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Students Demand Immediate Action At Public Interest Forum

By Greg Herbert

An emotional, near confrontational tone prevailed in Langdell North Wednesday afternoon as the dean's student-faculty advisory committee on public interest held its first open forum before about 100 students.

About 40 students spoke, with many making specific suggestions to the committee on a variety of public interest topics, ranging from the adoption of a mandatory pro bono clinical requirement to the removal of portraits of the white male judges on the walls of classrooms.

The purpose of the forum was to explore ways HLS can encourage more of its graduates to take jobs in the fields of public interest law and government service. Only about six percent of HLS students take jobs in these fields upon graduation.

"This was a very productive meeting," said Prof. Christopher Edley, '73, the committee chair.

Nevertheless, several students

told committee members that they feared the committee was being used by Dean Robert Clark '72 to deflect criticism from students and alumni over his elimination of two public interest counseling positions.

The committee -- composed of three faculty members, two administrators, and three students -- has advisory power only, and the dean can veto its recommendations.

"I fear the Dean has created this structure to knock the air out of the student organizing effort," said Brian Schwalb, 1L. "He creates a committee, and then tells the committee he doesn't have to listen to it. You should take a stand and tell him you are not going to waste your time or our time if he's not going to listen to you."

Prof. Albert Sacks '48, former dean of HLS and a member of the committee, said, "I've been on a lot of committees here. We must work on the assumption that a committee can succeed."

Clark did not attend the (continued on page 9)



The Dean's Student-Faculty Advisory Committee on Public Interest listening to suggestions at the open forum.

Photo by Felicia Ravago

Clark: The First 100 Days

Dean Robert Clark '72 is nearing the end of one of the most controversial terms in recent memory. In an interview with the RECORD, he reflected on the past four months.

He spoke proudly of his accomplishments, grudgingly of his mistakes, and offered some surprising observations. "I think there's a lot of hype in all directions. I don't think it was ever as bad

as [my critics] thought. And I think I'm a lot less conservative than some might imagine."

Clark governs HLS from a corner office in Griswold Hall. The view is a good one

News Analysis

for watching the daily treks of students and professors -- those whose academic or professional fortunes rely, to varying degrees, on his decisions. But there must be times when Dean Clark feels the office is more like a fishbowl.

For example, Clark has endured pointed criticism for some of his inaugural actions -- most notably the elimination of the public interest counseling office. This issue has drawn national attention, inspiring a startling amount of faculty, alumni, and student opposition.

It must be noted in Clark's behalf, however, that one of his chief accomplishments has gone largely unnoticed so far: his highly successful effort to garner support for a new capital campaign. Clark said the pledges solicited in his first four months total about \$13 million -- compared to \$15 million raised

over a five year period in the last capital campaign.

Fundraising

"Right now we're going after major commitments and getting them," Clark reported. Among those major commitments are a \$1 million endowment for public interest fellowships and a \$1.5 million endowed faculty chair in the business law field.

"I've made major trips to Los Angeles, San Francisco, Washington, New York many times to speak to large groups of alumni and the law school associations. Sometimes I go to dinners with selective alumni who may be potential, major contributors. And I've gone to an awful lot of one-on-one meetings," Clark said.

Clark readily attributed much of this success to others in his administration, including "a development staff that is highly organized and professional. So many of the good things that have happened are hard to attribute to any one person; they're a product of group efforts."

But Clark candidly admitted that his perceived conservatism may be an important reason why former students (continued on back page)

Students Press For Battered Women's Advocacy Project



Sarah Buel, 3L

By Greg Dingens

Yet another sensationally tragic murder of a woman gripped Massachusetts and the rest of the nation last month. A man forced himself into a car and shot a pregnant attorney and her husband as they left a hospital. Press headlines and television news leads publicly magnified this tragedy, provoking a universal outcry by indignant citizens. The public was genuinely and rightly appalled that the safety of a woman cannot even be ensured traveling in public.

Sarah Buel, 3L also fears for the safety of women, not by the remote threat of random violence on the street but by a more prevalent and insidious threat much closer to home. Buel is an ardent and active opponent of a crime that studies show has touched the lives of millions

of women, including hers: domestic violence. According to a recent study, American women are in nine times greater danger of violence in their own homes than on the streets. In fact, a different study found that one third of all women murdered in Massachusetts were killed by their partners, which translates into the death of a battered woman every 17 days at the hands of her husband or boyfriend.

Twelve years ago, Buel herself fled a violent marriage, and was amazed at the paucity of laws against such action, the absence of shelters for victims of family abuse, and the crass attitudes of policemen and judges toward those victims. She, with the help of many interested students, has drawn on her past experiences and turned them into constructive action, inspiring her to form the Harvard Law School Battered Women's Advocacy Project (BWAP). The program, which Buel describes as "successful way beyond my wildest dreams," is staffed by almost 180 students who volunteer to give legal aid and moral support to local victims of domestic violence.

Since its inception, BWAP has represented approximately 50 women, according to Suzy GROSSER, 2L, one of the co-founders of the program. GROSSER has aided five women herself, and professes that "one of the major things we do for these women is legitimize their feelings"

