.

According to Joyce Curll, assistant Dean for Admissions and Financial Aid, applications to HLS rose ten percent from 7,100 in 1988 to 7,800 in 1989. Curll said the increase was "heavily among minorities, who make up a larger percentage of the applicant pool and of the student body this year."

According to Curll 780 people were accepted, 85 to 90 deferred one year, and 144 to 149 declined. Of the 541 people who comprise the Class of 1992, 44 percent are women and 28 percent are minorities (comprised of 74 blacks, 33 Hispanics/Latinos, 36 Asians and 6 Native Americans).

The entering class is also, as usual, geographically diverse, although the states of North and South Dakota, South Carolina, Wyoming, Arkansas, Oregon and Delaware are not represented.

Foreign countries represented include the United Kingdom, Costa Rica, Iran, Japan, Korea, Sri Lanka, Argentina, the Philippines, and Canada.

The median age is 24, with seven percent (35 persons) over 30. Sixty percent of the new students have been out of school for a year or more.

One hundred forty-seven colleges and universities are represented in the class. The top ten "feeder schools" are Harvard College with 78 admitted, Yale with 43, Princeton 31, Dartmouth 22, Stanford 18, Berkeley 18, Brown 15, Michigan 13, Cornell 13, and UCLA 13.

The new class boasts a variety of backgrounds and life experiences. Curll noted that many admitted students had devoted their time to help the less fortunate, such as homeless, mentally retarded or handicapped persons, prisoners, and battered women. There were also many "overcomers," according to Curll. Some had overcome poverty and other disadvantages, serious illness and physical injuries.

Some of the more notable prior occupations of new students include: one of the first female Army battery commanders, a veteran

sentinel at the Tomb of the Unknown Soldier, a television reporter, a CBS television producer, a number of martial arts experts, ranchers, farmers, a Japanese vice consul from New York, three former Jesuits, two low income housing developers, an emergency relief worker in the Sudan, special counsel at the Iran-Contra hearings, a member of the CIA, a member of the Great Barrier Reef Marine Conservation Group, a Soviet emigre, a New York City fireman, a Navy air traffic controller, acting director of Cooper-Hewitt Museum in New York, a professional actress, a professional ballet dancer, a well-digger in India, three medical doctors, two Peace Corps volunteers, one migrant farm worker, several pilots, one veterinarian, a member of a rock-n-roll band, a state champion gymnast, a military policeman, and a woman who played the little "a" on the television show "The Electric Company."

"When I stop and look at this, I am very impressed with who these people are," Curll concluded. "This is a really exciting group of people."

## Dorm Keys Stolen, Ten Rooms Burglarized

By Paul Tarr

The theft of a set of keys, from a dormitory resident advisor's room Sept. 6 has resulted in the burglarization of ten dorm rooms and has cost the law school at least \$15,000. The set of keys contained a master key to all dorm room locks in the graduate center complex.

All ten thefts were reported to the Harvard University Police last Wednesday, with six taking place in Holmes Hall, two in Story, and one each in Ames and Dane.

There were no forced entries, and no group or individual was ever clearly identified in the course of a break-in. Yet Carl Tempesta of the HUPD said he has "no doubt" that "it was the same individual" behind all of the thefts.

The law school beefed up campus security for the week, with extra guards augmenting the regulars to fill a twenty-four hour shift. Security guards screened entrants at each dorm entrance around the clock.

Guards will remain posted at dorm entries until the interior locks are changed, and new keys distributed to all dorm residents. Frank Lamentea of

Building Operations projected that the job would be finished by the end of this week. "We started at the graduate complex," first changing exterior locks, then re-keying the women's floors . . . where the thefts were."

Commenting on the project to date, Lamentea says his office is "pleased we were able to move at such speed," and feels that a rush job might have compromised quality.

Lamentea estimated the cost of the project at more than \$15,000, not including the cost of extra security.

Lingering security issues — particularly the availability of master keys to RA's — were addressed in a meeting between the RA's and Susan Richardson of the Dean of Students office. Richardson suggested that the policy of entrusting campus master keys to RA's will be eliminated.

Among dorm residents, concern over security seemed to outweigh annoyance at the inconveniences created by the re-keying project. David Buchholz, 1L, reported being locked out of Hastings this week, during a period when the guard there was off-duty. Yet (continued on back page)

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# Placement, Financial Aid Committees Survive Clark's Reorganization

By Erick Hachenburg

Dean Robert Clark '72, in a continuation of his "streamlining" efforts, is restructuring several of the traditional law school committees and has created a new Comprehensive Curricular Assessment Committee, which he called "the most important policy committee of the year." In a related development, Clark denied rumors that he had planned to disband the Financial Aid and Placement Committees.

The Comprehensive Curricular Assessment Committee will, in large part, replace the Legal Education Committee, but with a more "focused" purpose, according to Clark. Clark said he expects the new committee "will carry out the first full and systematic evaluation of the curriculum that the law school has ever had."

In a letter from Clark to the *Harvard Law Bulletin*, he further explained: "I have charged the [Comprehensive Curricular Assessment] committee with the task of examining and assessing our curriculum and the distribution of faculty expertise across various subject matters and methodologies." Clark continued, "The committee's assessment may lead to curricular changes that will strengthen student interest in second- and third-year courses."

In the midst of the committee changes, a rumor circulated among

students that Clark had disbanded the Financial Aid and Placement Committees.

Brian Melendez, 3L, President of Law School Council (LSC), explained he suspected the abolition of the two committees when he received a letter early in the semester from Clark listing the committees to which Melendez should appoint student representatives.

"Conspicuously absent from the list," Melendez stated, "were the Financial Aid Committee, the Legal Education Committee, and the Placement Committee." Melendez said that he understood that both Dean of Students Sarah Wald and Director of Placement June Thompson also were under the impression that the committees were being abolished.

In response, Clark said that the concerns "were based on rumor and were just not true." Clark then confirmed that he would keep the Financial Aid and Placement Committees and that they would both have faculty, administrators and students as members.

He explained that the rumors were probably based on a preliminary list of committees that he released on July 1. Although Clark admitted that earlier in the summer, he had hoped to remove many of the committees, he decided, after talking to former Dean James Vorenberg '51 and other faculty, to keep the Financial Aid and Placement Com-

mittees. Clark added that he released the preliminary list on his first day, a Saturday, under tremendous time pressure to show what progress had been made.

