



Harvard Law Record

Volume 89, No. 4

America's Oldest Law School Newspaper

October 6, 1989

Tribe Assailed In Local Racial Controversy

By Paul Tarr

Charges of limousine liberalism have rained down upon the Cambridge community in recent weeks and have placed Prof. Laurence Tribe '66 in the awkward position of arguing that he was unaware of the purpose of a petition he signed.

The accusations stem from the former presence of a predominantly black elementary school, the Commonwealth Day School (CDS), at 113 Brattle Street, and the efforts of neighborhood residents to force it out. At the center of the storm is a community petition condemning the school signed by several prominent Cantabrigians — among them esteemed constitutional law scholar Tribe.

News Analysis

The petition failed to convince the Board of Zoning Appeals (BZA) to prohibit the school, yet a subsequent lawsuit by some of the petition's adherents achieved that goal by frustrating the school into relocation.

Though the school has now found a new home in Boston, the issue has a lingering presence here. For some observers, the efforts of an affluent and professedly liberal community to reject the school signifies overt elitism and thinly veiled racism. In the petition, community residents pointed to the possibility of increased traffic on Brattle Street as the reason for their opposition. This claim has been dismissed by critics in the local media as a mask for ulterior motives.

For his part, Tribe has publicly repudiated the petition, and asked that his name be removed from it. In an Oct. 1 open letter to his neighbors, he insisted that the petition "referred only to traffic and parking, and neighbors spoke only of the safety of the schoolchildren. There was nothing in the petition or in what the neighbors said that suggested anything about the school's racial or ethnic composition. If I had suspected that minorities were

being excluded from the community in any way, I would never have signed the petition" (original emphasis). The letter concluded with a personal though belated pledge to support the school, and an acknowledgment that there may be "reasons others have for making this a political issue after the school has already left." And indeed, critics have seized this opportunity to weigh in against Cambridge, and Tribe, in the face of an upcoming Cambridge city council election.

Boston Globe muckraker Mike Barnicle, in a Sept. 21 column, inveighed against the "busy street where hypocrisy rules," and its "preposterously smug" residents who "became so alarmed by the threat of a handful of blacks arriving."

Barnicle characterized Brattle Street residents as Brahmin nobility, as disdainful of the *Globe's* white ethnic readership as well as of black schoolchildren. In addition to co-signators Julia Child, the TV gourmet chef, and David Ives, President of WGBH-TV, he signaled out Tribe for special (continued on back page)



Photo by Paul Vogt

The house on Brattle Street that is the center of controversy.

Pub Fixture Elected 1990 Class Marshal

By Linda Popejoy

Third-year students elected their first class marshal, who said he may be the "first professed pagan" to ever hold office at Harvard Law School, though he suspects many more "closet pagans" exist. Lawrence L. Taylor, 3L, or LT as he is more commonly known, expressed his deep gratification for the support of his classmates. He said, however, he "expected to be [one of] the four" marshals elected.

Taylor is well known to HLS students, primarily for his foot-long, carved wooden pipe which he is often seen smoking in the

Pub. The pipe, Taylor said, was a gift from his "future ex-wife." Another LT trademark are the purplish crystals hanging around his neck, which appear to be in the shape of a cross. "Those who know me, know better," Taylor says. He does admit that he has been feeling "much better" since he began wearing them. Third years may also remember that Taylor was awarded first prize at the DSAC Halloween party two years ago, for his Harpo Marx stylings.

The charismatic, yet enigmatic Taylor claims to be "camera shy," although he

(continued on back page)



Photo by Patrick Miles

"LT," Lawrence Taylor, 3L, elected first class marshal for 1990.

Student Demands Halt Interviews Of Placement Advisor Candidates

By George Paul

Members of the Emergency Coalition for Public Interest Placement (ECPiP) are scheduled to meet with Dean Robert Clark '72 today, just four days after successfully halting interviews for Clark's proposed placement position.

ECPiP plans to ask the dean to restore the two public interest counseling positions previously held by Ron Fox '63 and Dana Bullwinkel. ECPiP spokesperson Lori Wallach, 2L, said, however, that getting the two positions restored was just putting "our toe in the door."

The group is pushing for the integration of public interest awareness into "all facets" of the law school, including a task force on public interest, Wallach said. This comes at a time when Clark is also being challenged by a Ralph Nader '58 based group, Harvard Watch, which will release a critical report within two weeks.

ECPiP members won a concession from the HLS administration when about 30 ECPiP members crowded into the Office of Career Services (OCS), on Oct. 2 for an impromptu meeting with N. June Thompson, the director of the office. The students demanded that the administration halt interviews of candidates for the placement advisor designed to replace the former two positions until ECPiP representatives could meet with Clark to discuss the job description for the available position.

Some of the students were prepared, if necessary, to stage

a silent protest in the lobby of the placement office if their demands were not met, according to an ECPiP member who asked not to be identified.

The confrontation was the latest move in ECPiP's struggle to reverse the possible effects of Clark's reorganization.

After discussing the issue with the students, Thompson agreed to postpone any future interviews with candidates. She had scheduled only one appointment by the time of the confrontation. Since the students' protest came too late to cancel it, that candidate was interviewed Oct. 3.

The students are demanding that the job description and requirements for the new, consolidated position be changed. "We need a lawyer, experienced in public interest and with connections, to help students with career development," commented Wallach. The current requirements include an undergraduate degree and "excellent organizational skills."

Thompson said she thought the job description was "perfectly fine." She said she felt that the dean was simply giving her a lot of leeway in selecting the new position. She added that the inquiries received so far have included lawyers with a public interest background and she hoped to fill the position with someone with similar credentials.

Meanwhile, Harvard Watch report author Jaron Bourke commented that a press conference would be held soon to disclose the contents of the report on the status of public interest at HLS. Bourke ex-

pressed his personal concern about the job description, saying its broad mandate will "limit service to the needs of students wishing to go into public interest work."

The RECORD has obtained a draft of the Harvard Watch report. The report will detail the "crisis" in public interest work today and outline a 15-point plan for "encouraging research and debate on the subject of how law schools can play a more salubrious role in the delivery of legal services." Parts of the plan will call for a halt of Clark's reorganization "since the precedent would hinder rather than help the proper resolution" of Harvard's public interest role. The plan, Bourke added, will also call for Dean Clark to address a public forum, remarking that the Dean should be "publicly accountable" for his actions. Like ECPiP, Bourke is calling for a task force to study ways that Harvard might promote public interests.

Harvard Watch is a program of the Center for the Study of Responsive Law (est. 1969), an organization founded by Ralph Nader. Since 1986, its mission has been to scrutinize and critique ways that Harvard University has "allied" itself with major corporations. The project recommends plans for change.

ECPiP members added that they hope the meeting with Clark will in addition to ensuring the restoration of the two positions, inspire a re-expansion of public interest ideals at HLS.

WHY DID TEN OF YOUR CLASSMATES CHOOSE TO BE PART OF THE SUMMER PROGRAM AT JEFFER, MANGELS, BUTLER & MARMARO?

Perhaps it was the quality of work that attracted them to our firm. Because of our growing reputation as the California firm to hire when confronted with a particularly difficult legal program, the firm has attracted a number of "high profile" cases and business transactions in the past few years. For example, in the litigation over the distribution rights to "Platoon" and "Hoosiers," we represented the company that obtained a nationwide injunction against another large entertainment conglomerate. We were lead counsel in one of the largest tort trials in the country last year. We also represented the acquiring company in a bitterly-contested takeover battle for control of a billion-dollar gambling and entertainment corporation, and represented a major oil company in the sale of its headquarters building.

Perhaps it was our diverse client base that attracted them. In the past year, our attorneys have performed substantial work for the country's largest telecommunications conglomerate, one of the largest aerospace companies, a major oil company, several major financial institutions, two entertainment studios, several radio stations, and a major league baseball team.

Perhaps it was the firm's size that attracted them. It is unusual to find a firm of under 100 attorneys with a "Fortune 500" client base and highly sophisticated legal work.

Perhaps it was our location that attracted them. Our largest office is located in Century City on the west side of Los Angeles—with views of the Pacific Ocean and the Santa Monica Mountains. We also have smaller offices in San Francisco and in Newport Beach.

Perhaps it was the heavy emphasis we place on "feedback" and training in our summer program that attracted them. We have weekly programs in the summer for our clerks. This year's programs include: (1) a talk by the "legal advisor" to "L.A. Law" about his role in revising scripts to make them more realistic; (2) a talk by a Federal judge about practice in Federal court; (3) a training session on writing effective briefs; and (4) a step-by-step explanation as to how a film is financed and produced by the head of one of our film company clients.

Or perhaps what attracted them to our firm is the quality of the people and the daily working atmosphere at the firm. We do not believe in rigid formalities—each attorney is on a "first-name" basis with one another. Our attorneys are not only young and energetic, but are outstanding people as well as lawyers.

The best way to find out the real reason that attracted these students to our summer program is to find out about our firm yourself. If you missed our interviews on campus, please call Leslie Krusoff, our recruiting coordinator, at (213) 201-3573.

