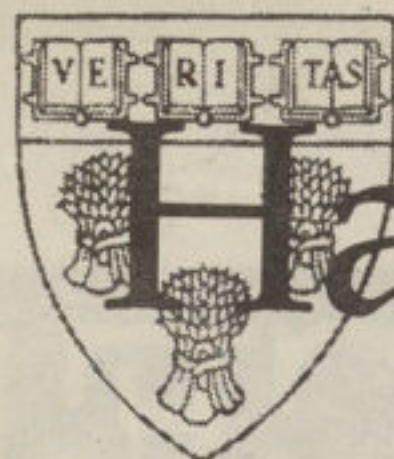




Harvard Law Record

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Estrich Departure Leaves Void In Law School Faculty

Accepts Position At USC

By Greg Herbert

The departure of Prof. Susan R. Estrich '77 has sparked renewed concern among students and faculty about the scarcity of tenured and tenure-track female faculty at HLS. Estrich's resignation, announced early this month, leaves the school with only five tenured female professors and no women on tenure track.

"It is a great loss," said Prof. Martha A. Field of Estrich's departure, "especially in terms of the role she played as a solidifying force among women at the law school. Obviously a lot more should be done to recruit women here." Dean Robert Clark '72, however, said he was "confident that we will have a fair number of women candidates under consideration by the Appointments Committee in the very near future."

Estrich's decision to resign was due to her pregnancy and her desire to stay with her

husband in California, according to a letter she submitted to Clark. Estrich has accepted an endowed professorship at the University of Southern California in Los Angeles, where she will be one of only two female law professors.

Additionally, Estrich's extensive leaves of absence from HLS, most recently due to her management of the 1988 Dukakis presidential campaign, had exceeded the University's allowance for sabbaticals, Estrich told the *Harvard Crimson*.

Longtime friend and colleague Prof. Alan Dershowitz said the faculty will have to work particularly hard to fill the void left by Estrich's absence. "Susan Estrich filled a unique role at Harvard Law School. We're going to need a half dozen men and women to replace [her] at this law school."

Chouteau Merrill, 3L, co-chair of the Women's Law Association, said that, in light of Estrich's resignation, HLS



Professor Susan R. Estrich '77 is leaving HLS.

should now "redouble the efforts at pursuing woman candidates. Better efforts really need to be made to recruit minorities across the board." Merrill pointed out that the proportionate loss of female professors is roughly the equivalent of 10 male professors, or one-sixth of the total male professor population, leaving the school, which "would be considered shocking by the HLS community."

Clark responded to these concerns, saying, "our efforts

have been at a pretty serious level all along." Clark noted that he expects to extend at least five offers this year to women to serve as visiting professors.

Field commented, however, that she was "not terribly optimistic" that the loss of Estrich would spur increased efforts at recruiting female faculty, pointing out that no offers had been made to any of the 10 or so female visiting professors in recent years.

Merrill suggested that Visit-

ing Profs. Elizabeth Schneider or Susan Williams be seriously considered as potential appointments. "They're both terrific, and from what I've heard students are raving about their classes," she said. Merrill added that Visiting Profs. Judith Resnick, who teaches first-year civil procedure, and Regina Austin, who teaches advanced and first-year torts, would also make excellent choices.

Schneider, who is teaching gender discrimination this winter term, said she has been invited to serve as a visiting professor for the full calendar year of 1991. In addition to gender discrimination, Schneider will teach first-year civil procedure.

Potentially adding to the school's difficulties in recruiting women is the well-publicized, bitter tenure dispute involving Clare Dalton '73 two years ago. Dalton, a Critical Legal Studies adherent and feminist who was denied tenure, eventually filed suit against HLS for discrimination based on her sex and political beliefs, and reported

(continued on back page)

Pinball Machines In Pub Become Center Of Unlikely Controversy

By Kristen Swartz

The recently installed pub pinball machines have been well received by students, but now have come under criticism by Administrative Dean Simone Reagor. Reagor expressed concern that the pinball machines in the Hark create a safety risk to the students and warned DSAC in a letter addressed to Charlotte Gibberman, 3L and DSAC president that they would have to remove the pinball machines if there was ever a problem.

Reagor refused to elaborate on the specific risk to which she was referring, but repeatedly stated, "I think the risk is obvious."

"DSAC's concern is that the University is not happy having students run the pub and coffee shop," Gibberman said. "DSAC understands the University's concern about liability issues, but we don't understand how pinballs increase the risks of liability -- and most importantly, the students want them."

Reagor told the Record that "any organization which uses the space of the law school in ways that effect the school as a whole and that cause a risk or seem inappropriate" must consult the administration first. Reagor said that her complaint about the pinball machines was made because DSAC failed to follow this policy.