Upon hearing that the rumors were unfounded, Melendez said, "If that's the case, that's great. That's what I wanted." Melendez still expressed concern that

"it was a deliberate omission, if not a final decision."

Concerning new committees, Clark stated that a committee to recommend changes in grading and feedback will be formed later this year. Clark said that his "general goal is for committees to be smaller than in the past and with a more focused charge."

## Students Submit Petition To Clark

(continued from front page)

American Law Students Association, and others.

Clark reiterated to the students that the dismissal of Ron Fox and the elimination of his position as public interest counselor did not diminish Harvard's commitment to public interest law, clinical programs, or the Low Income Protection Plan. He also said the Placement Office is considering hiring an attorney to take over some of Fox's duties, but it was unclear if such a position would be for a public interest counselor or a regular placement counselor.

Clark also said it would be up to N. June Thompson, a non-lawyer who is director of the placement office, to hire an attorney to replace Fox. Clark strongly suggested Fox would not be rehired under any circumstances but the Dean would not elaborate on the reasons, the students said.

Thompson told the RECORD that she plans to hire "a person who will be called 'Placement Advisor Responsible for Public Sector Employment'." She did not say if the person would be an attorney or if the position would be full-time or part-time, or what the salary would be.

According to the plan outlined by Clark, the Placement Office headed by Thompson will absorb all of Fox's duties in addition to its regular responsibility of scheduling interviews with corporate law firms. Fox and a staff assistant had been operating independent of the Placement Office.

Students who emerged from the meeting with Clark said it was essential that the position of public interest counselor remain separate from the Placement Office because of the special expertise required to overcome the difficulty in finding lower-paying jobs in public interest, government service, and small firms.

The students also said it was important that someone with national contacts take over the job. Fox was a recognized leader in the field of public interest counseling and came to the job with

over twenty years of experience in low-income lawyering.

"The fact is that the people in the real world who stood to benefit from what Ron Fox was doing were low-income people who are disproportionately black and people of color," said BLSA President Richard. "Many black people come to HLS wishing to return to their communities but have to struggle to find jobs in those communities. Without Ron Fox, that struggle will be more difficult."

*"Many black people come to HLS wishing to return to their communities but have to struggle to find jobs. Without Ron . . . that will be more difficult."*

The students emphasized to Clark that they did not represent the entire range of student sentiment or student organizations, said Rabinovitz. "We feel that this thing has become much larger than the student groups currently involved, which is why we feel a petition drive and rally are necessary," said Rabinovitz. "Dean Clark seemed to understand we are doing this in a spirit of community, not confrontation."

— This article was compiled by the HARVARD LAW RECORD.

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## RECORD Wins ABA Awards

The RECORD received several awards in the American Bar Association/Law Student Division's national law school newspaper competition. The awards were based on entries submitted from issues published in the 1988-89 academic year.

The *Harvard Law Record*, the country's oldest law school newspaper, competed against other, "larger" law school newspapers. The RECORD received first-place honors in the categories of Entire Newspaper Reporting Over Year; Feature Article on Substantive Law -- "Profs Predict Cutbacks, Continuation of Roe"; and Written Editorial on Internal Law School Affairs -- "Toward a Civil Debate." Both pieces were authored by Christopher Crain, 3L.

Second-place honors were received in the categories of Feature Article on Law in the Community -- "Women's Project Helps the Abused," an article about the Battered Women's Advocacy Project by Gretchen von Helms, 3L; and Editorial Cartoon on Broader Aspects of Law for Luke Cole's cartoon depicting an HLS alumni reunion.

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# Harvard Law Record

## Volume 89, No. 2

Erick Hachenburg Greg Herbert  
Editors-in-Chief

## Editorial

### Clark's First Step Sends Wrong Signal

I hate to bring up Bob's speech to the 1L's again, but I can't help remembering the part where he said that it is an imperfection, or flaw, in the American economic system that public service work is not encouraged enough, and that because of this, public service work should be subsidized to some extent. In his interview with the RECORD last winter, shortly after his appointment as dean was announced, there too Clark sounded generally conciliatory toward the different components of HLS that many feared he would deconstruct: clinicals, LIPP, CLS and the encouragement of public interest work in general. Who could forget "I won't clamp down and squash the Crits."

Now, in one of his first moves as dean, he eliminates two full time positions in public interest career counseling, turning what some thought were paranoid delusions into reality. In all fairness, the verdict is still out; Clark has recently made some noise about interviewing other lawyers to fill a full-time position that would include public interest career counseling. Additionally, there may be something going on beneath the surface of which we are unaware. But regardless, it seems clear Clark fails to grasp some very fundamental aspects of his decision and how it will affect many HLS students.

First, as a beginning of his deanship, Clark's move was a political and public relations disaster. Clark and June Thompson can babble all they want about "reorientation of resources" and doublespeak about how, now that they've fired the two leaders of the program, there will be even "more people" to counsel students in public interest, but the HLS community will always remember it as, "Clark's first move as dean was to gut the public interest program."

Second, Clark's version of who Ron Fox was and what he did was "unwise and misguided," to use his own words. Clark's labelling of Fox as a promoter of the "we-them" mentality is flat out wrong and borders on nasty. There are plenty of people here who do paint alternative career decisions in simplistic, black and white, we-them colors, but Ron Fox is *not* one of them.

In seminars and lectures Fox organized and in the advice he gave to students, Fox always emphasized what he termed the "private public interest firm" as a viable and balanced career alternative, especially to the many HLS students who wanted earnestly to do work they believed in, but were hesitant to take jobs at \$18,000 a year. The private public interest firm, one that does its share of corporate or business-oriented work as a means of financing the less-profitable work the lawyers really want to do, would seem to fit right into Clark's market-myopic vision of the world, a mixture of private and public functions. It seems, however, that Clark violated one of the first assumptions of law and economics and acted upon far from perfect information.

Third, Clark seems to think that only a handful of students are actually committed to working in public interest. He told Fox on the day he fired him that the school was spending too much money on something that only six or eight students did. Clark conveniently forgot how many students quit their big firms three or four years after they graduate. Additionally, even some students who know they are probably headed for big firm practice have expressed their displeasure with Clark's decision. He is limiting the amount of information, and thereby the options, available to students at a crucial and stress-filled point in their career decision process. And this at a time when other law schools are increasing their commitment to public interest.