JEFFERS, MANGELS, BUTLER & MARMARO

Los Angeles

San Francisco

Newport Beach

Jackson Newest Addition to Faculty

By Jim Houpt

Howell Jackson '82 speaks with optimism about his research and teaching plans for this year—and with enthusiasm for the school that is giving him the chance to put those plans to the test.

Jackson is very positive in describing his initial impressions of teaching HLS students. "The students here are very sharp. There's a lot of give and take from the students you don't always get at other law schools," Jackson told the RECORD last week.

"It feels great. It's very exciting to teach at Harvard," he added.

The new assistant professor joined the faculty this fall with experience as an escort officer for the National Council for U.S.-China Trade, and as associate editor of its magazine, *China Business Review*.

Jackson is a 1976 *magna cum laude* graduate of Brown University where he studied Chinese economic development.

He received his J.D. from Harvard in 1982, also *magna cum laude*, granted jointly with an MBA from the Harvard Business School.

His activities at HLS included the *Harvard Law Review*, where he was executive editor, and the Ames Moot Court Competition, in which he was a finalist.

After graduation, Jackson clerked for Judge Jon O. Newman of the Second Circuit and for Justice Thurgood Marshall of the U.S. Supreme Court.

Before arriving at HLS this year, Jackson mixed teaching at American University Law School with private practice in Washington, D.C.

"My interests are practical and busi-

ness-oriented. I think it's important to have practiced for a while to...have some idea how the legal principles apply," he said.

"It's one thing to talk abstract principles. You have a very different idea how they apply when you've actually applied them."

Enthusiasm aside, Jackson is also the newest player in a potential struggle over the future course of HLS—a



Asst. Prof. Howell Jackson '82.

struggle between its new and conservative dean, Robert Clark '72, and a faculty majority regarded as left of center.

Some observers believe that struggle could flare this year as the opposing sides try to increase their voting strength, either through new appointments or enlistment of existing faculty.

"It's not an issue for me at all. I have no sense of anyone pulling me. Discussions [with other faculty members] have

been non-ideological," Jackson confessed.

"When I was a student here, the professors who influenced me were from across a broad range," including Duncan Kennedy and Phil Areeda. Jackson worked as a student research assistant for Areeda.

Jackson's lack of ideological taint may be evidence that, as Clark told the *HLS Bulletin* over the summer, "people are getting along better...many people are mellow, not as polarized as they used to be."

Or it may be that, as another longtime observer suggested, it is better for junior

"I have no sense of anyone pulling me. Discussions with other faculty members have been non-ideological."

faculty who have not been tenured yet to keep their politics to themselves.

In any case, Jackson says he is "delighted" to be back in Massachusetts with his wife, Elizabeth Foote '83, whom he met at HLS. The couple have two young children.

The new assistant professor plans to continue research projects, and to complete a paper on the disposition of failing financial institutions.

EDITOR'S NOTE: Jackson is one of two new assistant professors at HLS this year, but the only new face among the tenure-track faculty. Charles Ogle-tree '78, had been teaching at the law school as a visiting professor since 1985 before his appointment to a tenure-track position last spring.

Experimental Pre-Registration System Gets Little Response

By Jacqueline Hayes

The Registrar's Office may be unable to implement a long-awaited, re-designed preregistration system unless students respond to the Registrar's request for sample preregistration scan sheets. According to Registrar Sue Robinson, "We must test it on a full scale or it might collapse. We really, really need participation." Only 100 student surveys have been returned to test the new pre-registration computer program so far.

The new system's designers and implementers hope that it will allow second- and third-year students to sign up for multiple sections at one time by filling in the bubble sheet with all of their choices, even if they exceed the usual 28 credits. The computer is programmed to sort the forms by automatically prioritizing 2Ls in the more basic courses. In effect, the computer performs most of the add/drop work for the students, giving them more complete schedules and potentially saving them much time and frustration.

Robinson expressed her disappointment that the system, initially proposed by students in 1987, now appears to have been abandoned after "many people, students, programmers, (continued on page 15)

New Officers Elected to Law School Council

By Linda Popejoy

Low voter turnout and an incomplete slate set the tone for the Law School Council (LSC) elections held last week, in which HLS students selected new representatives to the LSC, two directors of the American Bar Association/Law School Division (ABA/LSD), and four third-year Harvard Chapter Class Marshals. Although there was a particularly "fierce competition" for the LL.M. representatives to the LSC, there were five vacant seats for the at-large representatives to LSC, even after a special election was held for a 1L section that only had one student interested in the three council openings.

Following the LL.M. campaign, which

included a four-candidate debate with approximately 80 LL.M. students in attendance, 91 LL.M. students voted for their LL.M. representatives. However, only 167 students voted for ABA/LSD representatives, even though all three classes were eligible to vote. In the 3L class marshal elections, 192 3Ls voted.

Third-year students elected the four students who will represent them as Class Marshals. Lawrence Taylor was elected first Class Marshal; Cori Ulrich, second; Pam Everhart, third, and Fred Neufeld, fourth.

Students in the LL.M. program elected Richardo Almeida and Antony Gordon as their LL.M. representatives, with Almeida receiving the most votes.

In the LSC first-year section represen-

tatives contest, first-years elected Jean McLaughlin and Gary Shuster in Section I, David Hoffman and Evan J. Mandery in Section II, Greg Irikura and Michael Wynne in Section III, and Christopher M. Rossomondo in Section IV. Because only one student ran for representative in Section IV, an additional election was held in class on Tuesday, October 3, with Helena Gweon emerging as the winner.

An insufficient number of students ran for the at-large representative seats on the LSC, necessitating the automatic election of those who did run. David Buchholz, 1L-II, Bernardo Haulbold, LL.M., Henry Kerner 1L-I, Evan Mappy-Morgan, LL.M., Caitlin Pincus, LL.M., and Glenn Solomon, 2L, were

the students elected. There are four vacancies for at-large representative.

There is also a vacancy for S.J.D. representative, which Melendez said should be filled shortly, either by action of the S.J.D. students themselves or by the LSC.

Nicole Lamb, 2L, and Brad Pearce, 2L, were elected as the new directors of the Harvard Chapter of the American Bar Association, Law Student Division, with Lamb receiving the most votes.

George Anhang, Executive Vice President of LSC, said he was "pleased" with the turnout of voters for the elections, commenting that the percentage of HLS students participating in the elections was "roughly the same as in previous years."

SONNENSCHNEIN CARLIN NATH & ROSENTHAL

invites interested second and third
year students to interview for
the Chicago, New York, Washington D.C.,
and San Francisco offices on October 25th
at the Phillips Brooks House.

THE GOLD CARD.[®] A SPECIAL MEMBERSHIP OPPORTUNITY.



FOR GRADUATE STUDENTS EXCLUSIVELY.

Take advantage of this special opportunity to become a Gold Card member. American Express will approve your application based upon your status as a graduate student. Your acceptance will not be dependent on employment and income history. As long as you have no negative credit history and no negative American Express experience, you can soon be carrying the Gold Card.

And you need only call to apply. Any time, day or night, 24 hours a day. There is no lengthy application to complete.

Once you receive the Gold Card, you can begin enjoying the many benefits of this distinguished membership, including: Worldwide check-cashing privileges. Emergency Card replacement (usually by the next business day). A complimentary 24-hour, toll-free travel service. As well as insurance protection for your Gold Card purchases.

The Gold Card. Available to you now on this exclusive basis from American Express. Call today to apply.

The Gold Card[®]

1-800-648-4420



The First Boston Corporation

Invites all 2nd and 3rd year Harvard Law School students
to a presentation
by
Doug Braunstein
at the Charles Hotel
in the Comstock Room

October 11, 1989

7:00P.M.

We hope that you will be able to join us for an introductory discussion of our firm. Representatives of First Boston will be at the reception which follows to discuss the various opportunities available to J.D.'s in our investment banking department including the Mergers and Acquisitions Group. Please bring a résumé for consideration for off-campus interviews.

PILSBURY, MADISON & SUTRO

INVITES ALL 2ND AND 3RD YEAR
HARVARD LAW SCHOOL STUDENTS
TO A RECEPTION
AT THE PHILLIPS BROOKS HOUSE
ON OCTOBER 11, 1989 AT 6:00 PM.

WE WILL BE INTERVIEWING
ALL INTERESTED STUDENTS
ON OCTOBER 12TH AND 13TH
AT THE CHARLES HOTEL.

The San Francisco Office of
Pettit and Martin
will be interviewing on
October 18th, 19th and 20th.

PETTIT & MARTIN

We look forward to meeting you.



Harvard Law Record

Volume 89, No. 4

Erich Hachenburg Greg Herbert
Editors-in-Chief

Editorial

A Meaner, More Inept HLS?

Unlike President Bush, it seems that Bob Clark's administration has abandoned any attempt at fostering a "kinder, gentler" image. The new outlook of the HLS crew seems to be wavering between a schizophrenic "meaner, more inept" persona—the Fox incident being only the first step in the process.

Firing Fox before the students even returned—much less before meeting with them—made the administration appear both insensitive and politically clumsy. It now appears that the Registrar's Office and the Financial Aid Office are picking up some of the dean's bad habits.

The Financial Aid Office has decided to clamp down and squash alleged abusers of the old cash advance system, making it much more difficult for students receiving financial aid to get their loan or grant money when they really need it.

