



Harvard Law Record

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Public Interest Counselor Hired To Replace Fox

By Linda Popejoy

Students who organized the campaign to restore the public interest counseling position claimed a partial victory this week as the placement office hired a temporary replacement for the position held by Ron Fox.

Responding to months of controversy over the elimination of Fox's position, the Office of Career Services hired Stacy DeBroff to fill the gap left by Fox and his assistant, Dana Bullwinkle.

DeBroff was hired for six months to give the Public Interest Advisory Committee appointed by the dean a chance to recommend a more permanent solution, including the possible recommendation that two or more public interest counselors be hired by the school.

Fox was dismissed by Dean Robert Clark '72 in a surprise move last August. Upon hearing of the news, students organized a petition drive that garnered 1,055 signatures in support of the restoration of the position.

DeBroff, 28, a 1988 graduate of the Georgetown University Law Center, said she was "up and running to a very fast start" last week as she helped organize the Public Interest Job Fair held Feb. 7 and 8 in conjunction with six other area law schools.

Students from the Emergency Coalition for Public Interest Placement (ECPPI) praised the choice of DeBroff, but said there was still much work to do before the law school could claim it was giving sufficient support to public interest career options. ECPPI is the organization that led the campaign to restore the public interest position.

"ECPPI is very excited," according to member Lori Wallach, 3L. "The decision to hire DeBroff is a step in the right direction because it will finally be possible to get effective public interest counseling," she said. Wallach added, "a plethora of other changes" are still needed.

"Dean Clark thinks the only critical issue is finances," Wallach commented, but that

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The new Law Review Masthead and Office Chairs.

Photo by Felicia Ravago

'Amandla!': HLS Students React To Mandela Release

Some of Harvard's law students say they are pleased with the release of Nelson Mandela, but they are worried that it might take some of the bite out of the anti-apartheid movement in the United States.

"I'm very happy for him and I know it's inspiring, but I'm holding back my tears of joy for the big prize of majority rule in South Africa," said James Bernard, 2L.

Bernard noted that South Africa is a country where 28 million people of color do not

have the right to vote, while 5 million whites run the country.

"Just because he is released does not mean the killing and slaughter of blacks will stop," added Bernard. "Quite frankly, I'm scared. I'm not there and I'm scared about what is going to happen."

"The fact [Prime Minister] De Klerk is being invited to the White House is an indication of the dangers of equating Mandela's release to progress. That is not what is happening. All it means is that after 25 years he stared them down. He didn't give

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Obama Selects Review Editors

By George Paul

The newly elected Law Review President Barack Obama, 2L, announced the results of the remaining masthead and office chair elections for the Harvard Law Review (HLR) held Sun., Feb. 11.

Selected to the masthead were Lisa Hay as treasurer, Tom Perrelli as managing editor, and Ken Mack as Bluebook Editor. Anne Stone Toker, Julie Cohen, and Jean Manas are the new supervising editors while Adam Charnes, Amy Folsom Kett, and Jim Chen were chosen as the executive editors.

The office chair positions went to Jackie Scott and David Goldberg as articles chairs, Jenny Collins and Julius Genachowski as notes office chairs, Brad Berenson and John Parry as Supreme Court office chairs, Susan Freiwald and Mike Guzman as book notes office chairs, and Mike Cohen as recent developments office chair. All students elected are members of the second-year class.

The results from the elections were not final until Mon., Feb. 12. According to Perrelli, the HLR body voted Sun., Feb. 11, using a ranking procedure for each position.

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DSAC Presses For Change At Hemenway

By John Thornton

After months of Dormitory Student Affairs Council (DSAC) efforts had yielded few changes in the conditions at Hemenway Gym, Jim Doyle, 1L, began applying pressure outside of law school channels, organizing a 400-signature petition and call-in campaign to the athletic department officials who run the gym. As a result, Doyle, student and law school representatives, and athletic department officials will tour the gym today to explore what actions should be taken.

Last October, DSAC presented Administrative Dean Simone Reagor with the results of a student survey including a list of student complaints ranging from the lack of equipment, chronically broken exercise bikes, dusty gymnasium floors and filthy locker rooms to the inadequate number of toilets and showers for women.

Dean Simone Reagor and Frank Lamontea responded by acquiring some equip-

ment, including a rowing machine.

But according to Doyle, "We got a second hand one from the crew team, and it broke."