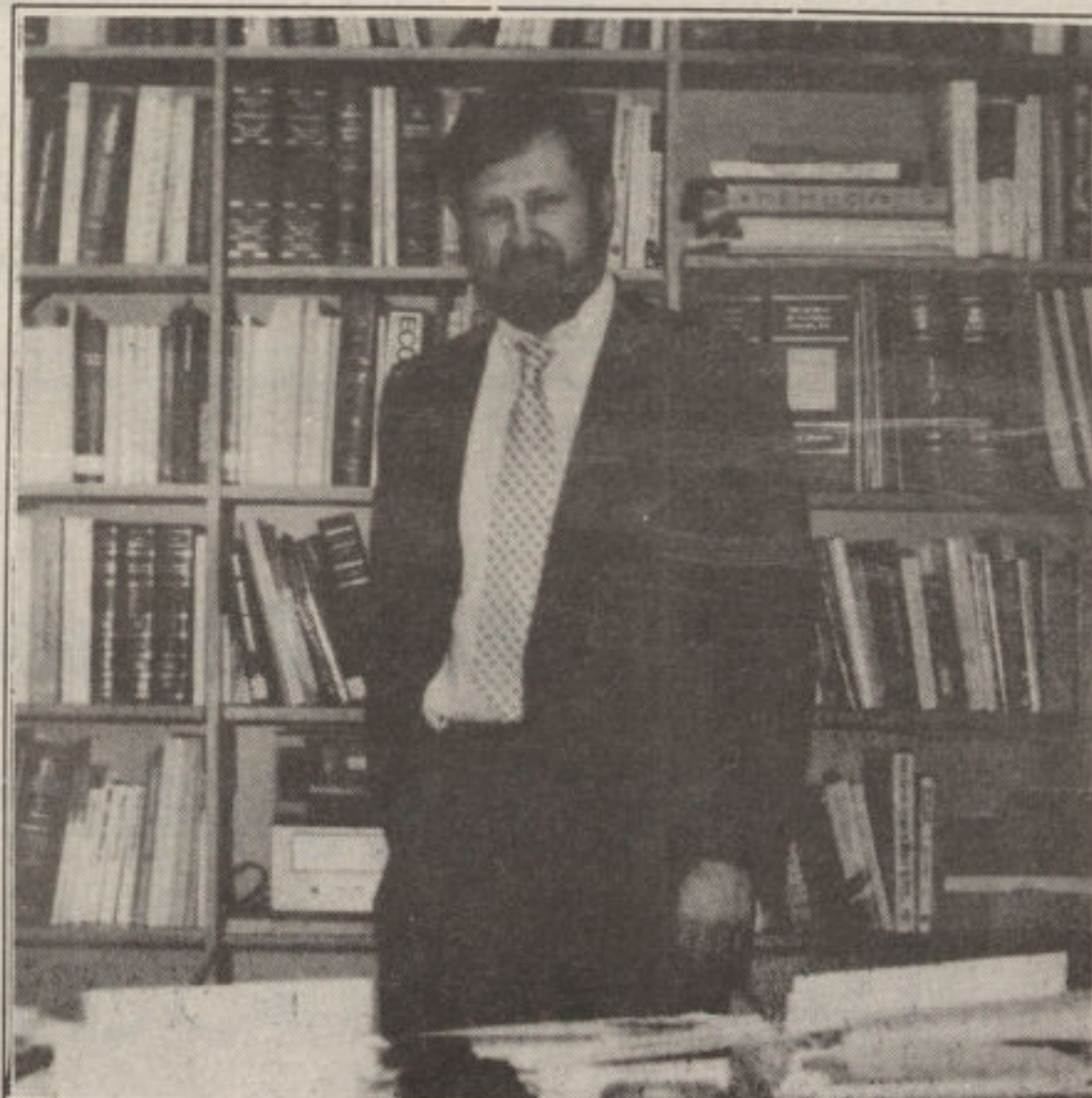
about their traumatic experiences. Simply informing the victims of their legal options and accompanying them to their hearings are valuable services and, says GROSSER, members can help to prevent victims from being "railroaded into mediation by judges," which often gives unacceptable results.

The project, co-sponsored by the Women's Law Association and the HLS Children and Family Rights Project, also operated a "hotline" for domestic violence victims, available five days a week from 9 a.m.-5 p.m., which GROSSER reports has resulted in 38 cases since September, 18 of which were granted temporary restraining orders.

The BWAP assigns cases of domestic violence to participating students, who are then expected to represent the battered women throughout the entire litany of legal procedures, including filing complaints, aiding their requests and responses at both the initial ex parte hearing and the final hearing five days later, and assisting the victim during any mediation which the court may order.

Buel said students have found the experience "immediately satisfying" because of the gratitude of the victims, who often "have no clue" that they have either civil or criminal remedies for their injuries, and be-

(continued on back page)



Dean Robert Clark '72

photo by Felicia Ravago

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Lawyers Criticize Aquino On Human Rights Violations

By Felicia Ravago

Four Philippine lawyers lashed out against human rights violations committed by the military under the Aquino administration in a panel presentation before a sparse audience at Austin East on Nov. 16.

In a three-pronged attack on the deteriorating social order under Aquino's watch, the lawyers excoriated the lack of military accountability, proliferation of paramilitary groups, and the continued impoverishment of the masses.

Although the discussion was entitled "Militarization and Human Rights Violations in the Philippines," the speakers focused solely on alleged violations committed by the Aquino military and dismissed the reported extra-judicial executions by the Communist New People's Army (NPA). According to Arnedo Valera, the Philippine government cites a "doctrine of parallels" (the insurgents as well as the military commit atrocities) as a "ploy to lessen the impact of human rights violations" by their forces. No military official has been actively prosecuted, he said.

Valera called on the Aquino administration to suspend the current law making insurgents outlaws and instead regard them as legal contestants in the armed conflict. He also suggested another ceasefire and the establishment of a "cadre of rules to humanize the conflict." Implementation of this suggestion would seem highly unlikely in light of the Communist Party of the Philippines' rejection of any such ceasefires as long as the U.S. bases remain.

Bernadette Encinareal, the mayor of a town where, she described, "bodies of people floating in canals is a daily sight" deplored the destruc-

tion that the war has wrought on the countryside. She noted the tripling of para-military groups, composed of "illiterate vigilantes, hoodlums, and criminals," under the Aquino regime, municipalities suffering economic reversals with empty markets and school closings. Lio Battad spoke on the poverty of urban refugees, landless peasants who fled to the cities from being coerced into joining the paramilitary.

During the open forum, questions were raised regarding the reported summary executions by the NPA. J. V. Bautista, a leading left-of-center activist in Manila, distinguished between "different types of killings." He expressed approval for the "kind of judicial process [the NPA] characterizes as revolutionary justice if only for the fact that it can deliver swift justice to the peasants who are aggrieved." A student in the audience, however, wondered when such "swift justice" overstepped the bounds of due process. When asked why the human rights violators among the insurgents were not being prosecuted, Bautista somewhat glibly remarked that "NPA" also stood for "no permanent address" and so they could not be served subpoenas.

While recognizing that Aquino is not solely to blame for the country's problems, Bautista said that she must get rid of the "systemic and societal problem of landlessness, the continued domination of foreign interests, and the restored old oligarchy." He also decried the "total war policy [against the insurgents] which polarizes the situation and makes everyone a party to the conflict. You are either with [the government] or against them, and even environmentalists are caught in the fray." Instead, he proposed, she must work in conjunction with the popular movements.

Interview Controversy Arises Over Firm's Pro-Life Client

By Linda Popejoy

Prompted by a recent incident between an HLS student and a Boston law firm, the HLS Women's Law Association voted Nov. 27 to inform all HLS students that Bingham, Dana & Gould of Boston represents the anti-abortion activist organization Operation Rescue. The group plans to distribute a letter encouraging students to ask very specific questions about firms' clients during the interview process.

Pam Silberstein, 3L, and at least two other unidentified HLS students, recently terminated their interviewing process with Bingham, Dana & Gould because the firm's pro bono representation includes Operation Rescue and 40 other clients in an action currently pending before the Supreme Judicial Court of Massachusetts.

According to Silberstein, although she spoke explicitly about her activism for abortion rights in her interview with the firm, the interviewer did not tell her that Bingham, Dana & Gould represented Operation Rescue.

Robert McDonnell, the firm's hiring partner, said that, to his knowledge, the issue was never raised in Silberstein's interview. Silberstein called that recollection "patently incorrect," and stated that the interviewer must have had "a severe lapse of memory."