Under the old system, a student who had a loan- or grant-based credit due on his or her term bill could receive the funds by filling out a simple "cash advance" form. The form asked only how much of the available funds the student wanted, and the Office would make sure the amount was available. The student could make the request at any time the funds were available, could request installment payments or the entire semester's available funds with one request, and could budget the funds according to his or her needs. The entire process usually took no more than four days.

This fall, however, second and third year students walking into the Financial Aid Office were quite surprised to find new rules posted on the walls. The new system takes a much more strict and stern attitude toward students who are trying to get into their hands funds that are rightfully theirs.

Under the new system, a student must file a cash request form one month in advance, and only during a certain five-day period. All cash advances are now limited to the student's "monthly living allowance budget as set by the Financial Aid Committee." (I knew Kaplow was in on this somehow.) To fill out one of these forms, the student must pull out his or her financial aid file, list the total amount of annual financial aid, estimate and subtract any loan fees, subtract dormitory and other term bill charges based on a term bill that has not yet arrived, and divide the remainder by nine months.

This new system is unfair both to students who might have substantially higher expenses during one month and to those who might happen to have an immediate need for their funds. The Financial Aid Office has in the past, however, often exhibited a good degree of flexibility and understanding for unusual circumstances. Let's hope this aspect is not the latest victim of any "reorientation of resources."

But regardless of how the new system is applied, it still represents an attempt to standardize the widely varying needs and circumstances of every student, implements a paternalistic, slap-on-the-wrist policy, and allows the school rather than the student to earn interest on any funds sitting idle.

Under the inept half of the school's new split-personality falls the Registrar's latest folly, the attempt to get third year students to spend time testing the new, computerized pre-registration system which they won't ever be able to use. Only 100 students completed the test, which was almost as apathetic a turnout as the LSC Elections. Frankly, I was surprised that HLS students, most of whom have gotten where they are by doing everything they're told, exhibited such brazen civil disobedience. The next thing you know, they'll stop cleaning the lint screens in their dorm room dryers.

But what any student or observer of human nature could have told the Registrar's Office is that trying to get 3Ls to do anything that will benefit only future classes is like trying to get one generation to pay the next generation's taxes.

The main difference in the two programs is the level of coercion. The Financial Aid Office has the students where they want them. If students want their money, they will do as the Financial Aid Office says. The Registrar's Office apparently has not yet learned the value of a threat (although the new Adviser was not out at the time of this writing).

The question now is, since students refused to comply like sheep with the Registrar's insistent demands, will they object as well to the frustrating new rules for financial aid? Or will the Registrar's Office take its cue from its partner and condition diplomas on the filling out of its forms?

—G.W.H.

Staff

MANAGING EDITOR Patrick Miles
NEWS EDITORS Dawn Ross, Troy Morgan
FEATURES EDITORS Erin Edmonds
PHOTO EDITOR Felicia Ravago
BUSINESS MANAGER John Bautista
STAFF KA, Eli Clark, Greg Dingens, Fenno,
Julia R. Gordon, Jacqueline Hayes, Jim Houpt,
George Paul, Linda Popejoy, Jill Schlabbig,
Sharon Stone, Kristen Swartz, Paul Tarr,
Carol Umhoefer, Caroline Wittcoff
BUSINESS STAFF Dan Goldberg, Ron Goldstein

Editorial/Letters Policy

All opinions included in letters to the editor, as with columns, editorial cartoons and editorials, belong to the authors and do not necessarily represent the opinions of the RECORD staff.

The RECORD welcomes letters to the editor on any subject from students, alumni and interested members of the law 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.

Smith Column Misleading

To The Editor:

This letter is written in response to Brad Smith's article of Sept. 29 ("Clark Decision Based on Results Rather Than Symbols"). It contains a number of flaws. First of all, Brad's use of statistics was very misleading. Ron Fox counseled individuals who were interested in pursuing small firm employment, in addition to those seeking public service work. To the extent that Brad's article suggests that Harvard's public interest counselor only assisted people

eliminated to be reinstated, (a sentiment shared by over 1,000 HLS students), James wanted twenty more such positions created. Of course it would be impractical to do so, but Mr. Bernard's point is well taken.

Brad Smith errs by applying a market-type analysis to determine how many resources should be devoted to public service counseling given the vast financial disparity between public and private sector employers. To put it quite simply, private sector employers have the money to recruit heavily at HLS whereas public sector organizations do not. Consequently, an overly proportionate amount of resources needs to be devoted to public service counseling to direct students to employers who are not able to send recruiters to Harvard.

Brad Smith attributes to Dean Clark a willingness to bolster the LIPP program, yet I have not seen any concrete proposals from the Dean's office to that effect. Furthermore, even if Clark does plan on bolstering LIPP, I question the efficacy of doing so while gutting the public service counseling department. As Geoffrey Stone, Dean of University of Chicago School of Law said in last Friday's New York Times, how will students be able to make use of loan forgiveness programs if they don't know where the public service jobs are in the first place? That is a question which Brad Smith's article does not answer.

Chris Nicholson, 2L

Letters To The Editor

seeking a public service position, it was just plain wrong.

More troubling than any inaccurate impressions which were conveyed by Mr. Smith's use of statistics was the primary inference he drew from them. Brad Smith saw no use in the number of students going into public service work upon graduation over the past few years, so he supports the elimination of our only public interest counselor. I, on the other hand, feel that these statistics suggest that more resources should be devoted to public service counseling. This point of view was articulated rather forcefully by James Bernard at the Speak-Out when he exclaimed that he did not just want the counseling positions which Clark

Clark Cuts Ignore Career Choice Realities

To The Editor:

For a student at HLS, getting a job in a large corporate law firm seems to take about as much effort as filling in a multiple choice quiz. Simply fill in the scanning sheet, run off a few resumes, drop them in the correct slots and wait for your interview, which will take place a few short steps from Pound Hall.

Getting a public interest job, however, is a costly and time-consuming process. Public interest employers do not have the resources to send someone to Cambridge to interview students, let alone pay for fly-outs. Most do not advertise in the Employer Directory, and although there is a Public Interest Directory, it is hopelessly outdated.

Information regarding public interest employers is available but difficult to come by. They do not stuff our Hark boxes, and the student summer job grapevine, which is an invaluable source of information regarding large-firm practice, is generally useless when it comes to public interest work. For these reasons, the services provided by Ron Fox in the Public Interest Placement Office were essential.

For Dean Clark, David Fidler, and other critics of the student initiative to restore the public interest placement positions, the appropriate response to the crisis in public interest law is to cut support for public-minded students. There may be no "evidence" that Ron Fox increased the likelihood that students would choose careers in the public interest, but how can one argue that eliminating two positions which were devoted to providing career counseling and placement information for those students will enhance career opportunities in public interest law?

Many students apparently have been taken in by Dean Clark's statement regarding his support for LIPP and the clinical programs. It's time to set the record straight. Funding for LIPP has increased because with every graduating class, more students are utilizing the program. Eligibility requirements have not changed since Dean Clark took over. In fact, Dean Clark stated in a meeting with the Emergency Coalition for Public Interest Placement that LIPP could not keep growing at its current rate. Thus, even if LIPP's budget is not cut, slowing its rate of growth would require reducing eligibility so

that as more students come into the program, expenditures do not rise proportionately.

Continued support for LIPP and the clinical programs is essential. But these programs, standing alone, do not provide the support that students need in order to find jobs in public interest law. We need someone who, like Ron Fox, has access to national networks of public interest lawyers. We need someone to tell us how we can plan our careers to accommodate our interest in providing legal services to the poor, or working for the Justice department, or doing criminal defense work, or all three! And, frankly, we need the moral support; someone who will assure us that the job satisfaction we receive will more than make up for the financial sacrifices we will have to make.

Fidler feels offended by the moralizing of the public interest lobby. He commends Dean Clark for recognizing the corporate-bashing tendencies of the public interest contingent, and, for what seem to be purely vindictive reasons, lauds the Dean's decision to rid the law school of two self-righteous promoters of public interest law.

Surely, everyone has the right to choose which career path is best suited to his/her interests. Many of us choose to work in public interest jobs simply because we can't stomach Tax or Corporations. And many corporate lawyers undertake significant amounts of pro bono work. Let us be clear, however, that the people who suffer most from the lack of public interest lawyers are those whose voices often go unheard: the poor, the homeless, the illiterate underclass of American society.

I applaud Dean Clark's support for the clinical programs, and especially welcome his proposed establishment of public interest fellowships for HLS graduates. He has made a serious error in judgement, however, in eliminating the public interest placement positions. He may be the Dean, but we are the students, and we deserve some say when it comes to decisions which have such a tremendous impact on the Harvard community. Over 1,000 students signed a petition calling for the reinstatement of the two positions. Heed our call, Dean Clark!

Sandra Babcock, 2L

Clark Must Broaden Perspective On Public Interest Choices

I'm worried about our Dean, Robert Clark, and where he is steering this law school.

I'm worried about a Dean who cuts two public interest counseling positions and calls this is an "advance-ment" for public interest, as Dean Clark did in a recent letter to the student body.

Steven Donziger,
Columnist

I'm worried about a Dean who believes public interest career development will be advanced by hiring a part-time college graduate with "good communications skills"—that's the job description currently advertised—to replace Ron Fox, an HLS graduate and national leader in public interest counseling.