This type of frustration motivated Doyle to put pressure directly on athletic department officials. A petition citing safety and equipment problems was presented to Director of Athletics Jack Reardon who is in charge of most university athletic facilities.

Doyle also placed signs up at the law school urging students to call in and complain to Reardon or squash coach Steve Piltch, who is in charge of Hemenway Gym's daily operations.

Piltch said that maintenance efforts have been stepped up. "A maintenance company now services equipment once every other week or as needed," he said. He and Reardon also said that just this week new barbells were purchased, but that they were stolen.

Piltch defended efforts to keep the facilities clean, say-

ing that the courts are swept daily and that people have complained about the bathrooms immediately following their cleaning.

Piltch distinguished the correctable equipment and maintenance problems, which he says he is working on, from the physical constraints of the building which can only be overcome through expensive renovations, if at all. "When the building was built, very few women used. Now there are two aerobics classes trying to use the limited locker room facilities," he said.

Reardon has no strong desire to keep Hemenway as a full service fitness center open to the whole university. "Our interest in that building [Hemenway gym] is squash," said Reardon.

"I don't have the money to make major changes. The law school would have to support major changes, or could purchase the facility," he said. The business school recently built a \$17 million athletic facility which it owns. The university is hoping to build new squash courts at Soldier's Field, which would free it to sell Hemenway, according to Reardon. The law school has not shown much interest in purchasing Hemenway, Reardon said.

Although the university currently owns the gymnasium, the law school purchased much of the equipment in it, including the Universal machines. All members of the university are allowed to use Hemenway; Reardon estimates that 50 percent of its use is by the law school.

He added that the costs of

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More Dorm Rooms To Be Allocated To Women

By Kristen Swartz

The dean of students has announced a new gender-based dormitory allocation policy, offering more rooms to women in an attempt to rectify the disproportionate allocation of dormitory rooms to men, despite scattered criticism that the plan was unfair to men.

According to the re-allocation plan outlined by Dean Sarah Wald, 50 percent of the first-year rooms will be given to incoming women next year. Second- and third-year women will receive 45 percent of the upperclassmen rooms for a "transitional" year after which the upperclassmen allocation will be re-considered.

According to the plan, there will be four co-ed floors next year, probably in the Ames and Holmes Halls. Wald suggested that if the co-ed dorms "work out, we'll extend it to more floors."

The most vocal opponents of the re-allocation were second-year men currently living in the dorms. Jorge Contreras, 2L, wrote that the proposal was "more discriminatory than the original system" and that it didn't address the disadvantages "men suffer . . . from living off campus" such as inconvenience and economics.

Wald gave two reasons for the re-allocation. First, the current allocation system strongly favors men. Accord-

ing to this year's figures from the dean of student affairs' office, 89 percent of the first-year male applicants received rooms while only 59 percent of the first-year women applying were given rooms. The second reason was a concern for women's safety "who lived far from campus."

Raymond Jasen, 2L, said "he took great exception to the implicit assumption that security concerns are the sole province of women." Jasen also wrote that he did "not subscribe to the theory that . . . the threat from, and fear of, crime is greater for either sex."

Glen Solomon, 2L, said he didn't think safety was an issue, didn't know of "women who had been attacked" at Harvard and was told by the Harvard Police that women and men were attacked with approximately the same frequency.

When Wald came to HLS three years ago, only 30 percent of the dorm rooms were allocated to women. Since that was behind the enrolled population, she immediately had dorms reallocated to give 40 percent of the rooms to women. Wald said that even with the changes, the allocation of rooms remained behind the percentage of women admitted into HLS.

Women comprise 44 percent of the class of 1992. According to figures supplied for this year, only 35 percent