"The whole thing is kinda silly," Lawrence Taylor, 3L and one of the many regulars



Photo by Greg Herbert

HLS students playing pinball in the Hark Pub.

at the pinball machines, commented. According to Taylor, the pinball machines are good for HLS students; they are a "great stress reduction factor" and "students like them."

Taylor said that he "failed to recognize any safety risk" in the pinball machines. Taylor, who also bartends at the pub on Friday nights, added that the Hark is constantly patrolled and that there are law school people there all of the time. Taylor said that there were "much more serious safety problems on campus."

Gibberman also said that the pinball machine hazard was trivial in comparison to other safety concerns at HLS. In response to Reagor's letter, the DSAC Executive Board wrote a letter which stated that DSAC has "frequently gone beyond university requirements to insure the safety and well-being of the students on campus."

"Unfortunately, many of the serious safety problems identified in our surveys still exist", DSAC's letter continued. (continued on back page)

Faculty Approves One-Week Break For Fall Interviews

By Erin Edmonds

Moving rapidly to finalize the 1990-91 calendar, the HLS faculty voted by a 2-to-1 margin on Jan. 17 to schedule tentatively a "fly-out" week for Nov. 5 through Nov. 9 of next year.

During the fly-out week, classes would be cancelled and in theory students would effectively be required to do most of their interviews. The proposal's supporters expect the plan to decrease absenteeism believed to be both disruptive to fall semester classes and unavoidable under the current calendar.

The faculty had two finalized proposals from which to choose.

The Law School Council (LSC) proposal, authored mainly by Tom Samuelian, 2L, urged the inclusion of a parallel fall break for first-year students and included no make-up days for those class days cancelled. However, the faculty Fly-Out Committee, chaired by Lloyd Weinreb '62, endorsed cancellation of only second- and third-year classes and included five mandatory make-up days. Among the make-up days would be two fall holidays and a shortened reading period. In the end, the faculty adopted the Fly-Out Committee's plan.

Responding swiftly to a Legal Education Committee proposal, approved by LSC in

mid-October, Dean Robert Clark '72 set up a Fly-Out Committee to investigate the viability and logistics of a time slot to accommodate the large number of second- and third-years who often must miss class in order to interview with law firms around the country.

The Fly-Out Committee, in agreement with LSC, said that, "The large number of absences, which may be as high as 50 percent of the class . . . makes some form of scheduled fly-out period . . . the only available remedy for the existing problem." The Committee, however, included make-up days in order to avoid a loss of class time and to avoid sending "the message that might be communicated to students if placement activities displaced classes."

The Committee also rejected an interruption in the first-year's fall calendar, explaining, "The only clear argument in favor of the 1L proposal is that it would avoid the confusion of different first-year and second- and third-year schedules on the two national holidays [Columbus Day and Veterans Day] and during the fly-out week. We do not believe that is enough."

The speed and smoothness with which the faculty and administration acted upon the growing student concern was thought to be unprecedented by LSC President Brian Melendez, 3L. "This is the first time (continued on back page)

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Dean Responds To ECPIP Letters; Plans Open Forum



Dean Robert Clark '72

By Paul Tarr

Public interest advocates reacted with guarded optimism last week to an administration plan to sponsor an open forum with Dean Robert Clark '72 on issues of student concern. In an interview with the RECORD, Clark called for a mutual effort to "focus on conceptions of the public interest and what ought to be the role of the law school" in promoting it. The meeting has been tentatively set for March 7.

Members of the Emergency Coalition for Public Interest Placement (ECPIP) and the Public Interest Advisory Committee generally welcomed the opportunity to engage the dean in an exchange of ideas. Yet most said that, after several months of partisan exchanges, the need for dialogue has been replaced by a need to consider recommendations for substantive change.

Clark's initiative was inspired by an extensive, ECPIP-sponsored letter-writing campaign in mid-December. The campaign was in turn inspired by a controversial interview with the dean which appeared in the Oct. 28 issue of the *Harvard Crimson*. Clark told the *Crimson* that he felt the student body was largely untroubled by his decision to fire public interest placement personnel, and by his attitude towards public interest practice generally. "Most don't seem that concerned with it," he said.

The interview served to aggravate Clark's already strained relations with certain student groups. ECPIP activists used his comments as the focus of their letter-writing campaign, designed to demonstrate the breadth of support for public interest work. Over one-half the student body sent form letters, while over 200 students sent personalized letters at the suggestion of the campaign's sponsors.

The quotes attributed to Clark have themselves been a matter of controversy. In a discussion published in the Dec. 1 issue of the RECORD, he questioned the veracity of the *Crimson* article, saying, "I don't remember anything about . . . what I said, [or] what I'm alleged to have said to the *Crimson*." In his Jan. 3 letter, he remarked that "the *Crimson* did not convey a full and accurate picture of the views I tried to express." *Crimson* managing editor Susan Glasser said that the newspaper "stands by the story in full."