McDonnell further noted that the firm's resume lists another pro-life group, Mass. Citizens for Life, as a client. The pro bono section of the resume, however, does not mention Operation Rescue as a client, but instead notes the firm's participation in employment discrimination cases, the agent orange litigation, death penalty and civil rights cases. McDonnell said he feels the absence of Operation Rescue on the firm resume is "not misleading" and was reluctant to place a "political or social tag on any of those cases."

McDonnell admitted that if pro-choice activities were on Silberstein's resume, the issue "should have come up," but said he did not want to "politicize the interview process." Silberstein claims the firm handled the situation very poorly.

When Silberstein, who chairs the political action committee of WLA and has been very active in the pro-choice movement, learned of the firm's association with Operation Rescue, she informed McDonnell that she no longer was interested in employment with the firm. She further told him she planned to ask the WLA Executive Board, of which

she is a member, to inform the HLS community of the situation.

In response, McDonnell drafted a five-page letter to the WLA Board reflecting his concern that certain political values were being "monolithically [sic] labelled on all the lawyers who work here" as a result of the firm's controversial client.

In the letter, McDonnell stated he recognized and respected "each individual's right to decide with whom she will interview and with whom she will work," but he was disappointed that the firm might be condemned for its role as counsel for Operation Rescue.

It is "potentially very short-sighted to label a firm by one client," McDonnell said in an interview. Recruiting is "quite competitive," and attacking or boycotting a firm to make them think twice about representing a particular client is unfair to both the firm and the client, McDonnell said. If access to lawyers is cut off because of a client's political or social stance, that client will effectively be "cut out of the system," he said. Further, McDonnell warned that labeling the lawyer by whom he or she represents "is a very dangerous path to tread."

N. June Thompson, Director of the Office of Career Services (OCS), said perhaps students should ask for an entire list of clients. McDonnell claimed such a request would be impractical, since his firm is involved in thousands of matters. Further, Bingham, Dana & Gould has a policy that recruiters will answer any specific questions about clients that do not violate the duty of confidentiality in lawyer-client relations, McDonnell said.

Merle Weiner, 2L, WLA co-chair, said the letter sent to HLS students is not an attack on the firm, but instead seeks to inform students of the situation and encourage them to ask about a firm's clients if it matters to them. According to WLA's other co-chair, Chouteau Merrill, 3L, students should ask point-blank questions about what clients a firm represents if they care about certain issues. However, firms should not be stigmatized simply for representing unpopular causes.

Thompson also said firms should not be condemned for the clients they represent, and noted that many firms let you choose not to represent a certain client. The OCS encourages employers to tell students who their clients are, but students "should be very careful and should ask questions," said Thompson.

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Happy Holidays From The RECORD Staff



Harvard Law Record

Volume 89, No. 8

Erick Hachenburg Greg Herbert
Editors-In-Chief

In Praise Of Law School Student Activism

This semester, hundreds of students signed petitions to oppose the elimination of public interest positions at HLS. Dozens of others joined protests against the Supreme Court, and against the law firm of Baker & MacKenzie. Is this what law students should be spending their time doing?

According to Dean Clark, the answer is no. He says the primary aim of HLS is to teach "the law" -- which, he adds, does not include directly serving social justice, nor explicit efforts to inculcate values such as community service and democratic participation. Thus, he claims, clinical programs are important only for pedagogical purposes; service to clients is incidental, and not a priority.

Not surprisingly, other members of the administration echo the dean's position. For example, in an interview with the RECORD, June Thompson said she believes that the placement office should not play an active role in shaping student career choices. In other words, unless someone has already decided to take a public interest job, HLS isn't going to push them into it.

Worst of all, the dean's attitude appears to have trickled down to the student body. In recent weeks, some people have objected not to positions taken by student activists -- which is healthy dialogue -- but to their activism itself. The ongoing efforts of the Emergency Coalition for Public Interest Placement, BLSA's boycott of Baker & MacKenzie, and the protest during Justice Kennedy's visit by Students For Justice in the Courts, have elicited negative reactions ranging from, "Why do they bother? They'll never change anything," to, "Don't these people have something better to do? They annoy me."

Isn't it ironic that people who spend most of their day talking about the rights conferred by our system of law and government are not learning about the responsibilities that those rights carry with them? The message being sent to students from the dean and some others is that it's okay to shut out the real world during our three years of "learning" here; that we may legitimately allow the demands of our schoolwork to occupy our time and thoughts exclusively. In short, we're here to analyze, not to act -- to interpret, not to interfere.

This attitude represents ivory-tower thinking at its most narrow. More important, it poses a serious danger to the very system we're studying. As Justice Brandeis once wrote, "The most important office which all of us can and should fill is that of private citizen. The duties of the office of private citizen cannot under a representative form of government be neglected without serious injury to the public."

That is not to say that people should not oppose *positions* taken by student activists. Should we ban Baker & MacKenzie? Were the Supreme Court's decisions last year good or bad? Or even, is it okay to protest a Supreme Court Justice when he's at HLS on an official visit? These questions are important and legitimate -- let's talk more about them, not less.

For better or for worse, Harvard Law graduates will have special opportunities to get involved in the leadership of this country. If we don't now express our opinions or try to change what we don't like -- no matter how insignificant or futile our efforts appear at the time -- we're not showing much leadership at all.

Finally, anyone concerned that student organizers do not "take time to smell the roses" fails to recognize that roses must first be planted, and that's exactly what these students are trying to do.

-J.R.G.

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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.

Kennedy Protest Defended

To The Editors:

So, Brad dear, I never thought you so politically naive (or should I say dumb, in keeping with the kinder, gentler, less political tone of your -- how shall I put it -- emotional release). Of course the people at the rally did not really think we would greatly influence Justice Kennedy, who is as uninformed and uncaring as you. No, silly, we thought that we might use the opportunity to inform the public (including other Harvard law students) of our message through the use of media coverage of our protest -- after all, isn't that the reason why you waste your time writing vituperative essays for the RECORD every week (which, of course, is aimed only at "spoiled, over-schooled, under-experienced elitists" -- does seem a little ironic,

Letters To The Editor

doesn't it)?

Furthermore, though I hate to admit you are right, it is a bit depressing looking out at reality and seeing how some people, including ourselves, sometimes, live. Some of us can't help being saddened by the homeless who are on the streets because of cutbacks in federal housing subsidies and other programs. And some of us in fact cry over the brutal killing of Yusuf Hawkins and the vicious attack on the woman in Central Park last fall -- incidents directly linked to the racism, sexism, and classism we are fighting against. We do not like feeling this sad, but the feel-good politics of the last decade have left many feel-

ing very bad. Now, of course, we do not think that protesting Justice Kennedy will change the world, nor do we think that law is the only answer, but those are part of a larger scheme of -- if you'll pardon the expression -- social activism. We are not content knowing that our bellies are filled and our homes warm. We care about other people.