Across the nation other leading law schools have responded to the crisis in public interest law by creating new public interest counseling positions. Law firms are devoting more and more resources to low-income representation, bar associations across the country are talking about implementing mandatory pro bono requirements, and even the Iron Lady herself is making

Steven Donziger, 2L, was the UPI Bureau Chief in Managua, Nicaragua.

changings in the British legal profession to better meet the needs of the poor.

So what is with our Dean?

The most generous scenario is that Dean Clark does not fully understand that the public interest job search is vastly different from the corporate recruitment process, and far more arduous too.

For most Harvard law graduates, finding a job at a law firm is not a terribly difficult endeavor. Recruiters come to campus, offer paid fly-outs, and otherwise take the students by the hand and lead them through the hiring process. Most students end up with a starting salary higher than the average law professor.

In contrast, those interested in alternative careers — be they legal services for the poor, government work, issues advocacy, or small firm options — often must bushwack their own trail up a rugged mountain. Instead of being recruited, students have to seek out their employers and find independent financing. They often pay their own travel expenses for interviews.

Given these inherent difficulties, it is a shame that even before the Dean's cuts so few resources were devoted to helping students overcome these obstacles. Is it now too much to ask for a separate office that includes a full-time specialist in public interest counsel-

ing?

The Dean has said that he would rather shift the resources from public interest counseling to the Low Income Protection Plan (LIPP), which provides loan forgiveness to students taking low-paying jobs at graduation. LIPP is an important component of any broad

agency Coalition for Public Interest Placement—the group which organized the petition drive and rally—will meet with the Dean in an effort to find some common ground as to what commitment Harvard should make to public interest career development.

Common ground will best be achieved

What is the purpose of putting more money into LIPP without strong public interest counseling to help students find the jobs that qualify for LIPP benefits?

program to support public interest placement. However, what is the purpose of putting more money into LIPP without strong public interest counseling to help students find the jobs that qualify for LIPP benefits?

When Dean Clark eliminated the public interest placement office and both of its staffers on Aug. 9, he had not consulted his own faculty, much less students. Since then, 1,055 of the 1,600 HLS students have signed a petition asking him to restore those positions. Last month three-hundred students and several prominent faculty members rallied in support of Harvard's commitment to public interest law.

Today, five students from the Emer-

once the record is set straight about what the public interest placement office and its staff did. When Dean Clark eliminated the public interest counseling positions, he claimed it was not worth the money because only "eight or ten" HLS students take a public interest position upon graduation.

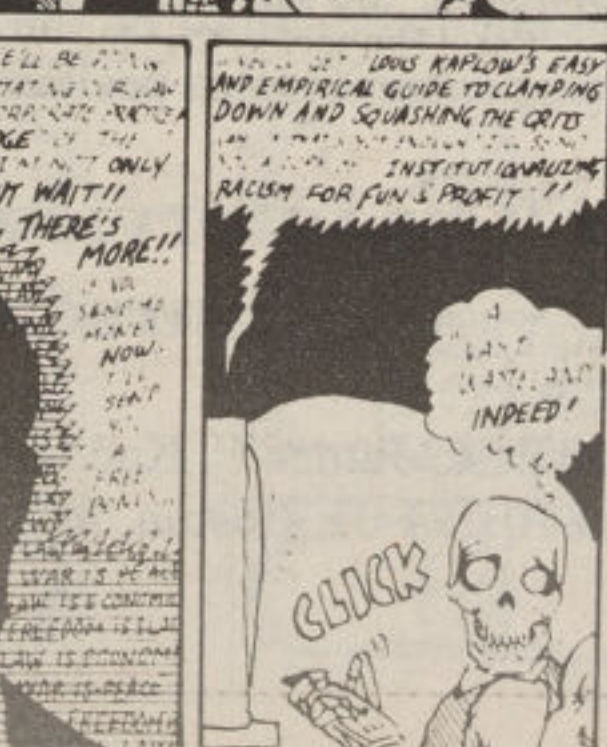
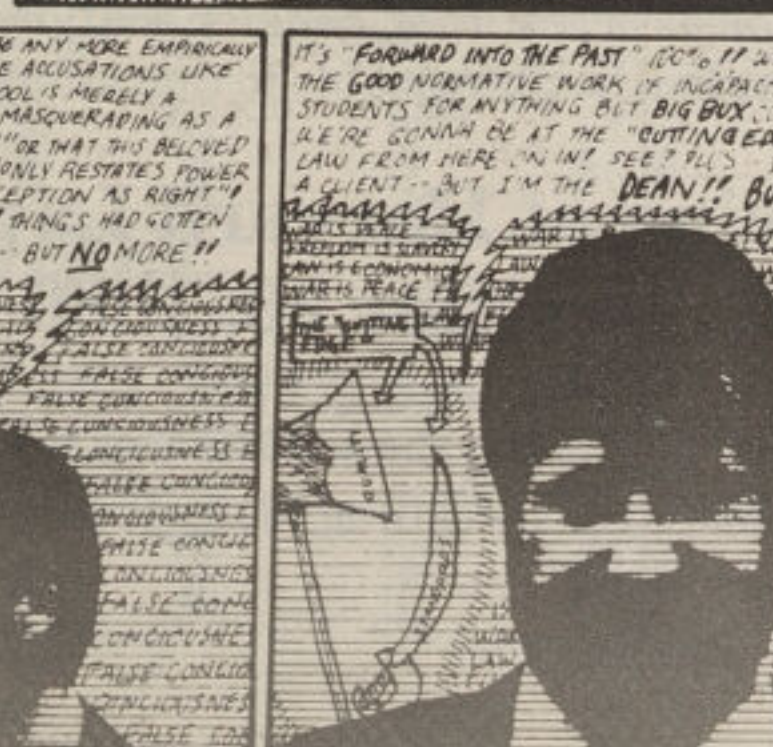
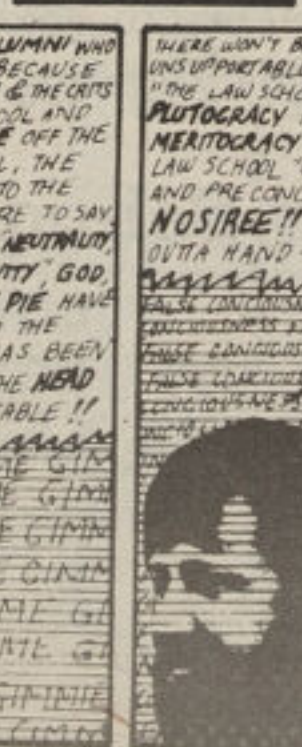
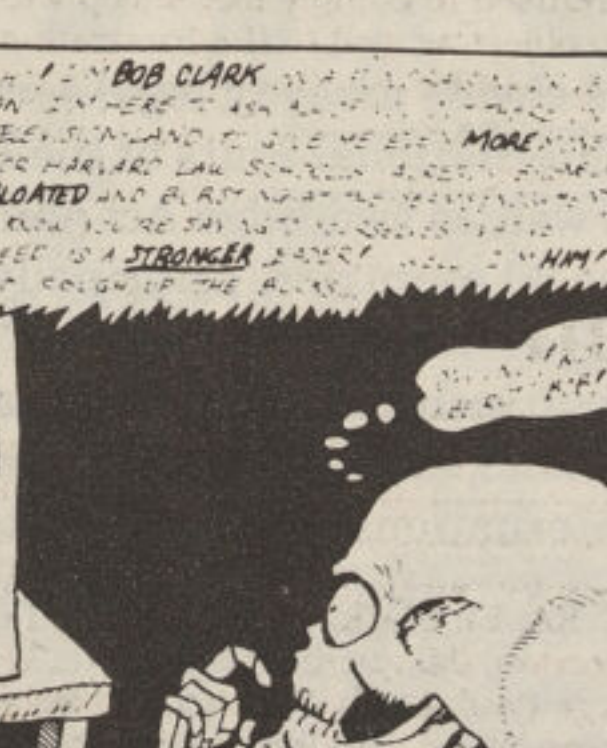
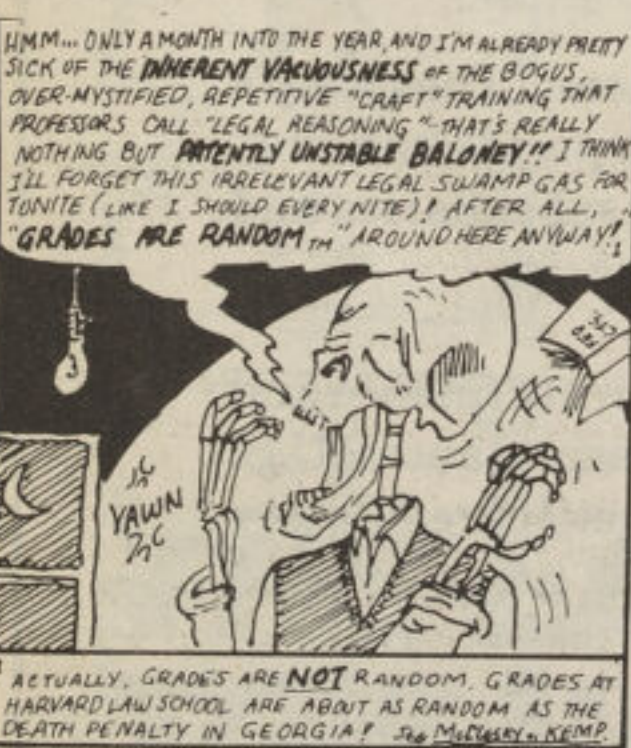
A group of students who met with Dean Clark in September tried to explain that this line of reasoning is less than stout. First, they pointed out that the eliminated positions provided students with counseling on any career alternative—which includes not only public interest but also small firm practice, government service, human rights organizations, and yes, large

(continued on page 13)

Agenda Neutral



Break Downs



By Clark

Fenno

Fenno watched the Cow Queen sitting tall in the saddle under the dusky Wyoming sky. The retiring sun streaked its fluid colors across the clouds suspended overhead. Fenno's high-pitched harmonica banged against his buck teeth and split open the weight of the evening air. He rode his pony hard in pursuit. The impact of chrome hitting enamel, a trickle of blood salty on his tongue and warm spittle gathering in the corners of his mouth.