Regardless of Clark's cavalier remarks, or the *Crimson*'s factual or contextual accuracy, his "philosophical differences" on the subject of public interest work are by now widely understood. He favors an approach that provides financial

incentives for students to take public interest jobs, seeing this as a preferable alternative to career placement. Clark points to the new Kaufman Fellowship as an example. He told the RECORD last fall that "the evidence suggests the problem has not been a lack of counseling or being able to find job opportunities, or not being plugged into an informal network. . . . I think the problem has been, very simply . . . the huge size of the financial sacrifices the graduates have to make to carry out their ideals."

Clark is expected to assert these preferences at the forum, while entertaining alternative views. Dean of Students Sarah Wald, who has been involved in the planning stages, said it will not follow any specific agenda, but rather will be "some sort of intellectual forum" (continued on page 7)

Dershowitz To Represent Leona Helmsley On Appeal

By Troy Morgan

Prof. Alan Dershowitz recently agreed to argue the appeal of Leona Helmsley's conviction for evading \$1.6 million in taxes. According to Dershowitz, Leona Helmsley "has a very strong appeal on the merits."

The Helmsley drama is especially intriguing to the HLS audience because of its familiar cast of characters: in addition to Dershowitz, Helmsley will be represented by Dershowitz's brother, Nathan, who practices in New York; HLS alumnus Sandor Frankel '67; ex-HLS professor and Dukakis campaign manager Susan Estrich '77; and Boston attorney Harvey Silverglate.

Rounding off the cast is Judge John Walker, who sentenced Helmsley for what he called "naked

means that they probably overpaid rather than underpaid," he continued.

In addition to her bill for unpaid taxes, *Time* magazine's "Queen of Mean," who has been likened to Marie Antoinette for her statement that "only little people pay taxes," also faces a \$7 million fine, four years in prison and a post-release 750 hours of community service caring for infants born with drug addictions or AIDS.

Helmsley's alleged crimes include charging off Spanish marble dance floors, expensive girdles and swimming pools as business expenses or deductions of Helmsley Enterprises, a real estate brokerage which last year ranked 94th in *Forbes'* list of the 400 largest business enterprises in the country. Helmsley, who has visited Dershowitz twice at his office, first contacted him just before Christmas. Dershowitz said that she "strikes us all as a very different kind of person than has been portrayed in the media -- she seemed very nice."

At her sentencing before Judge Walker, the 69 year-old Helmsley wept and said "I am more humiliated and ashamed than anybody could ever imagine."

Dershowitz claimed that his conflict with Walker "was not a consideration in taking this case. I've taken many cases before involving judges that I've been critical of." He added, "this is by no means the most unpopular case I've taken over the years. I don't generally get flack. Everybody understands that it's part of the system that everybody is entitled to an appeal. Much of my mail has been very supportive. A lot of people think that her sentence was unjust."

"The Helmsleys probably overpaid rather than underpaid their taxes."

greed." Last fall, Dershowitz expressed vehement opposition to Walker's nomination to the Second Circuit by his cousin President George Bush on grounds of nepotism.

Estrich has already begun briefing one of the main arguments -- that the federal prosecution is tainted. According to Dershowitz, "But for immunized testimony in the state tax proceeding, Helmsley never would have been prosecuted federally."

"Our preliminary research suggests that Mr. and Mrs. Helmsley, during the relevant period, paid over \$300 million in taxes, which

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Professor Alan Dershowitz

Photo by Greg Herbert



Harvard Law Record

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Erick Hachenburg Greg Herbert
Editors-In-Chief

Liar's Poker, Stuart Case, Fly-Out Week

A new book named *Liar's Poker*, by Michael Lewis, may help frame some of my random thoughts. The book irreverently describes Lewis' transformation from a measly art history major at Princeton into one of Tom Wolfe's "Masters of the Universe" -- a bond trader at a powerful Wall Street firm, Salomon Brothers.

Although it does not deal directly with the legal profession, *Liar's Poker* is a must read for every law student considering large firm work in New York or elsewhere (i.e., the entire HLS student body). It is a brutally honest, often hilarious, but sometimes offensive look at the interviewing process, big-firm culture, hypocrisy, competitiveness and the raw greed and flaming egos of 80's corporate America. Far from a radical indictment of capitalism, the book is more an insider's tongue-in-cheek reflection on a crazy, sometimes abusive but usually entertaining environment.

The story is told from the perspective of one privileged enough to have benefitted from the system, to have survived its seaminess with a sense of humor intact. One gets the impression, however, that the victims of sexual harassment that Lewis so blithely comments on enjoyed quite a different perspective. Which brings me to one of my points.

Lewis's book provides a much needed service for prestige-hungry law students so eager to work for "the top" New York firms. His descriptions of married bond traders pressuring secretaries or trainees for sexual favors, or of the abusive fraternity mentality of the firm, or of the easy slide into unethical or illegal behavior, or of the ultimate social uselessness of much of the firm's work serve to demolish the false perception of prestige that automatically attach to such a wealthy firm and its employees who make literally millions of dollars a year.