It is interesting to compare the situation at Georgetown University Law Center, where a new dean is also taking the helm. One of Judith Areen's major concerns as Georgetown's new dean, she told the RECORD, was the decreasing number of law students going into public interest work. When informed of the "reorientation" at HLS, Areen assured, "We will not follow suit here at Georgetown." Look around, even the University of Chicago Law School has a full time public interest career counselor.

Finally, Clark's move is an insult to those who are committed to public interest work. Clark raves about the great tradition of excellence at HLS, but seems to ignore the contribution of those in public service who have done so much for this country and, consequently, for HLS's reputation—people like Ralph Nader, Archibald Cox or Charles Ogletree, to name a small fraction. Sure, the name partners in the big firms enhance the endowment, but name one corporate lawyer who will ever be thought to symbolize the greatness of Harvard Law School.

—G.W.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.

## First Year Writes On Public Interest

### To the Editor:

The welcome mat for the first year law class did not remain for long outside Dean Robert Clark's office. I thought I heard Dean Clark, in his September 1 convocation address to our class, speak of public interest as a possible career alternative; I thought I heard him give encouragement to those who wish to pursue that option.

## Letters To The Editor

But now I read that, according to our Dean, "a reorientation of resources" was needed at the law school "away from things in the past that have been for symbolic, guilt-alleviating purposes (rather) than to get a real result."

Permit me, Dean Clark, to ask a few questions: What is a "real result?" How is a full-time position which promotes career alternatives in public interest,

government service, and small firm practice not involved in achieving "real results?" Might it not be that many Harvard Law students seek counseling in these career alternatives because they are sincerely committed to working for a more just society rather than for "guilt-alleviating" reasons?

I am angry. I came to Harvard because of its long standing commitment to public interest law. And now, less than a week here, I find the welcome mat pulled out from under me and my fellow classmates.

The two positions cut on August 9 served an important institutional purpose: to counsel those of us interested in pursuing career alternatives to large firm practice. These positions cannot be viewed with a market analysis. Rather, they must be viewed in light of the desperate need in this country for more legal representation of the poor and disenfranchised.

Dean Clark, I urge you to look at this side of the picture. I urge you to restore immediately these two positions.

John Bonifaz, 1L

## High Exalted Mystic Ruler

### To the Editor:

As the school year begins, it might seem puzzling to talk about life after law school. So many new and wondrous things are happening all around you. Five hundred-odd new students have just settled in the sunny twin cities of Cambridge and Somerville. Dean Clark must wrestle with the most awesome responsibility of his career: meeting and exceeding his predecessor's perspicacious talent for creating committees and task forces. And, of course, you will surely be interested in the resolution of Harvard Law's very own true-life sex, lies and videotape.

We would hesitate to divert your attention from these and other pressing issues unless it were of profound importance. Likewise, we expected to be content to begin work, clerkships, and extended appearances on Club MTV far from the law school's maddening crowd. We certainly did not imagine that we would ever feel compelled to write a letter to the RECORD.

And yet, months after and miles from law school, the solution to the panoply of challenges facing the law school can be seen quite clearly. Most importantly, the answer is well within your control. THE LAW SCHOOL COUNCIL! Hosannah! (Please insert here Meg Ryan's sighs and moans from the dinner scene in *When Harry Met Sally* ...). By voting for this constitutional amendment, you can revitalize student government, make the administration more responsive to students, and, yes, ensure that you get the job of your choice on graduation.

We who have already graduated can only do so much. The biggest regret of our law school careers is that we did not have the vision to implement this ourselves. Take, then, this petition as a gift from the class of '89 to all students present and future. You CAN make a difference.

We pledge to continue to share these whims with you as they occur to us.

**The Continuing Co-ordinating  
Committee on Diversity and  
Fairness**

We, the undersigned students of Harvard Law School, demand a referendum to include the following provision in the Law School Council ("LSC") Constitution or any other relevant document amendable by student referendum, and to excise therefrom any other language regulating the title of the President of the LSC.

1. The executive officer of the LSC shall be known as "High Exalted Mystic Ruler."

2. Said executive officer shall use this title and only this title on all LSC correspondence and at anytime said executive officer purports to represent the LSC.

3. Said executive officer shall use no other title to refer to his position as an officer of the LSC or as an official elected by the student body.

4. Said executive officer shall periodically submit copies of his resume to the Dean of Students to insure compliance with this rule. If said executive officer violates this rule, the Dean of Students shall send a letter notifying all of the executive officer's perspective employers of the correct title.

5. The trappings of said executive officer's position shall include an orb and a sceptre, which trappings such executive officer shall carry on his or her person at all times during which said ruler is present on the property of Harvard University.

6. The LSC shall amend any relevant rules to comply with these provisions.

**Rich Rochman '89  
and several other  
recent graduates**

## Next RECORD:

Friday,

September 29

# A Prescription For Excellence In International Law Program

In five to ten years, HLS could be an aggressive leader in foreign and international law study. Not simply a good — even “the best” — place to study or teach, but a center for new work and a model for the internationalization of legal education. At the moment, we fall far short. The many students who come here to specialize in international law are soon disappointed. Although faculty committees have considered the shortfall for a decade, inertia rules. We enjoy talking about internationalizing

## Prof. David Kennedy Off The Record

legal education, but it is difficult to begin doing something about it. We repeatedly balk at appointing any of the young American and foreign scholars entering the field. The upcoming capital campaign provides another opportunity for reform, but the school must do more than hang new price tags on old programs.

### An International Curriculum

Currently, we see international and foreign law either as esoteric disciplines presided over by specialists or as advanced versions of domestic law sub-

shops should include a section on multicultural practice. We should work to integrate upper level courses in a broad thematic fashion — combining international institutions with administrative or corporate law, or tax with finance and trade. By structuring the upper level international curriculum in a coherent, progressive way, we could also contribute to the revitalization of the second and third years.

We have almost no clinical offerings involving foreign and international law. At a minimum, we could contribute to the diversification of the clinical program by developing a seminar for reflection on summer work in internationally oriented firms or public institutions. Our continuing legal education should also be more present internationally — not simply by exporting the Program of Instruction for Lawyers, but by developing relationships with campuses abroad (particularly in the third world) and working to support foreign colleagues who might be able to help prepare new teaching materials or develop teacher training seminars. A truly international PIL might also do quite well.

### An International Faculty

Doing any of these things will require faculty development. We should not build our international program around subject matter areas which seem fash-

tional HLS will also require new talent. And we should not think that the international and foreign law scholars of the next century will resemble those of the last.