"Dang, dang, can't ride and play at the same time," he sputtered dropping the reins to steady his mount.

Queenie paraded majestically, her back as rigid as the sideboard of a stagecoach. Kitty and Hoss and all our friends are there. A haze of dust in the distance marks the approach of the Long Arm of the Law, its gnarled, withered fingers twisted by many a hard summer's travail in the Xerox-constipated bowels of Wall Street.

A rain of paper. Non-recyclable, if you please. Every sheet represents an Amazonian two-by-four, a species lost. The World Bank don't care, ain't nobody who cares. And the makers of Meister Brau have a controlling interest in a big Brazilian lumbering firm.

Enough. Fenno has had enough. You have to draw the line somewhere! You have to think for yourself! Fenno thinks he'll have another beer. Or ten.

"Encore!" cried seemingly the pokey posse. "Encore!" cried the sleepy breeze, as Queenie slipped silently from the saddle and slunk her saucy self to Fenno's side.

"My heroine," whimpered Fenno, burying his blubbery face in her buxom boob.

"Don't cry, baby-boob boo," said the Cow Queen, wiping Fenno's nose. "I'll give you a royal pardon—Ahem: Excusez-moi."

"Merci, merci! Mucho gratchio!" shouted the grateful Fenno, licking her forearm. Fenno cuddled up fetal-fashion and melted into her warm, mushy, loving arms, amidst motherly caresses.

Please
support the
**AMERICAN
CANCER
SOCIETY**

Legislation Is Real Addiction In Current Drug War Hype

"Ships bringing the drugs in should be sunk and any survivors machine-gunned in the water." (Rep. Arthur Ravenel, R-S.C.)

Let's face it—we are a nation addicted. Our addiction is threatening to destroy the basic values of our society, hinder our military preparedness, lead us to untold deaths, and destroy our



Brad Smith
Columnist

economy. We are a nation addicted to drug laws. Not drugs. Drug laws.

The unavoidable, devastating effects of our addiction to drug laws are by now so well documented that few ever bother to dispute them. Rather, like any addict, the drug law addicts simply ignore them, and go on searching for the next "high" from the futile war on drugs.

The original justification for drug laws, of course, was to protect the user "from himself". Yet it is hard to imagine what could cause more harm to the user than the illegality of drugs. Any sentence for violating drug laws is obviously intended to harm the user, otherwise it would scarcely be a deterrent. Because drug laws raise the price of drugs, users are forced to pay more for their drugs, and many are forced to into lives of crime or prostitution to support their habit.

Drug laws force users to deal with criminals and the black market, subjecting them to all the attendant evils, including poor and frequently more dangerous drug quality, extortion, violence, lack of legal recourse, and more. By raising the price, drug laws induce addicts to use the most "efficient," and

Brad Smith, 3L, serves as a senior policy analyst for the Mackinac Center, a libertarian, Michigan think-tank.

thus usually most dangerous, means of ingesting drugs (for example, injecting rather than smoking or steaming opiates). A premium is also put on the potency of the drug itself—the less the user can carry, the safer he is. Thus there are great demands for more concentrated, and dangerous, forms of a drug, such as "crack" rather than cocaine or "ice" rather than capsules.

The drug law addicts are more and more rejecting this traditional justification and claiming drugs must be outlawed to save society rather than the user. But drug laws also have devastating effects on society at large.

Street crime committed by drug users is the most obvious adverse effect of drug laws. But drug laws also contribute significantly to gang violence, just as Prohibition did a half-century ago. It is fair to say that crime, and fear of crime, contribute as much to the destruction of the fabric of society and community as drug use does. Further, by making drug use illegal, rather than simply having an age of consent as with alcohol or, in some states cigarettes, children are drawn into the drug scene. The dealer has no greater risk in selling to them than to adults, and under the juvenile justice system, he has less risk in using children as couriers, salesmen, etc. than he would using adults for those tasks.

Drug laws also eat up valuable resources. Not only are dollars lost which could be spent on other social problems, but time spent by courts, prosecutors, and police on drug use cases could be spent trying to apprehend and prosecute car thieves, rapists and the like, or searching for missing children. Drug laws are also an enormously corrupting influence on police and other public officials.

Drug laws lead to enormous invasions of privacy and our civil rights. The government increasingly monitors routine bank and business transac-

tions and personal travel in its search for drug money and drug dealers. And if you recall Criminal Procedure, you will recall that drug laws are the source of massive violations of the Fourth, Fifth and Sixth Amendments to the Constitution. These invasions of privacy are inevitable because of the nature of drug "crimes." Such crimes are "victimless" crimes in the truest, amoral sense of the word—there is no victim to report them to the police (indeed, the "victim" tries to hide the "crime" from the police). Thus detecting such "crimes" will always require systematic violations of our right to privacy. Further, as restrictions on, for example, search and seizure becomes looser in an effort to fight the drug war, these

...drug laws also contribute significantly to gang violence, just as Prohibition did a half-century ago.

looser guidelines will become precedents allowing greater police leeway in non-drug cases, gradually eroding our civil liberties still more. The list of harms goes on—unrestricted asset seizure, assaults on lawyer-client privilege erosion of banking secrecy, the right to bear arms, and more. The list of benefits...there is no evidence that the drug war has accomplished any of its goals.

Nevertheless, many drug law addicts are unwilling to face the pain of withdrawal. Most simply cannot accept the moderate increase in drug use and abuse that would result (just as alcohol use and abuse rose with the end of Prohibition). For drug law pushers such as Bill Bennett, legalization means the end of a career. Many law enforcement agencies are unwilling to face the loss of money and power that would result

from the legalization. Others need the psychological "high" of a public stand against self-destructive behavior.

Professor Randy Barnett of IIT-Kent College of Law had pointed out that referring to drug law proponents as "addicts" is fair under their own standards—most state laws do not require proscribed drugs to be physiologically addictive, but only psychologically addictive. As Representative Ravenel's quote illustrates, for many in our society, the psychological addiction to drug laws is quite far developed.

Washington Mayor Marion Barry, and many other, have urged full-scale military invasion of drug-producing countries. If you think the cost of drug abuse is high, wait until we enter a real shooting war against most of Latin America! Bill Bennett has recently suggested that public decapitations wouldn't be a bad idea. At his confirmation hearings for the post of Drug Fuehrer earlier this year, Bennett suggested we may need to suspend the right of habeas corpus. The crusading Senators who roasted Bob Bork for being soft on civil rights didn't bat an eye, and Bennett's appointment whisked through.

In Ohio, an anti-drug bill has passed the state house which would make it illegal to own balloons, spoons, bowls, blenders, envelopes, pipes, and bathroom scales. In Delaware, the Senate Democratic leader has introduced a bill to bring back public floggings for drug dealers. Not to be outdone, U.S. Representative Al Edwards (D-Texas) has introduced a bill allowing the federal government to cut off the fingers of person convicted of drug possession. Meanwhile, half the country seems eager to send U.S. Marines into combat against peasant farmers in Bolivia.

It appears our drug law addicts are looking for stronger stuff. Are we going to kick the habit, or keep pursuing the next destructive high?

BANK OF BOSTON INTERNATIONAL ATTORNEY OPENING

The international group of the Bank of Boston Law Office is seeking qualified candidates for an associate position beginning in the summer of 1990. The group seeks a highly motivated, mature lawyer with a strong academic background, excellent writing skills, fluency in Spanish and/or Portuguese, and an interest in banking and commercial law, who is willing to work independently and to assume responsibility for his or her own work.

The group provides a wide array of legal services to Bank of Boston's international operations. The group's clients include various international units of the Bank's head office, including trade services, corporate banking, and private banking, as well as two Edge Act banks headquartered in New York and Miami, and subsidiaries and branches located in some 30 countries, principally in Latin America, Western Europe and East Asia.

The work of the group includes acquisitions and divestitures, LDC debt restructuring, corporate finance and international capital markets, international correspondent banking, letters of credit and bankers acceptances, U.S. and foreign litigation, international payment systems, international private banking, and a variety of regulatory work. The group seeks a versatile attorney with interests and abilities commensurate with the group's varied practice.