- One thing that seems to be getting overlooked in the unfolding fiasco of the Stuart murder case is the obvious and powerful argument the incident provides against capital punishment.

The unfolding facts point to only one conclusion: in the face of racist hysteria largely created by the media and the mayor, the Boston police shamefully and disgracefully lied to the public, harassed and threatened a neighborhood, and created false evidence en route to perpetrating a massive, outright fraud that could have easily resulted in the unjust conviction and life imprisonment of an innocent black man. In many other states, these same events could just as easily have led, and undoubtedly have led in the past, to a racially-motivated execution of an innocent man.

The Stuart tragedy specifically highlights at least two of the most compelling reasons for abolishing the death penalty - its irreversibility in spite of the alarming risk of human error or fraud in the criminal justice system, and its undeniably unfair and immoral administration in a society so pervasively racist. I wonder what those state legislators who called for reinstating the death penalty would have said to Bennett's family if Stuart's suicide had not saved Bennett from their lynch-mob desires? "Oops?"

The case should finally make it plain that, putting aside documented cases of innocent defendants mistakenly put to death, there are probably thousands of cases of racially-biased executions of innocent minorities, immigrants, etc. It's hard to imagine how many state-sanctioned killings of blacks alone may have occurred over time in the South, and throughout the country, merely on the basis of unsubstantiated allegations of rape.

- Congratulations to the Law School Council for accomplishing something at an institution where something as ridiculously trivial as pinball machines cause a stir. But since it is a journalist's job to be a cynical, general malcontent, doesn't it seem suspicious that Clark was so overjoyed with a proposal that will have almost no effect on him? The plan was basically rammed through the faculty by Clark, and hours before the vote was taken no one had asked the obvious question: What's going on around here? Clark's first move as dean is to fire Ron Fox and then ignore student outcry; now, in response to mediocre student concern, he's pushing with all his weight to make interviewing with private firms even easier than it already is, further disadvantaging public interest employers who want to recruit here. When I posed the question to the proposal's LSC sponsors they seemed perplexed. At the faculty meeting these concerns were brushed aside. Maybe Clark just wants to make absolutely sure that we're not providing too many legal services too those damn poor folks.

In any event, it seems plausible that Clark is using the LSC for public relations reasons, to trumpet his responsiveness to student concerns. Of course that's harmless if the end result is a true benefit rather than a shallow political medal. I'm not so sure that next December the students with two less days of reading period will agree.

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As Dean Moves Forward; HLS Students Are Left Far Behind

To the Editor:

Boy was I confused! There I was, halfway through my third year at this institution, thinking nothing much had changed since I got here. I spent my days watching Dean Clark fulfill some of the worst fears of those who had opposed his appointment, and counting the days until graduation. Then I picked up the December 1 issue of the RECORD, and learned from none other than Dean Clark himself, that "The school has never been stronger."

Letter To The Editor

Imagine my surprise! What, I wondered, could be the source of this great strength? Was a more diverse faculty finally being hired? No, but Dean Clark told me that a committee was "working on" such appointments. Was the well-chronicled faculty turmoil finally resolved? Well, not exactly, but then again, "no one ever is" happy, and, in any case, the faculty was "going about their business."

What could I be missing? Was the controversy over the abrupt elimination of the Public Interest counseling office, and Dean Clark's insensitive comments made to the *Harvard Crimson*, finally settled? Not quite, but these events could hardly be weighing on the dean's mind since, as he stated, "I don't remember anything about that, what I said" to the *Crimson*. Sounds a little bit like a recent President of the United States, doesn't it?

So what was it? A second reading of Dean Clark's statements finally enlightened me as to the two factors which had led to this amazing success story: money and writing. Dean Clark crowed over his activities in the area of fundraising -- including trips all over the country, dinners with "potential contributors," and meetings with alumni. Moreover, Harvard Law School has recovered from a shameful time during which I wasn't even aware! Thank goodness we're back on track, as "the output of the Harvard Law School is more impressive than any other."

Obviously there is great potential in many of Dean Clark's statements, particularly in the faculty hiring area. Moreover, fundraising and scholarly output are important parts of any educational institution, and should not be ignored. But as Dean Clark's insensitivity to student concerns appears to continue and even grow, I wonder what he believes to be the reason for the existence of this school. Presumably, as an "educational" institution, its most important asset is we, the student body. Dean Clark seems to see the students as more of a nuisance than anything else; a group to be appeased when absolutely necessary, but generally as merely a source of revenue.

If it wasn't so sad, it might be funny.

Michael K. Hall, 3L

Fenno

Fenno wept. How could his friends at the RECORD have done that to him? He leaves campus for a few days on an "extended" fly-out month, then returns to find that the staff thought he had died.