We need an aggressive campaign to recruit and develop young teachers in the field. A fellows program to attract outstanding students for post-graduate study might be a good way to seed the field. We should also be bringing at least two young foreign teachers to the school each year. Senior visitors might

For foreign students interested in private practice or government service, we would offer a one year program with sharply increased course requirements focusing on American law. The LL.M. thesis might be made optional for this group. For students interested in the academy, we would offer a three or four semester program oriented towards teaching and scholarship. A special curriculum of legal theory, teacher training (including practice teaching) and a research seminar would lead more

“... becoming the best international law school will require ... a break with the past.”

seem necessary from time to time to cover specific subject matter areas, but we should encourage visits which will contribute to curriculum innovation or faculty education through joint teaching.

### An International Student Body

Our international student programs should be harnessed to the project of rejuvenating the field. For example, with improved faculty and alumni supervision, the International Law Journal might be put on a more professional basis or integrated with a more ambitious publications program. The leit-motif of the effort should be developing the field itself through teaching and scholarship — and that means attraction and retaining the most accomplished students. A fellows program or a jointly taught research seminar might go some way in this direction. We might also admit more foreign students to the J.D. program.

The graduate program brings over a hundred foreign students to the law school each year. They are neither successfully integrated into the J.D. curriculum nor offered a coherent curriculum of their own. We have made a great deal of progress in upgrading the academic focus of the graduate program over the past decade, but it is time for a more systematic overhaul. We should further strengthen the academic component of the program while acknowledging that a number of foreign students who come here do not do so with scholarly career aspirations.

We might divide the program in two.

“... students who come here to specialize in international law are soon disappointed ... inertia rules.”

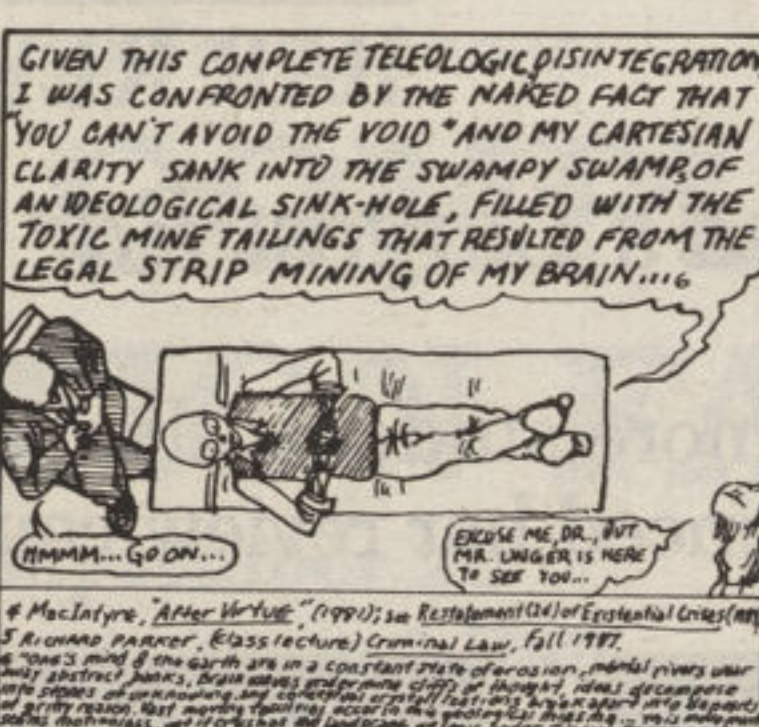
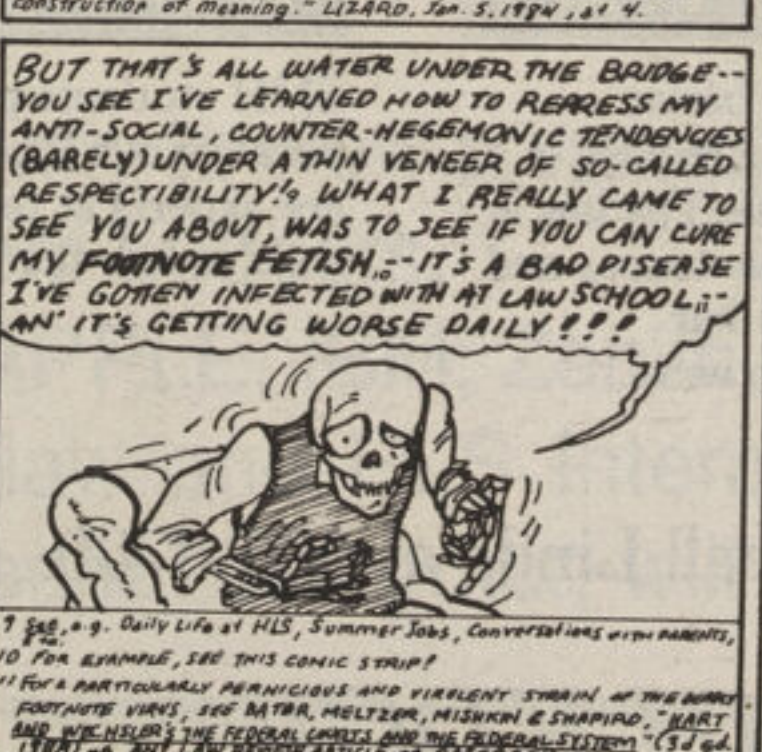
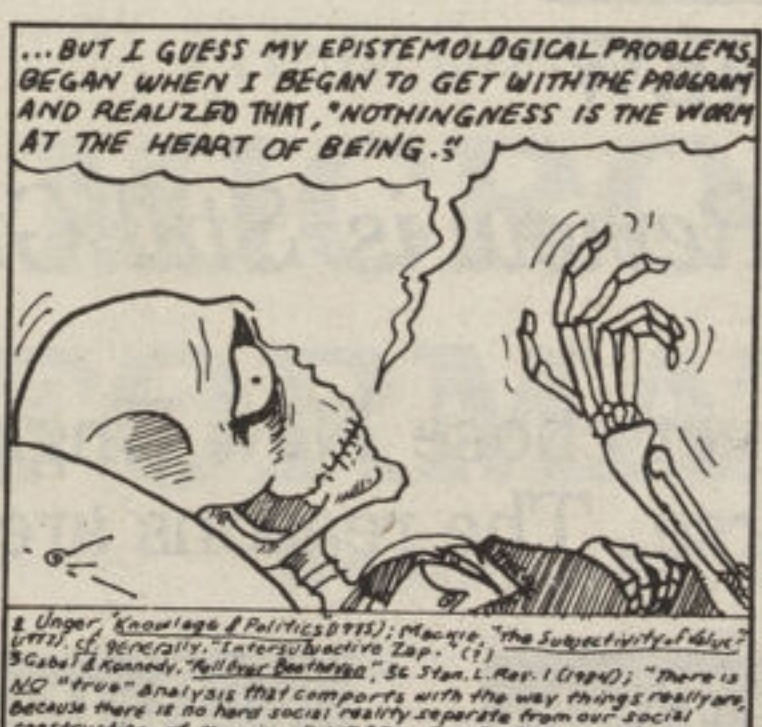
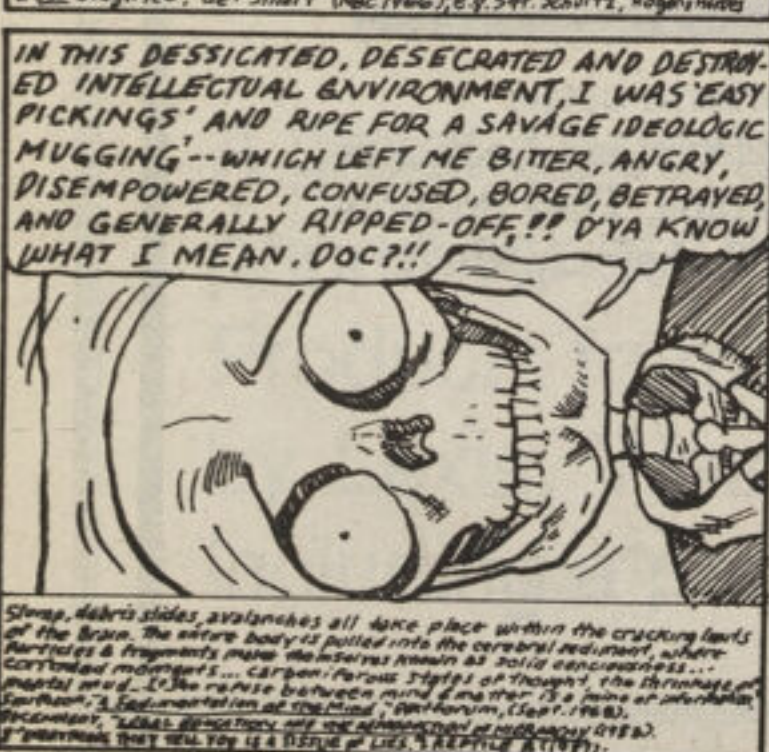
jects requiring little general expertise. Neither vision is adequate. The disciplines of comparative and international public law have become stale and should retrench and rejuvenate their intellectual vision. The school should take the lead in developing a self-conscious body of intercultural practice skills with its own intellectual history, doctrinal canon and jurisprudential perspective. A new basic course with a more self-conscious historical and cross-cultural tenor could anchor the field in a common intellectual vocabulary.