Bank of Boston does not discriminate on the basis of sex, race, religion, national origin, sexual orientation or physical disability. Starting salary for this position shall be comparable to that offered by leading Boston law firms.

**We will be interviewing at Harvard Law School
on Thursday, October 26, 1989.**

Inquiries may be made to James C. Kaddaras, Jr., at the Bank of Boston Law Office, International Legal Group, 100 Federal Street 01-24-01, Boston, MA 02110 or by calling (617) 434-2788.

1989 FALL SEMESTER DISCOUNT

SAVE \$150

**WHEN YOU REGISTER EARLY FOR BAR/BRI'S
NEW YORK, NEW JERSEY, MASSACHUSETTS,
CONNECTICUT, NEW HAMPSHIRE, MAINE,
VERMONT OR RHODE ISLAND BAR REVIEW.**

**A \$50 REGISTRATION FEE SECURES THE CURRENT DISCOUNT TUITION
OF \$995 IN NEW YORK, \$845 IN NEW ENGLAND AND \$745 IN NEW JERSEY.**

BAR/BRI

BAR REVIEW

THE BAR REVIEW THAT CARES ABOUT YOU.™

THE LAST DAY TO SAVE \$150 IS OCTOBER 31st

**415 SEVENTH AVENUE, SUITE 62
NEW YORK, N.Y. 10001**

**(212) 594-3696 (201) 623-3363 (516) 542-1030
(914) 684-0807 FAX: (212) 643-9460**

20 PARK PLAZA, SUITE 930

**BOSTON, MASS. 02116
(617) 437-1171 (203) 724-3910
FAX: (617) 437-0698**

Thelen, Marrin, Johnson & Bridges

Los Angeles, California

We are pleased to be interviewing
second and third year students on
Friday, October 13, 1989.

Thelen, Marrin, Johnson & Bridges consists of 320 lawyers firm wide, practicing in nine offices. The Los Angeles office, with 60 attorneys including 24 partners and 36 associates is the second largest. We have a diverse and growing litigation and business practice which we expect to significantly expand.

The Los Angeles office offers the advantages of a major national and international firm, including a challenging litigation and business practice and the resources to permit our lawyers to do their finest work, while still retaining the flexibility and human scale of a smaller and dynamic organization. We invite you to consider joining our current outstanding group of associates and professionals in meeting the challenge of providing quality legal services in the decade of the 90's. We believe the Los Angeles office, located in the center of the rapidly growing Southern California market and gateway to the Far East, offers a unique opportunity for professional growth and advancement to associates with superior ability and enthusiasm.

If you are unable to see us on campus and would like to explore the possibility of summer or permanent employment with us, please send us your résumé.

Thelen, Marrin, Johnson & Bridges
333 South Grand Avenue
Los Angeles, CA 90071
(213) 621-9800

HARVARD LAW STUDENTS TAKE NOTE:



New England's Largest Bar Review is Still Growing!

Last year more students than ever chose New England's most experienced bar review course. The reasons are clear:

1. More Practice

SMH students perform better because they spend significant portions of their preparation time practicing on sample questions. SMH includes over 2000 practice questions in its program, and spends over 18 hours of class time reviewing hundreds of those questions.

2. Thorough Texts

SMH students perform better because the SMH texts are easy to read and understandable. The law is explained in complete sentences and paragraphs, the way the bar examiners expect you to write.

3. Better Teachers

SMH students perform better because our Professors and Lecturers are experts at teaching. They do more than review the law, they explain it.

Contact your campus rep or call Linda at 666-8700.

GET THE SMH EDGE

ARENT, FOX, KINTNER, PLOTKIN & KAHN

(Washington D.C., Tysons Corner, Va., & Bethesda, Md.)

will be interviewing interested

second and third year Harvard Law School students

at the Charles Hotel

on Wednesday and Thursday, October 25-26*

*A cocktail reception will be held at the Charles from 6:00 - 8:00 PM on Tuesday, October 24.

Arent Fox, a law firm of 225 attorneys in Washington, D.C., seeks summer associates and attorneys challenged by a diverse practice of local, regional, national and international clients. More information can be found in our new brochure at the Harvard Law School placement office.

I · V · Y ASSOCIATES

As soon-to-be Harvard Law School graduates, you probably will be contacted by legal headhunters within the next few years. You should know that, just like the legal profession, there are wide ranges of style and competence in the legal search profession. Be sure to check the credentials of anyone you work with.

Consider whether you want to respond to "cold calls." A few professional recruiting firms, such as Ivy Associates, do not make unsolicited calls to attorneys; we rely on personal and professional referrals.

Also, you should be aware that law firms rarely engage attorney search firms to recruit graduating law students; search firms generally seek attorneys with one or more years of active practice or judicial clerkship experience. However, as a search firm engaged by top San Francisco Bay Area law firms and corporate legal departments, we often receive calls from students who would like our perspective on their career plans, and we are happy to help.

Nancy L. Dearborn, Esq.
PRINCIPAL
Law Firm Placement

Ross B. Veltman, Esq.
PRINCIPAL
Corporate Legal Department Placement

Ivy Associates
770 Welch Road, Suite 3A
Palo Alto, CA 94304
(415) 323-0404

Attorney Placement Consultants Serving San Francisco and the West
Member, NALSC

LATHAM & WATKINS

HAS MADE OFFERS OF ASSOCIATION AND
WISHES TO CONGRATULATE ITS 1989
SUMMER ASSOCIATES AT HARVARD LAW SCHOOL:

Jim Arnone
Eva Herbst
Per Jebsen
David Menz
Steve Sevrin
Lance Suede

We look forward to meeting members of the classes of 1990 and 1991 at a cocktail reception at 6:30 p.m. on Tuesday, October 24th, at the Charles Hotel.

We will be interviewing interested students on Wednesday, October 25th and Thursday, October 26th.

Latham & Watkins
Chicago
Los Angeles
New York
Orange County
San Diego
Washington, D.C.

PROSKAUER ROSE GOETZ & MENDELSON

is pleased to announce
that it will interviewing
interested second and third
year law students for its
Los Angeles and New York offices

on
October 16, 1989
and
October 17, 1989

300 Park Avenue
New York, New York 10022

2121 Avenue of the Stars
Los Angeles, California 90067

2001 L Street, NW
Washington, D.C. 20036

4 St. James's Place
London SW1A 1NP

150 East Palmetto Park Road
Boca Raton, Florida 33432

328 Royal Poinciana Plaza
Palm Beach, Florida 33480

600 Montgomery Street
San Francisco, California 94111

Public Interest Office Sends Important Signal

(continued from page 7)

corporate firms and their pro bono policies.

The students also told the Dean that the public interest placement office was a valuable resource for HLS graduates working in large firms who wished to switch to an alternative career. Hardly a day passed when the office was not contacted by an HLS grad wanting out from corporate practice. A study of the Class of 1981 indicates that five years after graduation about half the students were in an alternative career, and about 100 of them were doing public interest work.

Third, the public interest placement office provided counseling to the 200 or

Even if Dean Clark sticks to his belief that the public interest positions existed only for "symbolic" purposes, let me say this: symbols are important. The public interest positions sent a message to students that alternative careers were a legitimate option, and they sent a signal to the HLS community and the legal profession that Harvard is committed to turning out lawyers who are willing to work for the nine out of every ten Americans who do not receive the legal services they need.

There is a cost to destroying meaningful symbols, to say nothing of the real services that were lost. This cost can't be quantified so readily for the balance sheet, but it is a cost nevertheless.

It is the cost of having more than a thousand students, faculty, and alumni at odds with the Dean; it is the damage done to the reputation of the law school as a national leader in its commitment to public service; it is the uneasy feeling that we have a Dean who is sending mixed signals about the mission of Harvard Law School.

In the wake of the student protest, Dean Clark has proposed the creation of a public interest advisory committee. With sufficient student participation and a broad enough mandate, it's a great idea.

But it is up to the Dean to first get us back to a level playing field by restoring the public interest positions. Then the committee can explore bold and innovative ways Harvard can respond to the crisis in public interest law—including an endowment for LIPP, and the possible creation of a Center for Public Interest Law.

Innovative solutions to old problems—that's the HLS tradition Dean Clark should build on.

*There is a cost to
destroying meaningful
symbols, to say
nothing of the real
services that were lost.*

so students who for one or both summers did public interest work.

While it might be impossible to draw an absolute correlation between these figures and the work of Ron Fox, clearly the public interest counselor had a far wider impact than the few students who actually took public interest jobs at graduation. Hundreds of students had direct contact with Fox. And all students benefited from the existence of the public interest counseling office to the extent it encouraged the pursuit of interesting legal experiences—experiences that enriched the learning environment of the law school.

GREENBERG, TRAUIG, HOFFMAN LIPOFF, ROSEN & QUENTEL, P.A.

of Miami, Florida

is pleased to announce that it will be
interviewing interested second and
third year law students on Tuesday

OCTOBER 17, 1989

SAVVY

\$125

WITH THE

PIEPER SPECIAL DISCOUNT

Law student's discount of \$125 will be deducted from the cost of \$1,075 for any student still in law school who registers for the Pieper New York Multistate Bar Review Course by November 1, 1989.