The staff, being responsible journalists, had even compiled the requisite list of scapegoats. But, they found difficulty finding an available candidate. Willie Horton, a perennial favorite, had not been out on parole in November, so they had decided against using him. Willie Bennett was taken. Willie Fisher was on bestest behavior for tenure. Willie Andrews is renown for spending November in Filene's Basement hunting for bow ties. Willie Davis was busy defending Kevin Watkins.

Alas, they decided to fake it with a death-dream sequence.

Death had not been so good to him. Now he was truly alone. He sat outside the Financial Aid Office. He was number 7 on the wait list, but no one else was waiting.

Head happy camper at the FAO, Dally O'Donahue, had explained it to him, "You're aid was cancelled upon word of your demise."

At 5:00, Fenno was told to go home. He would get no help because That Person did not come in today. It was Meister Brau time...after all, he did have his \$8.00 cash advance.

Meanwhile, at the pub, Fenno, clutching his Meister Brau, cut a swath through the still unconscious bodies of drunken, post-exam 1L's. "That over-Christmas pressure never fails", thought Fenno. "Those medical interns have nothing on us; Viva Tradicion!"

Fenno swallowed, "Oh Boy!" Now was his chance to feed a quarter into that wild & crazy pinball machine. "What a coup this pleasure box was," thought Fenno, "those Romanians got nothin' on us. Wait a minute...Dean Bob Ceausescu...never seen 'em together...naaaah."

Fenno optimistically eyeballed the name by the top score: Reagore. What if he could be the Bestest pinball law student at the Bestest law school? Tommy Fenno.

Fenno felt a pulse as the silver ball zoomed. The bells, the jolts, the thousand points of light...if only he could stay the course! It was tension city.

But it was not to be. Fenno's hands were cuffed before he could say, "Students are students too." As he turned around, there stood two members of the new Palace Guard (formerly of the HumorLesS Police). "Miranda, Miranda, Miranda, swwwwing batter," mumbled one. "By royal edict, pinball machines are hereby declared an inefficient safety risk," whined the other.

"I knew these games would draw riff-raff to the law school", said the centurion. "No," protested Fenno, "the Admissions Office had already done that."

"Why, you are not even a law student." "Promissory estoppel, yes I am," said Fenno, thinking on his feet. "Negligent contract, collateral lex, aldous huxley, and...Corpus Christi delicti!"

Stunned, the Guards removed the handcuffs, pausing only to offer Fenno a jelly doughnut in remuneration. The Guards slinked back to their law czar without any further words.

Fenno let out a sigh of relief. "FREE AT LAST; FREE AT LAST; THANK GOD ALMIGHTY, I'M FREE AT LAST."

To Our Subscribers:

The RECORD regrets any inconvenience caused by last semester's mailing difficulties. We were in the middle of a transition between printers, but now the problem has been solved. We are thankful for your patience and continued support during this period.

Immigration Law Blocks Too Many From The U.S.

Last month the U.S. Immigration and Naturalization Service smacked Piedmont Quilting Corp. of Walhalla, South Carolina, with a record \$580,000 fine for employing undocumented aliens. Plant owner Alfred Mizhir and his wife face addi-

Brad Smith
Columnist

tional fines of up to \$5.1 million and jail sentences of over 650 years each. Among the illegal aliens employed by the firm were one 12 year-old and two 15 year-old boys.

To hear INS Atlanta District Director Tom Fisher tell it, the INS was a real white knight in this one. Working conditions for these three boys "almost bordered on bondage. They were being paid in cash." For menial labor, the boys were being paid between \$4 and \$5 per hour, an amount substantially above the minimum wage in one of the least expensive regions of the country.

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

Although the three boys were the only juveniles among 117 illegal Peruvians and Mexicans that Piedmont is accused of hiring, Fisher dwelled on their plight. "If something goes wrong, do you think that a 12 year-old is going to complain or quit? He is going to shut his mouth." Gee, just like most adult employees I know. The Associated Press went on to report that the aliens lived in (gasp!) apartment complexes and trailer parks.

Only if you read all the way to the bottom of the story, indeed the very last two words, did one discover the identity of the true victimizers: the aliens, reported AP, "were deported." I am quite sure that being unemployed in the slums of Lima or Mexico City compares favorably to earning \$4 to \$5 per hour in South Carolina, aren't you?

Raids like this have become increasingly common since enactment of the Immigration Reform and Control Act of 1986. The key part of that Act is sanctions on employers who hire illegal aliens -- that's why your summer employers require you to bring in passports, birth certificates, and such nonsense. The idea was that this

would dry up the job market for illegals, and thus kill their incentive to come here.

Whether it has worked or not is open to debate. The Urban Institute reports that from November, 1986, when the law took effect, through 1988, Mexicans illegally crossed the Rio Grande at a rate of 1.3 million per year. But, says the Institute, without

gus documentation to get around the law. Until Mexico's economy improves, the Center expects the flow of illegals to continue at roughly the same pace as before the Act.