At the same time, our main curricular focus should be integration — building foreign and international materials into municipal law courses from the first year on. Our basic advocacy work-

ionable for a time. Nor should we strive single-mindedly for geographical coverage. Doing either may produce engaging programs, but furthers the fragmentation of the curriculum and impedes developing a more intellectually coherent discipline for the long haul. We should build our program by building the faculty's capacity to teach and write about foreign and international law.

This means nurturing and encouraging faculty members to develop international and foreign law expertise. Faculty interested in learning a language, travelling abroad, visiting foreign legal institutions or developing international teaching materials should be encouraged to do so. But an interna-

## Break Downs



## Fenno

"Fenno, Fenno," said Mamma Fenno. "Are you going out with Miss America yet?"

"Naw, mom. she ain't comin' this year. She didn't even apply."

"Oh, don't worry Fenno. One of these days you'll meet the right person. Just keep going to those parties at school where they bus in Wellesley College women."

"Aw mom, I can't keep trying to date sophomores anymore...I've matured."

"Really, Fenno? Really?"

"Yep, I even found a job here at school. It's a position of responsibility for a well-respected professor here."

"Fenno, Fenno, I'm so proud! You're doing research for Alan Dershowitz for People's Court?"

"Better, I've been driving Nesson's daughter to horseback-riding lessons four times a week. And it pays great money!"

"That's wonderful Fenno. By the way, how is Frosty?"

Frosty. Frosty the Dog, Fenno's constant companion. Fenno loves Frosty, and Frosty loves Meister Brau.

"Oh, you know, he's o.k."

Fenno glanced at Frosty. Frosty was blissfully napping after finishing a bowl of M.B.

"Well mom, I have to go to work. You and dad always taught me to never be late when I'm getting paid."

Fenno said good-bye to his mother and hung up the phone.

But Fenno was already over an hour late, and he had a twenty-minute walk to his car ahead of him.

Fenno enjoyed living on campus—but that mythical utopian place, the dream of every law student, the highest award and honor HLS could possibly bestow upon an student, had eluded him yet again.

Fenno had finished 501st on the wait-list in the parking garage lottery. But Fenno felt a glimmer of hope as he strolled to his job.

"Fenno and a job," he thought, "the epitome of an oxymoron. Anything is possible."

Fenno dreamed about Miss America being in the Class of 1993.

By KA

# Federalist Society's Hidden Agenda Revealed

Well, here's hoping that the debate on campus this year is a bit more civil than last. Two Ls and Three Ls should remember how embarrassing it got — nasty letters in mail boxes, anti-semitic slurs, anonymous, late night phone calls to conservative students, even ballot box stuffing.

It occurs to me that much of the problem was the belief, among many of the campus leftists, that conservative students, in particular the Federalist

agenda for 1989-90. By baring it now, perhaps we can skip the ad hominum attacks later.

Admittedly, I am neither an officer nor an authorized spokesman of the Federalist Society, so it may be that what follows reflects a little of my own biases. Nevertheless, I think the key items in our agenda are reasonably clear to the intelligent observer.

We are against: funky people who hang around Harvard Square; Joe Kennedy; Ted Kennedy; Duncan Kennedy; David Kennedy; The Dead Kennedys; other Kennedys; people who perform in the metro, except the guy who sings the blues at Downtown Crossing; affirmative action; sushi; soccer; gender neutral language; Critical Legal Studies; Bill Bennett '62 and the use of the term "Czar" in a democracy; any field of legal studies beginning "Law and ..."; a national health plan; and Student Funded Fellowships.