What you don't see, Brad, is that many of us are very optimistic, much more so than you. We only bother protesting because we believe there's hope for change. So your myopic -- as usual -- view is wrong: we are not always depressed. Rather, we are optimistic and, at least speaking for myself, often very happy about life. In fact, it is this happiness which informs our politics: if life can be so good, shouldn't it be this good for everyone?

Lastly, as for our manners, we did absolutely nothing to detract from the Ames Competition. Our demonstration was held hours earlier. Anyway, politeness as you define it is a luxury of the powerful. When you truly care about politeness as we define it -- recognizing the humanity and dignity of all other people, no matter what their station in life -- you can preach to us.

I could of course go on forever about your very ridiculous, mean-spirited editorial (which very much had the tone of someone on the losing side of an issue, contrary to the other not-quite-as-silly part of your editorial) but, after all, you are just another "spoiled, over-schooled, under-experienced elitist in the HLS student body" -- and definitely not a "more thoughtful, reflective, caring" student who is working toward the depoliticization of HLS.

Andrea Kramer 3L

Smith Is Not King Of Fun

To the Editor:

In his November 17 column for the RECORD, Brad Smith levels three mean-spirited attacks at the "nitwits" who staged a peaceful demonstration outside of Austin Hall prior to Justice Anthony Kennedy's question-and-answer session Tuesday, November 14, 1989. He laments: 1) that the demonstrators lead depressing lives; 2) that the demonstration will not accomplish its purposes; and 3) that the demonstration was inappropriate. The first charge is simply bizarre. What business is it of Brad Smith whether the demonstrators do not share his zest for life? He is not King of Fun at Harvard Law School.

The second charge is suspicious. Since Mr. Smith presumably disagrees with the goals of the protesters, they should hesitate to accept advice from him as to the most efficacious means of accomplishing their goals. Mr. Smith's third complaint -- that a peaceful demonstration, which in no way interferes with a speaker's right to present his views, is inappropriate to a law school campus -- is downright dangerous.

Mr. Smith tell us that Justice Kennedy's visit belongs to those who have worked so hard to reach the Moot Court finals he has come to judge. He's half-correct. We did (continued on page 7)

Spoiled Elitist Changes Ways

To the Editor:

I have a confession to make. I was one of those grim, misguided souls who attended the rally calling attention to recent Supreme Court decisions on reproductive and civil rights. I once was lost but now am found. Brad Smith has shown me the way. I am nothing but a "spoiled, over-schooled, under-experienced, elitist." But I have seen the error of my ways and am now contrite.

I resisted the truth for many years. I once believed that it was virtuous to be concerned with those other than myself. Not too long ago I mistakenly thought that Supreme Court deci-

sions that shifted the burden of proof of discrimination from the employer to the employee and opinions that questioned the right of women's access to safe and legal abortions were obviously political. Embarrassingly enough, I even felt that expressing one's beliefs was praiseworthy in and of itself, irrespective of whether a single voice would actually change the status quo.

My youth and inexperience are to blame. Although I may occasionally backslide, I am resolved never to fall prey to those who selfishly devote considerable time and energy to others. Rest assured, I am now suspicious of anyone who chooses to express opinions, especially those contrary to my own.

From this day forward I am committed to "depoliticize" this campus, to complacently dismiss those who express opinions I find distasteful, and to take the time to smell the roses in this just world of ours. Free at last! Free at last! Thank God Almighty, I'm free at last!

Joe Metcalfe, 1L

Correction

In the Nov. 17 issue, the RECORD inadvertently left out the names of two participants in the final round of the Ames Competition. David Gormley is a member of the A. Bartlett Giamatti team, and Molly Cliff is a member of the Carpe Diem team. The RECORD regrets the error.

Yes, Virginia, There Really Is A Santa Claus

Several years ago I spent Christmas under martial law. At some point during the holiday season I asked one of my local employees, who had formerly been a permanent resident of the United States, whether she preferred Christmas in the U.S. or in her

Brad Smith Columnist

native country. "In the United States," she replied, "because of all the lights."

I think about her around this time every year, because it's right about now that profound social commentators and columnists of both the political right and left begin bombarding us with complaints about what a greedy, selfish society we are, and how we should hang our heads in shame for having forgotten some, hidden, esoteric, "true" meaning of the holidays, etc., etc., *ad nauseum*. Such commentary is as much a part of the season as Santa Claus and manger scenes. You know the kind -- down

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

with commercialism, down with consumption. In churches, in newspapers and on TV, liberals, conservatives, socialists, and the apolitical will all agree on one thing. "Commercialism," they will say, "has spoiled the holidays."

Well, I want to say that I like Christmas, and I like the way it is celebrated in America. I have never understood those who think we should feel guilty for the way we celebrate Christmas. I guess there are just a great many people who associate wealth, productivity, freedom, and happiness with guilt. Or perhaps they just can't see past the commercials and jingles.

One thing Christmas (or shall we say the Christmas/Hanukkah season) brings to the fore is the American tradition of private charity -- George Bush's legendary "thousand points of light" -- epitomized by the countless food drives and Salvation Army Santas. In most countries such charities simply do not exist -- Americans have historically given more of themselves than any other people. Anyone who doesn't think Americans know the "true" meaning of Christmas doesn't know Americans.

Christmas is also the season of tremendous outpouring of love.

Grouchy, hurried shoppers go to considerable lengths and often make considerable sacrifices to find and package the perfect gift for others. And the children sitting on the department store Santa's lap learn more about love and generosity than commercialism.

Of course, most of the Christmas Grinches don't object to these signs of the season, they simply ignore them. What the bearers of guilt tidings truly object to is the "crass commercialism" of the Christmas season. It's the jingling cash registers, the bright lights, and the incessant TV ads that really draw their ire. Funny, because that's one of my favorite parts.

In most countries Decembers are not so plentiful -- dictatorships, political instability, and socialist politics have stripped people of their wealth and freedom. In such countries, the stores are not chock full of consumer goods, cash registers don't ring, lights don't wink and glitter and corny Christmas tunes don't blare from speakers. Indeed, it is fair to say that everywhere that capitalism and bourgeois liberalism have not triumphed people celebrate not a white Christmas, nor a green Christmas, but