My own experience tells me that the Center's report is correct. Let's do a simple test: how many of you would know how to spot a forged U.S. passport? Birth Certificate? Social

"...the only immigration problem this country has is our immigration policy."

the Act, the number would have been nearly 2 million. On the other hand, a report from the Center for U.S.-Mexican Studies at the University of California-San Diego says the Act has failed to slow the flow of illegals. Their report admits an initial drop (and thus can be reconciled with the Urban Institute data) but claims that Mexican workers are now using bo-

Security card or driver's license? Employers know no more about this stuff than you do. South of the border, indeed throughout much of the world, a thriving industry specializes in such forged documents. I can tell you from experience, some of these entrepreneurs are good -- real good.

Which is, in my mind, all to the good. As P.J. O'Rourke nimbly puts it in book, *Holidays In Hell*, "We've suffered a huge invasion of cheerful, hard-working, poor people, who grabbed all the shit jobs nobody else wanted and caused a fearsome outbreak of Tex-Mex yuppie restaurants." America remains one of the most thinly populated nations on the globe. If you don't believe it, take a drive from Amarillo to Tucumcari some time. Or simply visit Vermont.

Immigrants have been a constant source of strength for this country. At a time when some authors are warning about the negative effects of the "birth dearth", it is absolutely ludicrous to think that we could not absorb literally millions of additional immigrants. Instead, we are turning away millions of courageous, resourceful individuals on the basis of some bizarre, zero-sum economic theory that holds that productive individuals somehow "steal" jobs from "real" Americans.

Furthermore, in our efforts to "gain control of our borders," we are once more all too hurriedly tossing away our civil and economic liberties. In 1988, the U.S. General Accounting Office announced that 16 percent of surveyed employers admitted that they steered clear of any conflict with the INS by not hiring legal aliens or otherwise demanding more identification from "foreign-looking" individuals. A new report from GAO is due out any day (actually, it's overdue, but we're talking the government here), and is expected to confirm its earlier, more tentative findings that the Act has increased discrimination in the private sector. Given the forged document problem and the threat of criminal sanctions, the employers actions though not commendable are understandable.

In short, the only immigration problem this country has is our immigration policy. It promotes racial discrimination, creates economic inefficiency by adding to both private and public paperwork and bureaucracy, and deprives our nation of valuable human capital. Worst of all, it is simply morally indefensible.

Arguing against increased Armenian immigration, Senator Alan Simpson, of the grossly overpopulated state of Wyoming, says, "We must distinguish between the right to leave the Soviet Union and the right to enter the United States." As Simpson was the primary sponsor of the Immigration Reform Act and champion of employer sanctions, he presumably feels this way no matter where the immigrants come from. So let's try to make the distinction. Could it be because it's wrong to deprive someone of the opportunity for a better life by refusing to let them cross political borders? I'm sure that there is a valid distinction here somewhere, but I wonder if the folks back in Peru and Mexico can see it.