REGISTRATION MUST
BE RECEIVED BY

11/1/89

The Pieper Course Includes:

- ☆ *Complete lecture series*
- ☆ *Essay writing*
- ☆ *Multistate Practice and Exam*
- ☆ *Multistate Professional Responsibility Exam (MPRE)*
- ☆ *Multistate Volume*
- ☆ *New York Law Volume*
- ☆ *Professional Responsibility Volume*
- ☆ *Plus — John Pieper's In-Class Guidance*

For more information see your Pieper Representatives or contact:

PIEPER NEW YORK-MULTISTATE BAR REVIEW, LTD.

90 WILLIS AVENUE, MINEOLA, NEW YORK 11501

Telephone: **(516) 747-4311**

The Bar Course That Cares.

Only 100 Respond To Registrar's Survey

(continued from page 3)
and Registrar officials have really put in a lot of time."

Assistant Registrar Mark Slawson said that so far student response to the short sample computer registration surveys has been "very disappointing. We need 1200 forms filled out by real people for real courses. We need to see if it will work down to the 1200th person." He added that they cannot implement the new program until they are positive about its efficiency. "We don't have time to [register students] twice. We only have time to do it once, and we can't do both procedures at the same time." Robinson therefore insisted that the new system be fully tested by a student-wide survey before it replaces the old procedure.

When asked why students have been less than cooperative, Robinson noted that "there have been some bizarre reactions" to the survey. Some students were afraid that it would have a real effect on their present class schedule. A law student's quite natural aversion to anything involving a number-two pencil may also be a factor. Robinson emphasized, however, that

this is only an experiment, a practice run for the computer, and will have absolutely no bearing on any real-life situation. As for the idea of somehow making cooperation mandatory, she said that "terror is not appropriate. We would hope that students would help because it only requires a minimal effort. There is no need to be afraid, it's only a test. If you haven't done it yet, don't feel guilty, just do it. It only takes 20 minutes."

The Registrar's Office is urging students to complete and return the surveys by no later than Oct. 27. Extra forms are always available in the office at Griswold 100. "We must have all of them completed. Every single one counts."

**Next RECORD:
October 20**

Dean Search Report Calls For Student Input

By Kristen Swartz

The Student Dean Search Committee (SDSC) last week presented its final report and a proposed charter to the Law School Council (LSC) which will avoid some of the perceived pitfalls of last year's selection process and allow for more student input. The LSC has referred the report to the Legal Education Committee, which will review it and make its recommendation at a future LSC meeting. At that time, the LSC will vote on the report and charter.

According to the final report, the charter "mandates the formation of a committee of the student body in the event that a new Dean is to be chosen for Harvard Law School." The SDSC will have four main functions: (1) advocating the interests of the student body; (2) organizing opportunities for student participation; (3) interviewing potential candidates for the deanship; and (4) working with and advising the Faculty Dean Search Committee (FDSC) and the Harvard University President.

The SDSC proposed the creation of a joint student-faculty subcommittee in

future dean selections. In the event the subcommittee recommendation is not accepted, the SDSC proposes that two of its members sit regularly on the FDSC to ensure that student opinions are heard. According to the proposed charter, the SDSC would consist of six students elected by the student body. The members would "take an oath of confidentiality not to reveal the names of candidates officially given to the Committee by either the Faculty Dean Search Committee or the President of the University."

Dean Robert Clark '72, who was appointed dean last year, has received a copy of the SDSC's proposed charter. In a letter addressed to LSC President Brian Melendez, 3L, and the SDSC, Clark endorsed the charter. Clark stated that the charter was "a good one and the particular provisions implementing it [were] good and constructive."

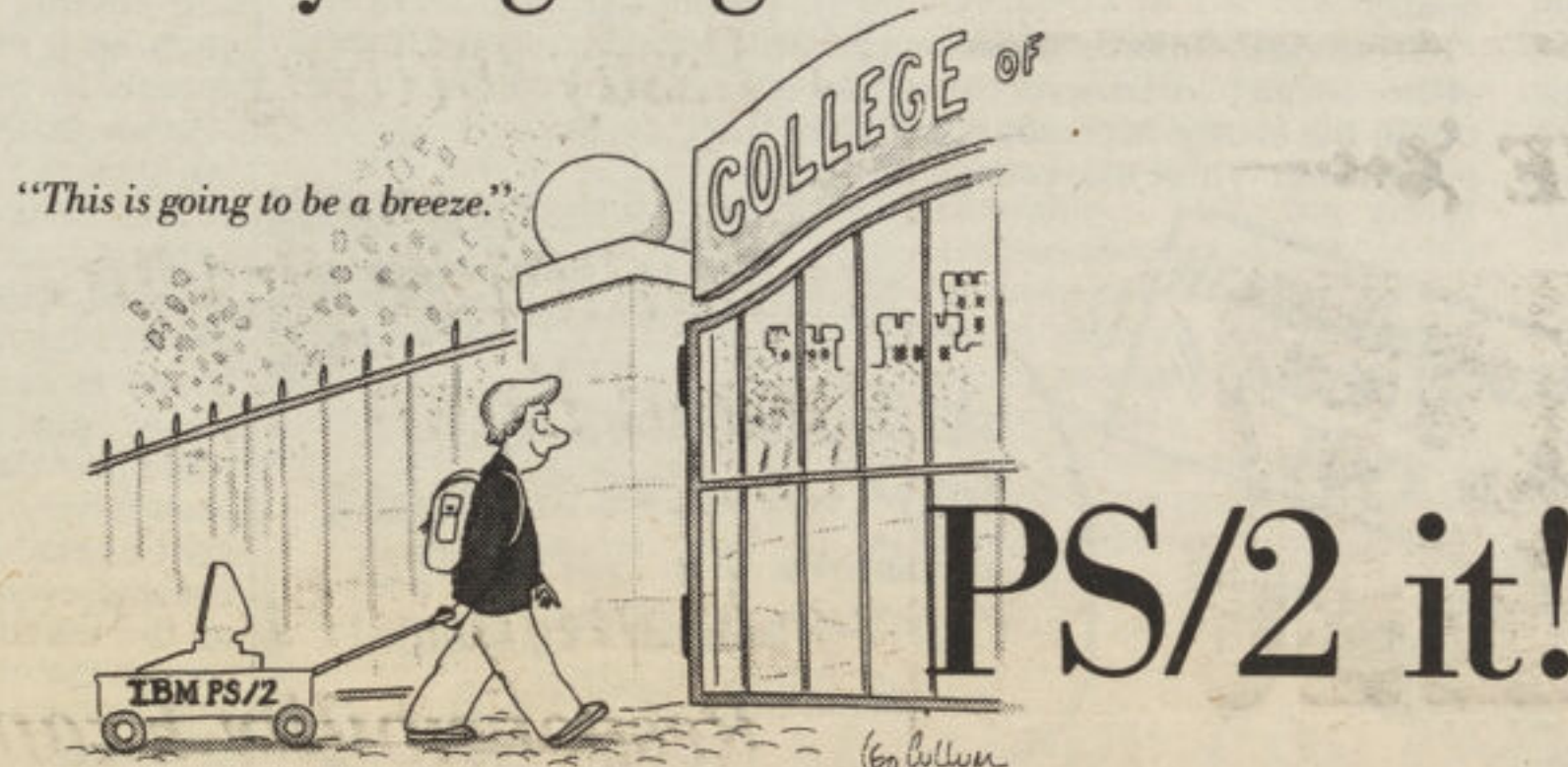
The SDSC was formed last fall to garner student opinion during the dean selection process. Many students opposed the present method of dean selection and wanted more input into the process. Traditionally, deans are appointed by the President, with the FDSC assuming an advisory role. Prior to the formation of the SDSC, the only official student input the FDSC was in the form of 30 student responses to questionnaires distributed during the summer of 1988.

Members of the SDSC included: Lisa Ferrell, 3L; Tom Higley '89; Maurice Hoo, 3L; Kirsten Livingston, 3L; Jeff Levy '89; Faith Rivers, 3L; and Mel Williams '89. Although members were not officially part of the FDSC, they did meet with Harvard President Derek Bok '54 and the FDSC on numerous occasions to express student concerns. The SDSC also conducted a student survey; 325 responses were compiled and presented to Bok and the FDSC. The SDSC also sponsored a forum to give students an opportunity to express opinions to faculty members. The committee was dissolved after Clark was selected in the winter.

Ferrell, who was chairperson of the SDSC, felt that the committee was "a successful first step. It drew students into the process. Administration in the future will expect students to be a part of the process." Ferrell added, however, that "student input was not as great as it should have been."

Ferrell presented the report and proposed Charter to the LSC on Oct. 3. The final vote has not yet been scheduled but copies of the Dean Search Committee Report are available from LSC President Brian Melendez.

How're you going to do it?



Great back-to-school prices on PS/2's.

Just in time. You can pick up an IBM Personal System/2® with easy-to-use software loaded and ready to go. And best of all, you get it at a special low back-to-school price.