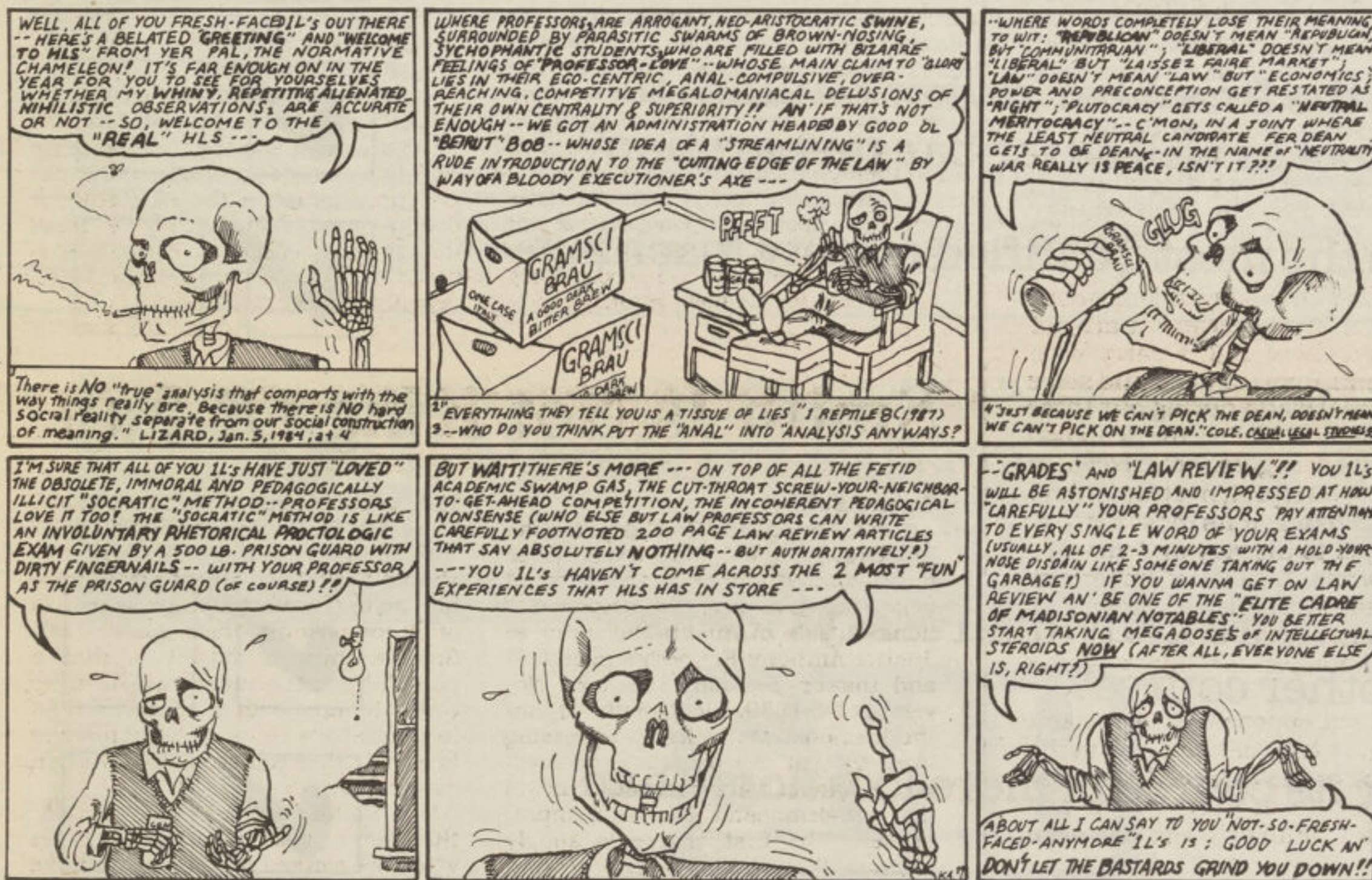
a dismal gray Christmas.

Christmas is not only a religious holiday in America -- it has become a secular one as well. It is at Christmas that we celebrate all that is good in America, and the outward symbols of the celebration are the lights, the displays, the abundance -- the commercialism. As grim East Europeans line up at meat markets and shoe stores for shoddy goods that may or may not be in stock, Americans line up at shopping malls to celebrate the bounty of a market economy and a free society, the twin engines that have made America the envy of the world. That is nothing about which to feel guilty.

This is the season to celebrate America and all the good things man can do when free and willing to work. So don't let the Grinches shower you with guilt. Enjoy the lights and tacky decorations. Dwell on the variety and abundance in the store windows. Laugh at the TV ads, sing along with the carols. Ho! Ho! Ho! Merry Christmas.

Fenno

By KA



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Ames Team Responds

(continued from page 4)

work very hard, but Justice Kennedy's visit belonged to the whole law school community. As the RECORD reported, the organizers of the demonstration did not object to Justice Kennedy's presence at HLS. They objected to his announced views on important issues. If the non-violent, non-disruptive carrying of signs and chanting of slogans is an "inappropriate" means of expressing disagreement, one wonders what would be appropriate.

Those of us who had the opportunity to meet with Justice Kennedy were impressed by his intelligence and integrity. This is not to say, however, that we would agree with all or even many of his judicial decisions. If and when we choose to express our disagreement, we will do so respectfully. Perhaps that exercise of our rights will involve a public demonstration or perhaps it will involve filing a brief in court. But just as Brad Smith should not be condemned for choosing a newspaper to express his views, so others should not be condemned when they choose a different wholly legal and peaceful vehicle of expressing.

Anne Berleman, 3L

David Blank, 3L

Molly Cliff, 3L

Michael Dorf, 3L

David Gormley, 3L

Michael Grossman, 3L

Karen Jacobs, 3L

Matthew Kreeger, 3L

George Postolos, 3L

Sylvia Quast, 3L

Jeffrey Tolk, 3L

Snyder Leaving Graduate Program

By George Paul

The HLS Graduate Program will undergo a major shift in personnel in the wake the departure of its head administrator, Frederick Snyder '77, who has directed the program for the past eleven years.

Snyder, who serves as the assistant dean for International and Comparative Legal Studies and the administrator of the Graduate Program, is leaving to form Cambridge Trans-National Associates, Inc., an international trade, investment, and project development company, which will have offices in Cambridge, Western and Central Europe, and the Pacific Rim, according to Snyder.

The program has not selected a new administrator.

Adelaide Jones, the program's administrative director for admissions and financial aid, is also leaving to move to the New York area. Athena Mutua '87 has recently joined the program as deputy administrator; Benaree Wiley has arrived to replace Ms. Jones.

The Graduate Program currently includes 110 students from 45 - 50 countries. It works in conjunction with the Housing Office, the Placement Office, the General Administration and the faculty to help graduate students in their education.

Snyder said the administration is currently rethinking the structure of the Graduate Program. As of now, no concrete proposals have been developed, but the administration and the graduate committee are using this chance to consider what direction the program should take in the 90s.

Major changes are not anticipated. Snyder commented that the remaining administrators as well as the Graduate Committee could handle the current workload. Snyder said he will remain available to assure a smooth transition.

Snyder commented that the program consists of two identifiable groups, each with specialized needs. The first is composed of students interested in lawyering either in private practice or in international organizations. These students have their own academic agendas and needs for fellowships and internships.

A smaller group of students are interested in academic life as a career. They, too, have special agendas, Snyder said. Snyder suggested that the Graduate Program could be redesigned to accommodate the two paths better by splitting the curriculum.