Also: farm subsidies; legal indeterminacy; Massachusetts in general; Lisa Ferrell; Sandinistas; any minimum wage; talking about "the homeless" in hushed, quasi-religious tones; rent control; Mario Cuomo; moralizing liberals; signing petitions in the Hark; whining about how few students choose careers in "public interest" law; at least 50% of what passes as "public interest" law; and federal poverty programs.

We also oppose: animal rights; Communist dictators; third world dictators; South African dictators; economic sanctions; the Senate Judiciary Committee; any funding for the National Endowments for the Arts and Humanities; and a constitutional amendment to ban flag burning.

Our agenda is not all negative. We are in favor of the following: fast cars; big families; radar detectors; legalizing recreational drugs; guns; Dean Bob Clark; George Bush; open, robust de-

bate; Webster; 'Nino' Scalia; a weak, ineffective Law School Council; recycling; free trade; increased immigration; private schools; manly sports; privatization; and parties.

We also support: glastnost; per-

spitting out the "white male" as if it were the ultimate four letter word.

But the Chinese students who were murdered in Tianamen Square this summer weren't white males, and they weren't demanding government health

*"What truly oppressed people throughout the world long for is a little bourgeois liberalism."*

estroika; free minds and free markets; "Read my lips ..."; Milton Friedman; Thomas Jefferson; Andrew Jackson; most other founders of the Democratic Party; an endowed LIPP; Israel; hiring more minority professors; individual responsibility; change; and, most important, we emphatically support Western culture. Liberal, bourgeois, Western culture.

And here is where this column gets serious. Because it is liberal, bourgeois culture that really ticks off the leftists around here. Stuff like property rights and the rule of law. I can hear them now, "That's fine if you're a white male,"

plans, subsidized day care, or gender neutral textbooks. They were demanding bourgeois liberalism. The people linking hands across the Baltic states have seen enough of applied Critical Legal Studies. Blacks in South Africa have seen the horrors of a country with a great social security system but no respect for bourgeois, capitalist values.

What truly oppressed people throughout the world long for is a little bourgeois liberalism. We, who are not oppressed, can at least defend such values here at home. That is The Federalist Society's hidden agenda.



**Brad Smith**  
Columnist

Society, had some "hidden agenda" that they were trying to foist off on the student body. Maurice Hoo, a leader in the Coalition of Victimized Elite, went so far as to publicly suggest that there was a right wing conspiracy to install (gasp!) Richard Stewart as Dean. (Shows how much he knew. Actually, the conspiracy was to get them wasting their time slandering Stewart while we snuck in our real first choice).

OK, OK, I'm kidding. Such theories far overestimate both the influence and the brain power of Federalist Society leadership. Nevertheless, it is true that the "hidden agenda" and "hidden motives" of conservatives were regularly denounced by hysterical leftists. So this year, I thought it might help civilize the inevitable debate if I used my column, right up front, to reveal the Federalists'

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

## Twenty Five Years To Wapner

*(The following article is an excerpt from the Sept. 11 issue of the Harvard Crimson.)*

A veteran of 25 years at HLS, and both the Geraldo Rivera and Morton Downey, Jr. shows, Prof. Alan Dershowitz will return to the airwaves as a special consultant to People's Court Judge Joseph Wapner.

During five shows tentatively scheduled for this week, Wapner occasionally mentions legal discussions with Der-

showitz. In one, the civil libertarian is introduced in the audience.

Although Dershowitz has argued in higher courts, statistics suggest that his appearance on the courtroom show will be a greater boost for his fame. According to a recent survey, 54 percent of Americans can recognize and name Wapner, while only nine percent can identify U.S. Supreme Court Chief Justice William Rehnquist.

"Well, Judge Wapner's a better judge than Rehnquist," Dershowitz said.

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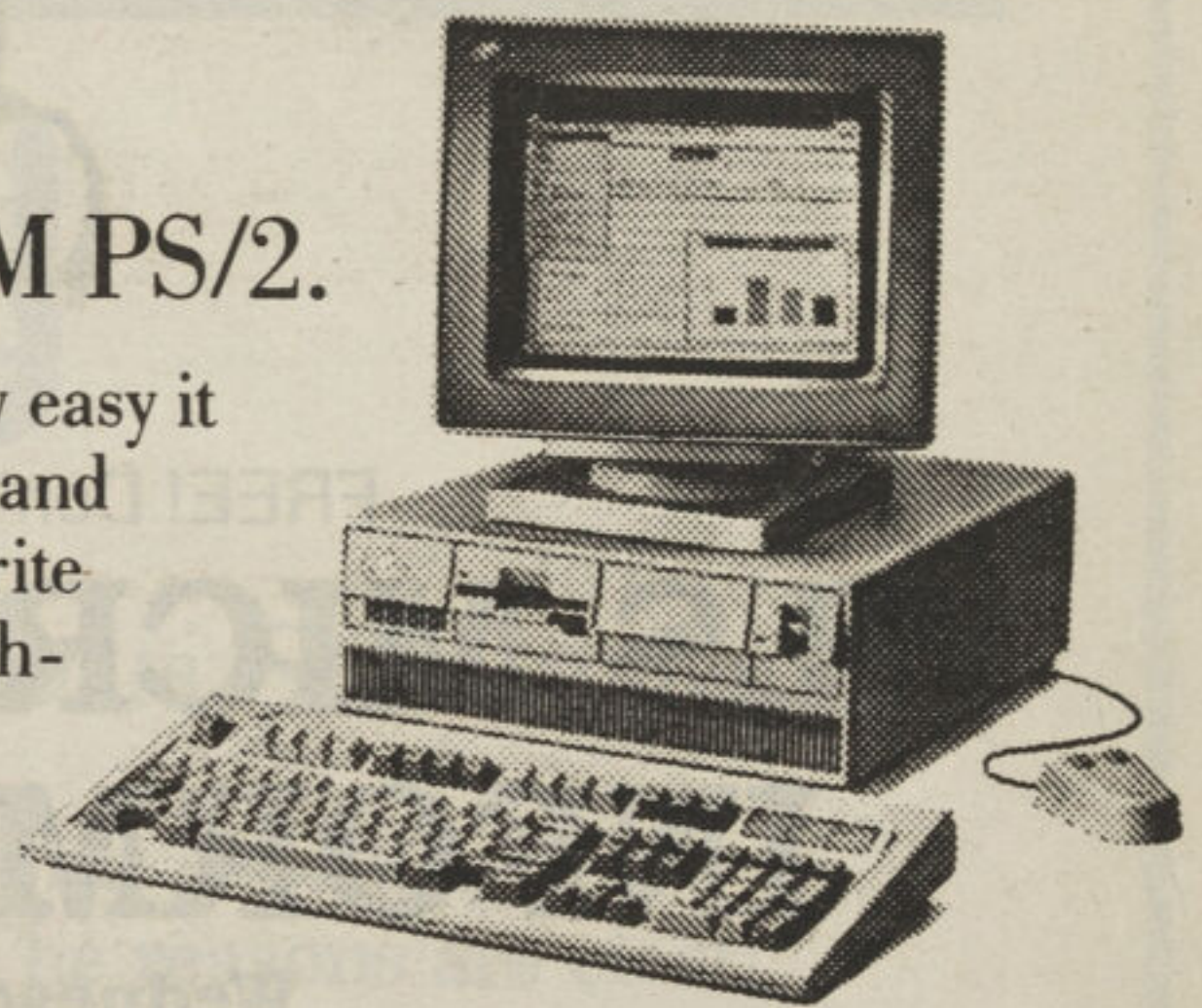
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# Sex, Law And Videotape Plays On: Watkins Loses First Round