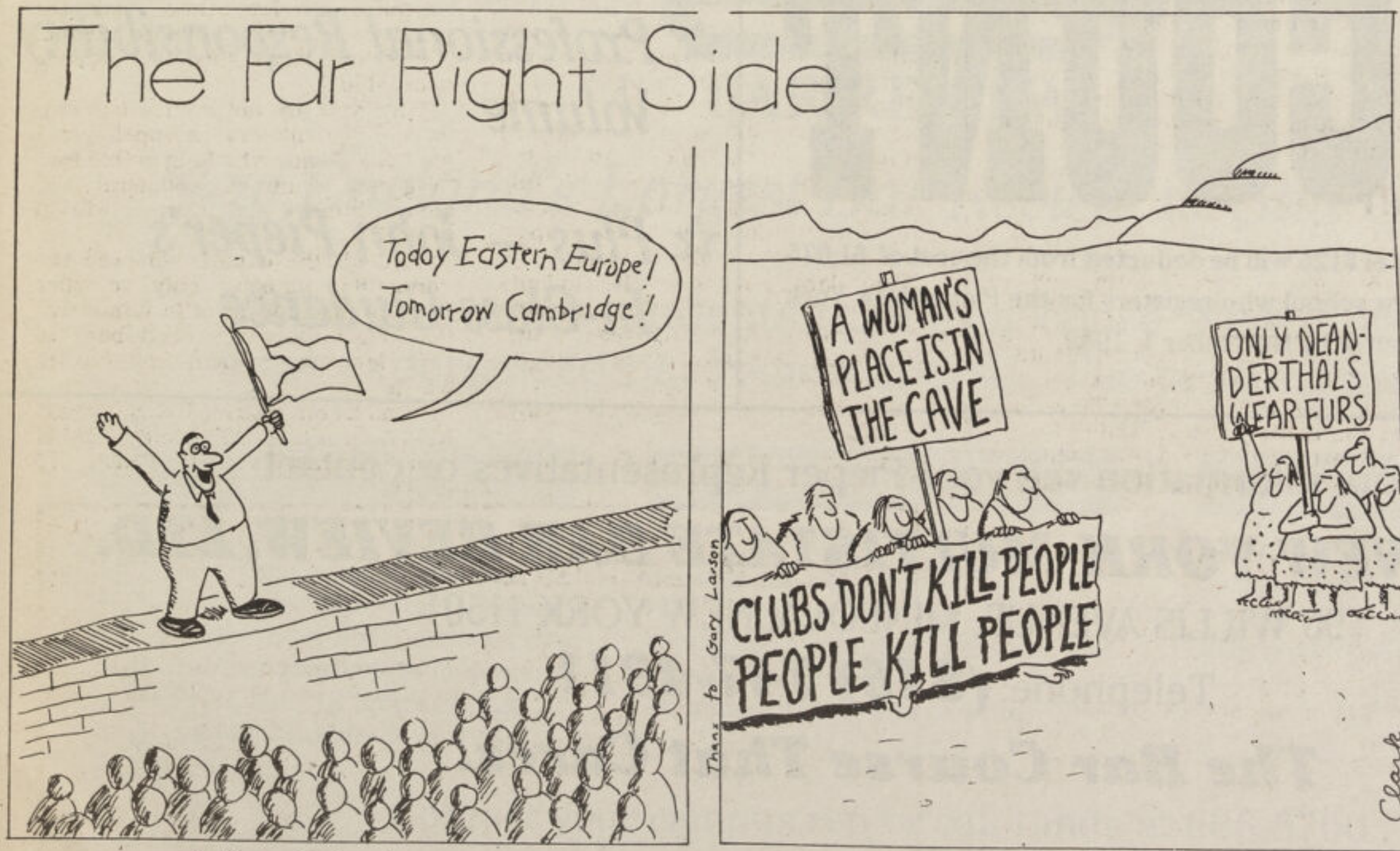
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Agenda Neutral

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Clark's Critics Skeptical Of Recent Call For Dialogue

(continued from page 3)

Clark said that a "broad-based inquiry" is necessary at this juncture. "I don't think [my position] has been understood at all," he explained.

The prospect of a dialogue is not entirely welcome among the dean's critics. "Actions speak louder than words," said ECPIP member Brian Schwalb, 1L. He called the forum a "definitely positive" development,

but expressed the hope that Clark's acknowledgment of student concern would be followed by constructive response to the recommendations currently being prepared by the Advisory Council.

Similarly, James Bernard, 2L, felt that "people should be happy that he seems to want to talk," but noted that "there's been a dialogue going on since September. I will be very happy if on March 7 we had some

proposals we could discuss," he said.

One council member, who requested anonymity, characterized the dean's approach to the issue as exceedingly "academic" and unresponsive to the realities of public interest practice.

These fears were echoed by ECPIP member Lori Wallach, 3L, who expressed the Coalition's view that the law school needs to take an active role in the promotion and encouragement of the field. "It's not dollars and cents," she said. "Emphasizing a purely financial analysis of the matter misses the point. A cost-benefit analysis of this issue would be morally bankrupt, because it's socially irresponsible." She stressed that the Coalition is not challenging Clark personally, but is rather trying to expand the notion of "what this law school will support and consider valuable."

Council recommendations, as planned, will address 11 issues of relevance to public interest at HLS. These include admissions, curriculum, information, counselling, job creation, services for alumni, financial incentives, research, and what Council member Sandra Hauser, 2L,

describes as "bottom line implications for staffing, budget, and organization."

Hauser emphasized that "any effective change will have to be somewhat comprehensive we'll be urging the dean to do something in all of these areas." She added that the final report will not call for specific budgetary guidelines or public interest outlays.

For Wallach, the "critical question" is how Clark will respond to the recommendations. If they are not considered for incorporation into school policy, the dean's initiative might have the unintended effect of further alienating public interest advocates.

Committee Chairman Prof. Christopher Edley '78 said he hopes to see the recommendations ready for release by late February or early March. If they are ready before March 7, the Council will be in a position to present a detailed agenda at the forum. Clark has suggested that policy proposals would be better addressed in another context. A meeting planned as a "philosophical discussion" may come to take on a more concrete and partisan character, Clark added.

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HLS Approves Week Of Fly-Out Interviews

(continued from front page)

the administration has directly acted upon a student concern as far as I can remember," he said.

At the faculty meeting on Jan. 17, many participants expressed strong objections to the proposed fly-out week in either form.

Several professors voiced concern that accommodating for interviews in this way represented too much deference to private firms by an educational institution.

Prof. Christopher Edley '78, expressed concern that, at a time when the school should be more concerned about the lack of students entering public interest law fields, a fly-out week might unduly "contribute to the socializing of students that they need to be obsessed with landing a job with a corporate firm."