Snyder commented that the Graduate Program has played a vital role at HLS since its formal organization in 1950-51. The program, Snyder said, "provides an interesting chance for participants from many different countries to interact." It serves, he continued, as a "mini general assembly" by facilitating the exchange of diverse legal customs and ideas.

The practice of law, Snyder said, has become increasingly internationalized. Thus it is "extremely important" for American J.D. students to be exposed at a formative stage of their professional education to "the kinds of people and ideas that will impact law in the future." The 110 students from 45-50 countries are "an extraordinary resource for law students to draw on," Snyder said.



Assistant Dean Frederick Snyder '77

The Graduate Program also serves another purpose: it helps keep the law school alive intellectually. Snyder said, "If all we did was preoccupy ourselves with our own cultural and intellectual needs . . . we'd be a very isolated community. Different people, different cultures keep the school alive."

Since its inception, the Graduate Program has enjoyed a rich history that has seen it double in size. According to its brochure, the program seeks "students interested in exploring new approaches to old problems and ways in which law and lawyers can better serve society."

Alumni have included ambassadors to the United Nations from Liberia, Singapore, Turkey, and Uganda. Alumni have also served as Prime Minister of Iceland, Members of Parliament of Canada, the U.K., and Ireland, and as deans of many overseas

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Watkins Refuses Plea Bargain; Rape Trial To Begin in February

By Joshua A. Gerstein
The Harvard Crimson

A Middlesex Superior Court judge has set a date of Feb. 20 for Law School student Kevin T. Watkins to face trial on charges that he raped a Harvard undergraduate last December.

At a hearing Wednesday afternoon, defense attorney Willie Davis told Judge Paul Chernoff that there was no way to avoid a trial in the Watkins case. He said he had discussed the matter with his client, and that Watkins would not agree to any plea bargain arrangement.

"Unless they're going to dismiss, it cannot be resolved short of trial," Davis said.

Both Davis and prosecutor George Fisher said that they expected the trial to last about five days.

Watkins was a second-year law student when the rape allegedly took

place last December.

In the case, an undergraduate woman and another student claim that Watkins used his position as president of the Society of Black Professional Entrepreneurs to encourage members to appear nude in videotapes.

Watkins is charged with raping the woman after she reportedly demanded the tapes be erased. He has been free on his own recognizance since he was first arraigned in June.

During the hearing Wednesday, Chernoff indicated that he might not be able to hear the case in February because of a year-end reassignment of judges.

But Davis told Chernoff that he did not believe any other Middlesex judge would be capable of hearing Watkins' case.

"Everybody else in this building has a connection with Harvard, so

they're going to have to keep you here," Davis said to Chernoff.

Middlesex Superior Court Judge John Paul Sullivan was originally assigned to Watkins' case, but stepped aside saying that his position as a lecturer at the Law School might create a conflict of interest.

Chernoff named several women judges who he said might be able to take his place if necessary, but Davis rejected those suggestions.

"This case is such that no female judge will sit on it," Davis said. "They'll take one look at the tapes and they'll have to recuse themselves."

Davis also said that he would be filing a motion to reveal extensive "information about the victim."

On another motion, Chernoff granted a defense request for a private investigator to interview witnesses in the case. The judge authorized the expenditure of up to \$1000 for the investigator's services.

Advisory Committee Holds Open Forum

(continued from front page)

forum, and at the mention of his name many students shouted, "Where is he today?" Clark's office did not return calls by the RECORD.

Many students in the audience made impassioned pleas for immediate action, citing difficulties in their current searches for summer or permanent employment. Clark, however, told the *Harvard Crimson* last month that he does not plan to implement any changes until next year at the earliest.

"Studies are not enough," said Sarah Buel, 3L, founder and director

of the Battered Women's Advocacy Project. "You have every dime of my life savings, it's time to do something now."

Buel, who worked in public interest for ten years before law school, said she feels unfairly pressed into service as a career counselor because the administration is not meeting students' needs.

In response to audience demands for immediate change, Edley revealed that the committee had not been able to reach a consensus regarding short-term proposals. "We are not ready to give you answers

yet . . . but we are not your enemy," Edley said.

Many students, mostly first years, expressed feelings of mistrust and disappointment in what they perceived as HLS's declining commitment to public interest law. "I feel betrayed by Harvard. I came here to do public interest law," said one first-year student. "I will not tell my friends who are applying to law school to come here," he added.

Happy Holidays from
the
RECORD

Give Peace A Chance, Brad

To the Editor:

I was surprised by Brad Smith's little temper tantrum in the RECORD in which he slammed and offended a good number of HLS students. Such an outburst!

Its starting point is the protest of Justice Kennedy's visit, apparently the final indignity for Mr. Smith. Student activism has been bothering him for awhile; he thinks it "make[s] for a depressing life."

Wait a minute. The protests are depressing? All this time I thought the bad part was the rollback of civil rights, the rollback of choice. I thought it was "depressing" that some rights can only be had with money, and that poor women still die from back-alley abortions.

I noticed that Mr. Smith works for a libertarian think tank. I would have thought that libertarians would agree with this, but Mr. Smith's column suggests that I was wrong. Its message -- and one does manage to get through, despite the contradictions and general incoherence -- is a desire for the protesters to shut down, go away, give it up already. Thankfully, they show no signs of doing so.

One more thing I just can't resist. Mr. Smith says "If I could make one change around here, it would be to depoliticize this campus, to have a more thoughtful, reflective, caring student body." What the hell does this mean? That a politicized campus is unthoughtful, unreflective, and uncaring? That protesting is proof of a callous heart?

Gee, maybe I can get a job in a think tank. (Hey, Mr. Smith. Peace baby. Your life doesn't need any more stress.)

Lee Tucker, 1L

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Scholars To Study Soviet Criminal Justice System

By Tara A. Nayak
The Harvard Crimson

In response to a request from the Soviet government, scholars at the law school's Center for Criminal Justice and the Russian Research Center are jointly planning an unprecedented, sweeping study of the Soviet Union's legal system.

Professor of Law Phillip B. Heymann '75, director of the Law School group, and Lowry Wyman, a Russian Research Center fellow, are heading the effort to produce a "working plan" of recommendations for the USSR to reform its judicial system, Wyman said.

As Soviet political life becomes more open through Soviet President Mikhail S. Gorbachev's policies of glasnost and perestroika, the court system must become more independent of the ruling Communist party, Heymann said.

"The system has to become one with internal integrity," Wyman said. "But it is corrupt to the core. The courts are not independent, and there is a tendency to have the country run by the administration rather than the judiciary. There has to be a fundamental re-thinking of what the courts are for."

Wyman said she believes the project is the "first of its kind." Although there have been many cultural and educational exchanges in recent years between the USSR and the U.S., "there have certainly been none with the scope and the length of time that will be devoted to this," she said.