By Greg Herbert

A federal magistrate in New York is scheduled to hear on Monday Kevin Watkins' second motion for a preliminary injunction against Harvard University and HLS in his \$150 million extortion and invasion of privacy suit against the schools.

U.S. District Judge Joseph McLaughlin denied Watkins first request for a preliminary injunction earlier this month and upheld, at least temporarily, Dean Robert Clark's decision to require Watkins, who would be a 3L, to take "a leave of absence" from HLS, effective Sept. 1. Clark's decision was based on Middlesex County Judge Lawrence Feloney's Aug. 21 finding of probable cause that Watkins had raped and assaulted a Harvard College student on Dec. 11, 1988 at Watkins' Peabody Terrace apartment.

Watkins has served as his own counsel throughout his civil action against Harvard. The New York firm of Janvey, Berglas & Gordon represents Harvard in the suit.

If Watkins' motion is denied it will effectively insure that Watkins will not attend HLS for any part of the 1989 - 1990 academic year. Meanwhile, Watkins awaits possible indictment by a local grand jury on two counts of rape and one count of assault stemming from charges filed by the woman last May. Watkins is represented by court-appointed counsel in the criminal proceedings.

In a telephone interview with the RECORD, Watkins sized up his prospects of victory in the suit against Harvard as "extremely bleak at this point," but he renewed his allegations of extortion and gross impropriety on the part of HLS, the Middlesex County District Attorney's Office, and the alleged victim.

"In their eyes," Watkins said, referring to HLS, "I am an expendable nigger." Watkins elaborated on his earlier charges of racism in the law school's handling of the woman's allegations. "They said to themselves, 'niggers are all rapists; women can't lie; therefore he's guilty.' Name

one white person who has been prosecuted by Harvard," he said.

Watkins added that Prof. Derrick Bell agreed that HLS handled the charges in a racist manner, but for reasons different than those alleged by Watkins.

"Bell said it was racist because if the woman had been white, the school would have lynched me, but since she was black, they didn't care as much about it," Watkins said. "I told him 'thanks a lot.' That means he thinks they should lynch me, just like they would if she were white," Watkins added. Bell vehemently denied making the remarks.

Watkins also ridiculed some of the positions taken by Har-

vard in their legal documents filed in response to his motion for the injunction. Responding to Watkins' claims of the irreparable harm he will suffer if denied enrollment into the school, Harvard's preliminary injunction memorandum states, "plaintiff is conspicuously silent about any efforts he could make to continue his education at another law school or to engage in non-academic activities that would contribute to his career."

*"They kicked me out of school on the day of registration. How was I supposed to apply to other schools?"*

"They kicked me out on the day of registration [Sept. 1]," Watkins said. "How was I supposed to have time to apply to any other schools?" Watkins also questioned the range of career-promoting, non-academic activities he could pursue. "How can I contribute to my career when I have to tell an employer I've been kicked out of Harvard Law School - but without prejudice. It's not going to do me a damn bit of good two years later when I'm found not guilty," he said.

Watkins, the former president of a student organization called the Society for Black Professional Entrepreneurs (SBPE), produced nude videos last spring featuring himself,

the alleged rape victim, and a Harvard Divinity School student. Allegations against Watkins, first printed in the *Bay State Banner*, include claims that the nude performances were coercive requirements for becoming an officer in the SBPE. The Law School Administrative Board has since disbanded the SBPE.

The divinity student who appeared nude on one of the videotapes viewed by the Ad Board, however, blamed Watkins' outspoken sexist attitude for at least part of his problem. "Kevin was always making outrageous statements about women, like 'women can't be raped,'" the student said.

Watkins denied such statements, and challenged the

credibility of the divinity student, his former friend, by pointing to inconsistencies in the student's story.

"He originally told the *Bay State Banner* he was coerced into making the video," Watkins said, referring to the student, "he had to change his story when the Ad Board saw him on the tape saying I'm the first person in the Kevin Watkins pornographic extravaganza." Two newspaper reporters to whom Watkins showed the videos, who reported that the divinity student made the statement, also reported that the alleged victim made the following statement while performing oral sex on Watkins: "Live, it's Candid Camera. Whee."

The divinity student, admitting that he made the statement, explained that he participated in the video partly because Watkins said it was required for "security officers" in the SBPE and partly because "I wanted to show Kevin that I liked him." Watkins has repeatedly claimed the tapes had nothing to do with the SBPE and were simply made privately and consensually among friends.

day of my life."

Meanwhile, Schkolnick keeps waiting. "I'm focusing on being a law student," she says three days into the semester and already bogged down with classes.

But she says that the case has helped ease the confusion a little. "Just the other day in civil procedure class we were discussing what circumstances are needed to get a class action," she says, adding that she then remembered what she had needed to file her own case.

That prompted further comparisons. "Thus far," she says, "law school is less exciting than the Fly case."

But if Schkolnick had visions of waiting for the decision incognito, she has been disappointed. To many of her fellow students at the Law School she is already renowned. She says that when some of them meet her, they exclaim, "Oh my God, you're Lisa Schkolnick."

## Deans Comment On Fox

(continued from front page) School, Jeanne Vatterott, called Fox's leaving HLS, "a loss for Harvard, and more importantly, a loss for Harvard students."