Prof. David Wilkins '80 voiced similar sentiments, and strongly urged a radical calendar shift that would move interviews into the spring. "This [proposal] is only for the convenience of the firms," he said.

Clinical Director Daniel Greenberg vehemently stressed the proposal's adverse impact on students' fall semester clinical work. "This severely disrupts the clinical programs [with] an enormous break right at the most productive time [during the fall semester]," he said.

"The gains of this are admittedly uncertain, and the costs are substantial," added David Herwitz '49. Both Herwitz and Associate Dean Louis Kaplow '81 questioned the factual assumption that interviews were the



Prof. Christopher Edley '78

cause of high absenteeism. Herwitz added that, in his second-year accounting class, "It's really hard to tell if the students are there or not."

Clark described concerns that the proposal reveals a bias in favor of private firms over public interest-related jobs as a "severe misinterpretation."

"The message this sends is that we're committed to improving the quality of education and the classroom experience," he said. Clark did, however, express concerns of his own regarding whether the week would be effective and worth the academic and logistical costs, but cited measures suggested in the proposal to counter these uncertainties. Such measures include a clear statement that the week is experimental, a requirement that firms interview



Thomas Samuelian, 2L

90 percent of all interested HLS students within the week, and assurances that there will be careful monitoring from student and firm input.

Questions of legality and structure still remain. Massachusetts law does not permit schools to hold classes on holidays, but there is a provision for exception upon application to the police chief. Personnel and staff questions exist because it is unclear how the school would be staffed on the make-up holidays as well as during the week when only one-third of the student body would be in attendance. The LSC, the Fly-Out Committee, and Clark all indicated that these would not be serious difficulties, and in any case well worth the trouble given the benefits of a consolidated job hunt.

Pub Pinball Machines Draw Fire

(continued from front page)

ued. DSAC was concerned that the administration was blaming them for creating a "risk to the student body by bringing in two pinball machines."

DSAC noted that it independently commissioned two major surveys involving campus safety in 1987-88 and 1988-89. The first survey concerned campus lighting, the second involved the conditions at Hemenway Gym.

Joel Hodes, 3L, is another one of the pinball wizards of HLS. With respect to possible risk created by the pinball machines, Hodes said that the only thing he could think of was "possible looting" if a large crowd ever gathered around the machines.

Hodes said that he enjoyed the pinball machines because they gave him a chance to "get together with his friends everyday." As 3Ls, he said, "it was one of the few chances they had to meet and have a good time." Hodes said that he played up to a half-hour everyday during summer, and still tries to play everyday.

"The machines are very consistent with the spirit of the pub" and have "never caused trouble," Hodes said. He added that "there is no other place near campus to play pinball."

"I don't know if I should be shocked or amused" was Taylor's final comment about Reagor's perception of a safety risk in the pinball machines.

tense public scrutiny of her career, however, upon taking over as Dukakis's campaign manager in the middle of his failed 1988 presidential bid. Estrich was considered by many to be a likely candidate for U.S. Attorney General had Dukakis defeated George Bush. Instead, she endured some harsh criticism, aided by post-election day-hindsight, for her handling of the controversial campaign.

Estrich is currently, among other things, assisting Dershowitz in yet another high-profile criminal appeal - that of Leona Helmsley, the millionaire hotel chain owner accused of cheating the government out of \$1.6 million in taxes.

HLS Loses Pioneer Woman Professor

(continued from front page)

that she faced a hostile environment here for her vocal feminist views.

Although Schneider said the Dalton incident was "a factor" considered by potential women candidates at other schools, both Schneider and Visiting Prof. Regina Austin, who teaches first-year and advanced torts, commented that they felt welcome at HLS and particularly enjoyed their interaction with students here.

"I've had a lot of contact with different faculty members and I've felt very welcome here. I am happy about being invited to visit here next year," Schneider said.

"There are many things about Harvard that are appealing, most of all the students," Austin added. Neither professor, however, would specify whether they would accept an ap-

pointment in the event of an offer by HLS.

Estrich leaves behind a formidable, pathbreaking legacy at HLS.

In 1976, her second year at the school, Estrich was named the first female president of the *Harvard Law*



Visiting Prof. Elizabeth Schneider

Review, an event which prompted national media attention. Nine years after graduating from HLS, Estrich was granted tenure by the school, only the third woman to reach such a position.

Estrich remained in the spotlight as a professor, as her accomplishments and reputation grew. She worked closely with Dershowitz in several areas, notably in the successful, high-profile criminal appeal of Claus von Bulow, who was charged with attempting to murder his millionaire wife by injecting her with insulin.

In 1987 Estrich published what is widely considered a pioneer study of rape, *Real Rape*, which vividly detailed the events surrounding her own rape as a young girl.

Estrich weathered the most in-

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