According to Heymann, the project "would start in the criminal justice area and look at the role of the courts. That would take several years. And then we could move into other areas, such as the role of the courts in controlling administrative agencies."

Currently, the U.S. has a "greater

reliance on courts than probably any other country," and the Soviets "place far less reliance on courts," Heymann said.

"The court system should be an area of change in the USSR, along with economy and democracy and everything else," Heymann said.

Among other issues, the Soviets are grappling with ways to strengthen the role of defense attorneys in criminal trials and to determine guidelines for legal forms of protests, Heymann said. He said the study will address these problems by comparing the Soviet Union with the U.S. and West Germany.

In addition to the Harvard and Soviet experts, Heymann said scholars from the Max Planck Institute, a West German think tank, will participate in the project. The Soviet Union's civil code is similar to the system in West Germany and in other Western European nations, he said, noting that



Prof. Phillip Heymann '63

criminal prosecutors play strong roles in both nations.

The project took root last summer when Heymann met with Soviet Deputy Foreign Minister Anatoly Adamishin in Washington, Heymann said. About two weeks ago, the Harvard team sent a proposal for the early stages of the project to Moscow, he said.

Although the State Department was instrumental in setting up the initial meeting between the Soviets and Heymann, the law professor said the project would be conducted independently of the U.S. government.

Heymann stressed that the study is only in its preliminary stages, and that he is still seeking funding from foundations.

"The project has only recently been formulated in a clear enough way to be described as a project," said Heymann. "The Soviets haven't even had a chance to say 'yes' yet."

If the project proceeds successfully, Heymann said he hopes the Soviet, American and German teams will meet four times each year in Cambridge or Moscow.

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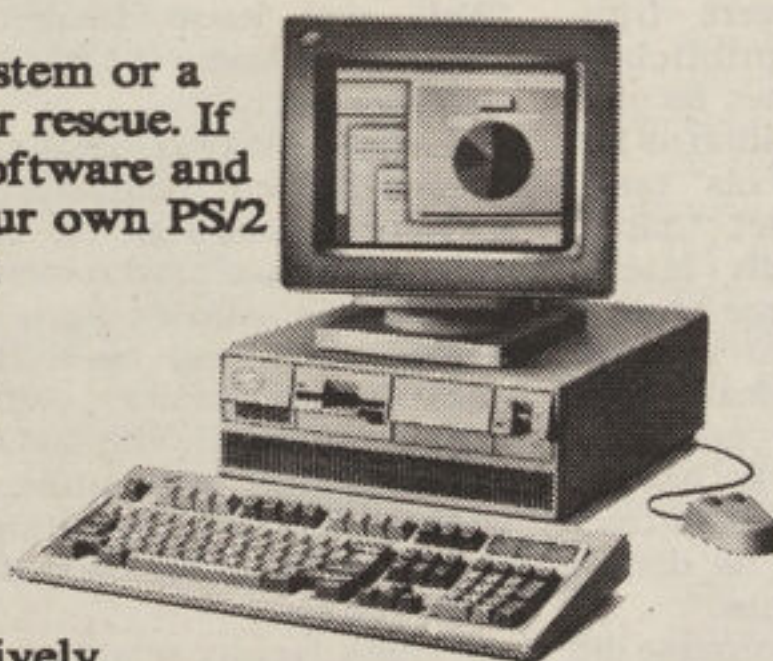
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BWAP Seeks School Support For Victims Of Domestic Violence

(continued from page 1) cause of the positive responses by the local courts. "We generally have gotten everything we've asked for" she marveled, because the court staff is so impressed with the student initiative and because it is still a relatively unexplored field of law.

Participants must undergo a two-hour training session and attend one mock hearing before they are assigned a case. A handbook co-written by Buel and Groisser details the responsibilities and options of the advocates, and outlines each step necessary for proper representation of the victim. The next training session will be held in February.

Although Massachusetts has an Abuse Prevention Act since 1978, the lack of legal precedent, particularly at the appellate level, and the unstructured approach to hearings allow students to come up with "creative remedies" to their clients' problems. Students "love the idea that this is something they can make an immediate impact on," according to Buel.

Anthony Brown, 1L, also stated a major reason for his participation in BWAP is because it is "one organization which allows first-years to represent people in oral advocacy." He said his observation of eight hearings in the Roxbury area of Boston was both a "great experience" and "real sobering."

The success is not limited to the student population. BWAP has co-trained 20-30 associates with the Boston law firm

Foley, Hoag & Elliot, and has held training sessions with the Greater Boston Legal Society for similar advocacy programs. Buel hopes for more professional participation each year. BWAP is also currently helping establish similar programs with, among other, the law schools at Northeastern and Tulane, and the Houston Legal Service Center.

The percentage of men involved in the program is another unique and positive aspect of BWAP. Buel estimates the male participation is approximately 25 percent of the group, a much higher number than two other established programs at Yale and Suffolk.

Buel has extensive background in the legal world of domestic violence. She began working in earnest on the problem as a paralegal over ten years ago, helping found the New Hampshire Coalition Against Domestic Violence in 1978. In 1984, she moved to Seattle and was a Court Advocate for the Seattle Family Violence Project, working in one of the few states with criminal prosecution and mandatory arrest laws for familial abuse. After intending to simply volunteer in abuse shelters when she entered law school two years ago, she "became aware of the acute need" of advocacy programs in the Boston area. During her first year, fifty people responded to an announcement she placed in the Adviser, and that promising response compelled her to go forward with more ambition.

Last year, the first year of BWAP's existence, 115 students participated.

Domestic violence cuts across all social classes, races, ages and income levels. One common characteristic is the reluctance by victims and the public to talk about such a sensitive yet serious problem. "We all have our own misconception" about the problem, Buel said, but she is willing to admit her past subjection to abuse because "the denial has gone on too long." She hopes her candor will encourage any members of the HLS community who have experienced domestic violence to come forward for aid. A "large number of students" have admitted violence in their families, and at least two students have sought help for their own marriages.

One goal Buel outlines for the future is to convince HLS to institutionalize the program. With almost 180 students in its second year of existence, Buel believes that "should be an indication of substantial interest" necessary to receive official recognition by the HLS administration. Groisser believes institutionalization is critical "to ensure the quality of the work." Buel also hopes that, as students graduate and move to a different cities to pursue professional goals, they take with them their initiative and utilize their training to establish more advocacy programs and shelters for victims of familial abuse.

Israeli General Draws Vocal Student Protest

By George Paul

HLS students were among a vocal group of demonstrators gathered outside the Harvard Faculty Club on Nov. 21 to voice their opposition to the appointment of Israeli General Amram Mitzna's appointment as a fellow at the Center for Science and International Affairs. Mitzna was speaking to a Special Juris Doctorate (S.J.D.) colloquium.