The newly appointed dean of the Georgetown University Law Center, Judith Areen, said that she did not have any comment regarding the specific details of the transfer of the public interest counseling office at HLS. But, she did state that public interest is one of her "major concerns" as a new dean.

"We want to do everything we can to encourage and promote our public interest program here at Georgetown and encourage students to go into public interest law," Areen stated.

The dean of Boalt Hall at the University of California, Berkeley, Jesse Choper, said that Clark's decision to move the public interest position, "sounds only like a transfer [of the function] to the placement office."

Choper said that he recently added a half-time staff member within the past few months to help students find public interest positions.

According to Treadwell, "Because of the advantage that large law firms have in intense recruiting, making early offers, and paying very well, the public interest areas are at a significant disadvantage and [in response to that] Dean Choper stated, '[we are creating this new position] to correct an imbalance in the market'."

Treadwell stated, "Ron was helpful in making the case to establish that position" at Boalt Hall.

Dean Jeffrey Stone, of the University of Chicago Law School, like Choper, recently added a staff member for public interest with the title of Assistant Dean of Students and Director of Public Service Placement.

Stone said that he felt a need for the position because public interest jobs are more difficult to find. "This is a time in which law students are more interested in public service. But, there are serious obstacles [to finding a job in that area]... We did not feel we were meeting our obligations to the student," Stone stated.

As to Clark's decision, Stone said that as a detached observer it would be difficult for him to comment on the resource allocations of another law school. "It may not involve a reduced commitment to

public service, but just a reshuffling of resources," Stone said.

Clark maintains that the public interest area will not be cut back, despite the reorganization. "The functions of public interest counseling will still be operative," Clark said.

"When I originally contemplated this move, I wanted to hire a full-time adviser generally interested in career choices students may wish to make. A person advising about all areas. But, that depends upon how June Thompson decides the way she wants to set up the office," Clark stated. Although Fox's position was titled "assistant director of career counseling," Clark said that "Ron Fox was clearly understood to be a specialist in public interest."

N. June Thompson, formerly the assistant director of admissions, will now be the director of placement. Before the change, Thompson had been spending approximately 40 percent of her time in admissions, and 60 percent in placement. Now, her placement office duties will make up 100 percent of her work.

"People interested in public interest areas will not be deprived. We are going to hire a person who will be called 'placement adviser' who will be responsible for public sector employment," Thompson stated.

According to Thompson, now that the positions have been consolidated, there will be more people for a student interested in public service areas to meet with, rather than "just one or two to talk to about public interest opportunities."

Thompson said that Clark's decision was not motivated by any ill will toward public interest.

"They felt the administration was growing too rapidly. I didn't perceive it as a political move. It was an administrative move that will benefit all students," Thompson said.

Clark told the RECORD that he has made plans to meet a group of concerned students regarding the decision to consolidate the career placement and public interest positions.

"I plan to give them a balanced perspective, one that they can't get from the media, about all of the public interest activities and steps to improve the public interest office that they will be utilizing in the future," Clark said.

— Jim Houpt contributed to this article.

## Law School Admits Fly Swatter

(The following story was first printed in the *Harvard Crimson* on Sept. 11, 1989)

About a year ago, Lisa J. Schkolnick stepped off a plane in Egypt to begin a year's stint at the American University of Cairo, getting thousands of miles away from the discrimination complaint she instigated against one of Cambridge's nine all-male final clubs.

Now she's back at the University in the guise of a first-year law student. And it seems that the thousands of miles have been replaced with thousands of pages of briefs about whether the elite Fly Club can continue to deny membership to women.

The Massachusetts Commission Against Discrimination (MCAD) - where Schkolnick filed her complaint in December 1988 - has still not reached a verdict. Last spring, the commission tabled a Fly Club

motion to dismiss the case and announced it would reach a verdict based on currently available information. That decision ended months of legal jockeying between Baker and the Fly Club's attorneys, whom MCAD labeled uncooperative at one point.

Kevin G. Baker, who represents Schkolnick and the student group Stop Withholding Access Today (SWAT), says he has not heard anything from the agency in months. "Who knows?" he says about a date for the decision.

MCAD Commissioner Kathleen M. Allen promises a decision "very shortly," but she has made the same promise several times before in the 18 months Schkolnick filed the complaint.

"I have a dream," says Schkolnick. "One day I'll come home and there will be a crowd of reporters saying, 'You won, you won.' It will be the happiest

day of my life."

Meanwhile, Schkolnick keeps waiting. "I'm focusing on being a law student," she says three days into the semester and already bogged down with classes.

But she says that the case has helped ease the confusion a little. "Just the other day in civil procedure class we were discussing what circumstances are needed to get a class action," she says, adding that she then remembered what she had needed to file her own case.

That prompted further comparisons. "Thus far," she says, "law school is less exciting than the Fly case."

But if Schkolnick had visions of waiting for the decision incognito, she has been disappointed. To many of her fellow students at the Law School she is already renowned. She says that when some of them meet her, they exclaim, "Oh my God, you're Lisa Schkolnick."

## Dorm Locks Replaced

(continued from front page) students in Holmes, the dorm hardest hit by the break-ins, were generally supportive of the handling of the affair. To John Gliedman, 2L, the extra measures taken "show that the law school is concerned about security."

"Someone made out like a bandit," Tepesta commented, and indeed, losses for a number of students were heavy. Property reported missing included wallets, cash, and especially, jewelry.

One Holmes resident whose room was burgled left for classes on the 6th and returned to find police officers on the floor. "It seems as if they were really looking for ... cash and jewelry, things easy to grab. They didn't even take credit cards," said the student, who asked not to be identified. The student, who lost jewelry, feels that building security has been

satisfactory since the new measures were taken.

According to police records, a close call for one Dane resident occurred when, at around midnight on the 6th, she heard a knock on her door. After a brief pause, an individual proceeded to unlock the door. When the apparent intruder discovered the awakened resident, he or she ran off.

Daphna Boros, 2L, of Holmes, returned to find her door ajar, carefully packed boxes opened and emptied out, and the contents of her jewelry box spread over her bed. Valuable jewelry was mixed in with personal mementos, "five-and-dime stuff ... like the sheriff's badge my sister gave me as a child." The expensive pieces were fully exposed on the bed, yet the intruder, possibly discouraged by the sight of "the junk ... must have just passed." Nothing was taken.