And that's not all. When you buy the PS/2,® you can get a great low price on PRODIGY,® the exciting new shopping, information and entertainment computer service. Start this semester up and running with a PS/2 at a low, low price.*



PS/2 Model 30 286—1Mb memory, 80286 (10 MHz) processor, one 3.5" diskette drive (1.44Mb), 20Mb fixed disk drive, IBM Mouse, 8513 Color Display, DOS 4.0, Microsoft® Windows/286, Word 5.0,* hDC Windows Express™, hDC Windows Manager™ and hDC Windows Color™

PS/2 Model 50 Z—1Mb memory, 80286 (10 MHz) processor, one 3.5" diskette drive (1.44Mb), 30Mb fixed disk drive, Micro Channel™ architecture, IBM Mouse, 8513 Color Display, DOS 4.0, Microsoft Windows/286, Word 5.0,* Excel,* hDC Windows Express, hDC Windows Manager and hDC Windows Color

PS/2 Model 55 SX—2Mb memory, 80386SX™ (16 MHz) processor, one 3.5" diskette drive (1.44Mb), 60Mb fixed disk drive, Micro Channel architecture, IBM Mouse, 8513 Color Display, DOS 4.0, Microsoft Windows/386, Word 5.0,* Excel,* hDC Windows Express, hDC Windows Manager and hDC Windows Color

Now, special educational prices on IBM Proprinters,™ too.

Technology Product Center
65 Rear Mt. Auburn Street
Cambridge, MA 02138

Showroom hours: Monday-Friday 9-5

IBM

*Microsoft Word and Excel are the Academic Editions. This offer is limited to qualified students, faculty and staff who order an IBM PS/2 Model 8530-E21, 8550-031 or 8555-061 on or before October 31, 1989. Prices quoted do not include sales tax, handling and/or processing charges. Check with your institution regarding these charges. Orders are subject to availability. IBM may withdraw the promotion at any time without written notice.

IBM, Personal System/2 and PS/2 are registered trademarks, and Proprinter and Micro Channel are trademarks, of International Business Machines Corporation. PRODIGY is a registered trademark of Prodigy Services Company, a partnership of IBM and Sears. Microsoft is a registered trademark of Microsoft Corporation. hDC Windows Express, hDC Windows Manager and hDC Windows Color are trademarks of hDC Computer Corporation. 80386SX is a trademark of Intel Corporation. © IBM Corp. 1989

HARVARD LAW RECORD (ISSN 0017-8101) is published bi-weekly during the school year. Harvard Law School Record Corporation, 23 Everett St., Cambridge, Mass. 02138-9984. Telephone (617) 495-4418. Subscription price: \$20.00/year mailed; \$30.00/year mailed outside U.S. Individual copies: 50 cents at the Law School, \$1.00 mailed. Second-class postage paid at Boston, Mass. and additional mailing offices.

Copyright 1988 by the Harvard Law School Record Corporation and by the contributors.

POSTMASTER: Send address changes to Harvard Law School Association, Harvard Law School, Cambridge, Mass. 02138.

ALUMNI/AE ADDRESS CHANGES: Alumni/ae who receive the Record as a result of membership in the Harvard Law School Association should mail change-of-address information to the Harvard Law School Association, Harvard Law School, Cambridge, Mass. 02138.

Each alumnus/a receiving a Record subscription through the Harvard Law School Assn. should be on notice that \$5.80 of H.L.S.A. annual dues are used to purchase the Record subscription he or she receives. Dues are paid at any time during the H.L.S.A. fiscal year that began in April 1986 and ends in March 1987 will purchase a subscription that begins in September 1986 and expires in May 1987, and so on in following years.

return address
HARVARD LAW RECORD
HARVARD LAW SCHOOL
ASSOCIATION
HARVARD LAW SCHOOL
CAMBRIDGE, MA 02138-9984
SECOND-CLASS POSTAGE
PAID AT BOSTON, MA
AND ADDITIONAL OFFICES

Petition Draws Charges of Elitism, Hypocrisy

(continued from front page) abuse. "Tribe signed and then claimed he did not know what he was signing. Some lawyer! Next time you need money from a finance company, ask feather-head Tribe to co-sign. He writes blindfolded."

The high-pitched indignation of Barnicle's piece was matched and exceeded by two somewhat oafish columns by the Herald's Howie Carr. "The problem was," wrote Carr on Sept. 13, "instead of being welcomed with open arms by the rich liberal honkies of Brattle Street, the school was harassed." Tribe is again characterized here as among the most cynical residents of the "la-di-da neighborhood."

Much of this criticism must be seen through the prism of Cambridge politics, and the larger political currents of the greater Boston area. Upcoming Cambridge municipal elections feature a struggle between the liberal Cambridge Civic Association (CCA) and their right flank in the local Democratic party, the Independents.

Further, memories of the mid-70's bussing crisis are relatively fresh in Boston, and sentiment runs high in many white communities against what is seen as a liberal predilection for integrating other people's neighborhoods.

Although much of the hype has been blamed on partisan politics, it remains the case that a wealthy white community in the shadow of Harvard University marshalled its strength to resist the incursion of a predominantly black group of schoolchildren. The controversy proceeded apace despite the involvement of prominent Cantabrigians who, in the view of the Sept. 29 edition of the Phoenix, "by any measure of common sense should have known better."

The CDS purchased the mansion at 113 Brattle Street in late 1987 for \$2.4 million. The site had previously housed the New Preparatory School, which closed in spring 1987 due to dwindling enrollment.

Having been granted a permit to accept some 40 kindergarten students for the fall 1988 term, the CDS sought to add roughly 100 grade school students. Citing traffic woes and the residential character of the neigh-

borhood, residents sought to prevent the BZA from granting the school the additional permit it required.

The now-infamous petition surfaced, and replete with 235 signatures, was presented to the BZA. Nevertheless, the five



Prof. Laurence Tribe '66

person Board voted unanimously in October 1988 to grant the extra permit.

Seeking to overturn both the decision and the kindergarten permit, Jean Brooks, who lives next door to 113 Brattle, filed suit in Land Court last December. With the case pending through last summer, CDS, unable to promote its preschoolers, gave up and moved to Boston.

Political fallout followed shortly

thereafter. The Cambridge City Council voted unanimously for an investigation by the Massachusetts Commission Against Discrimination. Independent Cambridge Councilor William Walsh called for a blue-ribbon city panel to conduct its own investigation. With pressing local issues such as rent control being contested at the polls this year, allegations of racism have allowed the Independents to fight Cambridge liberals with a traditional liberal issue. "A masterful coup" according to the Phoenix.

The Brattle controversy has clearly heightened the animosity between the two factions and their respective supporters. Carr has condemned the CCA as "that well-known group of rich, meddling busy-bodies," whose Brattle Street members "signed up to keep the blacks out."

Others disagree. "If it wasn't an election year, you wouldn't hear anything about [CDS]," commented one disgruntled neighborhood resident, Pebble Gifford. "The CCA had nothing to do with this" she added, referring to the petition, "yet they are the ones who...are put on the spot."

According to Gifford, "the color of the schoolchildren never came up" in the course of community opposition. "There's no conspir-

acy over here to drive the [CDS] out of Cambridge, but it's making a hell of a story for the media."

A personal acquaintance of Tribe's, Gifford attests to the innocence of his intentions.

Tribe confessed to the RECORD, "when I heard last fall that it was a minority school, I was quite angry that I was not told that earlier, and asked to have my name removed from the petition. I was told it was too late... the issue was moot since the petition had failed."

He alluded that the reason he was not fully informed might be because it was known that he would not have lent his reputation to any efforts to remove the school if it would prevent minority integration in his neighborhood. Adding that no degree of increased traffic problems would now affect his position, he said "whatever were the real motives of my neighbors, they persuaded me that it was traffic and the safety of the kids" that was at issue.

"I have my suspicions that some of [his neighbors] would be less likely to be upset if it were an all-white institution, and I think that is totally outrageous... people I trusted as open-minded and non-bigoted turned out to be really something other than that," he said.

LT Wins By Broad Margin

(continued from front page)

willingly posed for two RECORD photographers. He stated that he set his sights on Harvard Law School at the age of 12, although his first career goal was to be a clown. At the age of 25, Taylor's dreams of legal study remained illusory as he made his living washing dishes. Yet ten years later, he is not only near completion of his law degree at Harvard, he has achieved the additional honor of serving as a 3L class marshal.

Class marshals serve as officers of the Class Committee, along with two representatives from each section of the 3L class. The committee will organize many 3L activities, the graduation festivities, and will be responsible for class reunions, Taylor said. He said he will serve as the "titular head" of the committee.

Taylor ran for the office on a "what-the-people-want" ticket. A deceptively simple campaign strategy of eschewing the traditional full page box stuffer and offering instead a pithy pitch on a tiny slip of paper apparently paid off for Taylor.

Although his classmates may "anticipate something unusual," he intends to try and duplicate last year's well-run graduation ceremony. What's more Taylor indicated that he hopes to bring a "big-name comedy act" to HLS this year.

The new class marshal has been having "one of the highlight weeks" of his life. Surpassing even the excitement of the election, the Rolling Stones fan of 25 years scored tickets to see his favorite band in concert. Perhaps those purple crystals really do bring good luck.



**Support
RECORD
Advertisers**

DONOVAN LEISURE NEWTON & IRVINE Supports the RECORD

The firm will be interviewing
at the Sheraton Commander on

Tuesday October 10, 1989

We invite all second and third year students to
sign up in the Placement Office.
We look forward to meeting you.