Mitzna commanded Israel's forces in the West Bank from May 1983 until June 1989. Saud Al-Ammari, LL.M. student and President of the HLS Middle Eastern Law Students Association, said he was "outraged at the school's invitation to Mitzna" and called for the "peaceful coexistence of Israel and Palestine at Harvard and elsewhere."

Al-Ammari complained that a leading institution like Harvard "should not reward Major General Mitzna with a fellowship in view of the fact that he is responsible for the closure of all universities and schools, including kindergartens, serving Palestinians."

While Mitzna led the West Bank troops, Israeli soldiers killed over 600 Palestinians including 115 adolescents, according to Al-Ammari. He added that 55,000 Palestinians were injured and 45,000 detained. Over 700 homes were also destroyed and dysentery ran rife as vaccine

campaigns were interrupted.

The actions of the Israeli Armed Forces "violate a number of international treaties and conventions," according to Al-Ammari. The Hague Regulations of 1907 and the Geneva Convention of 1949 both require belligerent occupants to maintain the status quo in occupied territory and to safeguard the rights of the population. The International Community (including the United States) regard Israel as a belligerent occupier of the West Bank and Gaza and thus as bound by the regulations above. Israel, however, disputes the notion that it is a belligerent occupier.

Also present at the speech were members of the Coalition for Truth about the Middle East. They distributed literature countering the protesters, claiming, "A call against Mitzna is a call against restraint." The group said Mitzna had made his troops watch videotapes of past violent overreactions of their fellow-soldiers in order to teach them restraint. The Coalition also voiced a protest against Palestinian Liberation Organization leader Yassir Arafat, who, according to *The Beijing People's Daily*, congratulated Secretary Deng for his tactics in restoring "normal order after the recent incident in People's China."

Saturday, Dec. 2 marks the second anniversary of the Palestinian uprising known as the *intifadah*.

Clark Reflects On Controversial First Term In Office

(continued from front page) are suddenly willing to give. "I think a very substantial number of alumni were alarmed by what they imagined was going on at the school, and are now reassured by what they imagine I stand for."

The pledges already received may not spell "financial relief," according to Clark. Much of the money has been earmarked for specific projects, and much of it is programmed to arrive over several years. Additionally, Clark cautioned that the law school is under such financial pressures that tuition must continue to rise, although he offered no specific projected hike.

But if fundraising continues as Clark hopes, it could finance improvements in several areas including international, clinical and research programs, he said. The long-range plan approved by the faculty last spring has also targeted upgrading the library, renovating Harkness Commons, and funding new dormitories. Clark says total proposed expenditures top \$100 million. But at least one area seems especially important to the dean.

The Faculty

Included in the long-range plan's package of proposals is the addition of 12 new professors to the current full-time faculty of 66.

"We want to expand the faculty, both to improve the ratio of faculty-to-students so that we can have more small

classes taught by regular faculty, and to expand the depth and breadth of expertise," the dean said, "and I want to do it in a way that will not send tuition through the roof."

Clark has proposed that much of the faculty expansion be accomplished through endowed chairs. He estimated that it takes an endowment of \$2 million or more for each professor.

Several years ago, the law school's efforts to recruit new professors were frustrated by well-publicized conflict within the faculty. Developing a reputation as the "Beirut of law schools" made it harder to attract "name" professors through lateral appointments. Some observers suggested that an impasse between the Critical Legal Studies movement and conservatives -- Clark among them -- caused several attractive candidates to be denied tenure appointments.

If in fact such an impasse did exist, however, it may be disappearing. Last week's hiring of U.C.L.A. Law Professor Bill Alford to the East Asian Legal Studies post is the first lateral appointment in two years. Sources suggest Clark may be willing to offer an "olive branch" by cooperating more on appointments with his old adversaries.

"I really don't think in terms of olive branches," Clark countered. "It's not a main consideration--the main consideration is always quality and scholarship." But Clark has continued to downplay old disputes with

the C.L.S. "That's very much yesterday's news, I would say. And not literally yesterday, but more like a few years ago -- the news of a few years ago."

Clark said the appointments process continues to go well. "Early in December, I hope, we will release to the faculty for comment a long list of proposed visitors [visiting professors]," he predicted. The dean declined to say whether the visitors will include potential lateral appointees. "Well, you know there's a whole gradation. It's hard to classify them."

Clark expressed flexibility toward student demands for the appointment of an Hispanic professor, who would be the law school's first. "I foresee there will be a Hispanic faculty member. When is hard to say." But he said the appointments committee is working on the recruitment of Hispanics, other minorities and women.

"I think faculty relations are in a good way now," Clark said. "People I suppose are not perfectly happy -- no one ever is. But in general the mood on the faculty is very good. People seem to be going about their business, happily teaching and writing." Such a rosy scenario might seem surprising from a dean who has spent so much of his time deflecting acrimonious criticism.

Public Relations

Regarding his potential mistakes, Clark was less forthcoming. "He joked, 'They're

too numerous to mention. There are a lot of little things I just would rather not bring up. There are a lot of problems I'm still worrying about how to solve."

But when pressed, Clark agreed he has not yet established a good dialogue with students. "It's kind of ironic, we have better ways of communicating with the alums. There's no regularized, non-charged forum for me to speak to students in general."

The RECORD prints stories about the school but they're all, frankly, through the filter of the RECORD. And so I never feel that I've gotten my own view on the things explained properly. If people have suggestions about what's a good format or forum for a regular general communication about matters of interest to students . . . I'd like to know about those suggestions."

The elimination of the public interest counseling office was, of course, the most controversial of Clark's moves. He still stands by that decision, but admitted he could have handled the public relations better. "I'd communicate it differently," he said. "I would do the same things but perhaps in a different order and [with] more elaborate explanations."

Clark may have inadvertently rekindled the controversy last month when he reportedly told the *Harvard Crimson* that the issue had died down. The *Crimson* article inspired a letter-

writing campaign by the Emergency Coalition for Public Interest Placement (ECPPIP), as well as a group letter from the Law School Council (LSC).

Clark, however, declined to elaborate further on the incident. "I don't remember anything about that, what I said, [or] what I'm alleged to have said to the *Crimson*," he said.

Some controversies remain behind the scenes. A proposal to eliminate all full-year classes from the first-year curriculum has reportedly stirred emotions on the faculty. "Anything you propose gets somebody on the faculty upset," Clark said.

The Future

In at least one area, Clark is unabashedly positive. When asked if Harvard still lives up to its reputation as "the best law school in the country," his answer is an unhesitating, unsurprising "absolutely."

That's something of a contrast to statements he made a few years ago at the height of the "Beirut" period. "I thought there was a time when . . . the per-person faculty scholarly productivity wasn't up to a few other law school," he admitted. "But even then I would have said that as a whole the output of the Harvard Law School is more impressive than any other."

"The school has never been stronger," he now asserts. And perhaps the new dean has become a more effective politician of late.

-Written by Jim Houpt and Paul Tarr