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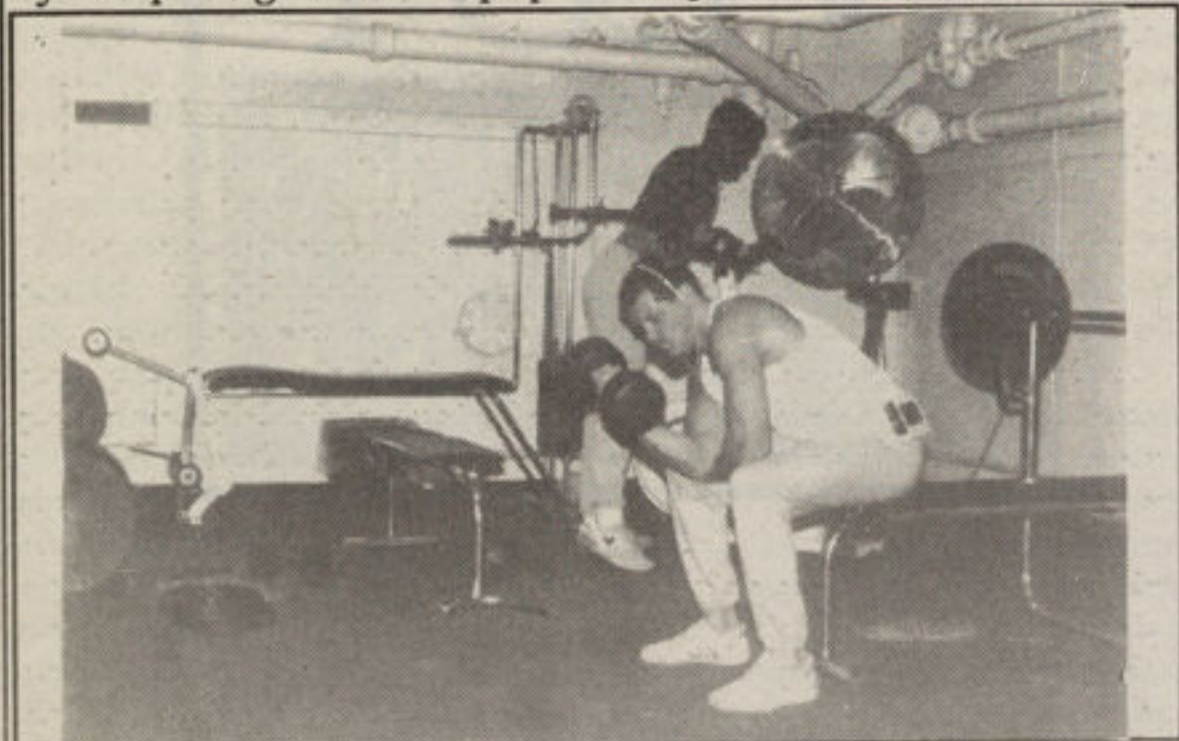


Photo by Felicia Ravago

The weightroom in the Hemenway Gym.

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Conference Focuses On Surge In Hate Crimes

By Lee Tucker

Elie Weisel refers to them as "crimes against the American dream." Others call them "bias crimes," or incidents of "ethnoviolence." The rising phenomenon of crimes directed against a person or group because of their sexual orientation, race, ethnicity, or religion -- crimes such as gay-bashings, cross-burnings, and swastikas scrawled on synagogues -- was the focus of a day-long seminar held Feb. 11.

Sponsored by the Jewish Law Students Association (JLSA) and attended by approximately 70 students, "Hate Crimes: Dimensions and Legal Responses" addressed the dynamics of hate-motivated crimes and their legal remedies. Highlighted by an afternoon appearance by Rep. Barney Frank (D. Mass.), the seminar presented two panel discussions, a screening of the film "Racism 101," and a discussion with lobbyists for People for the American Way.

Julia Gordon, 1L, chairperson of the conference, said that the seminar was motivated by a concern for the increasing prevalence of hate crimes, an awareness that bigotry on campuses -- including HLS -- continues, and a recognition that law students, as future members of the law enforcement community, have a particular responsibility to be informed.

Panel member Sgt. Bill Johnston, of the Boston Police Department's Community Disorders Unit, distinguished hate crimes from regular crimes in terms of the underlying purpose. In reference to the painting of swastikas on temples, he said, "This is not vandalism. Vandalism is trying to destroy property. This is a symbol of hate, and it is trying to destroy people. It is an early stage of terrorism."

Despite the public's tendency to associate such acts of violence with

skinheads, the Ku Klux Klan, or other white supremacist groups, the panelists agreed that perpetrators of hate crimes are often not members of identifiable groups. Instead, what the perpetrators share is a fear of diversity.

Tony Williams, director of Brandeis University's Transitional Year Program, admitted that he was inviting controversy when he said that "not all [persecuted] groups are alike." Race and sex are the two critical variables, Williams said, in that they entail high social visibility and are indicators of class stratification too.

The gay and lesbian community has witnessed a strong correlation between increased visibility and increased attacks, according to Steve LeBlanc of the Fenway Community Health Center. LeBlanc said the Center saw a 250 percent increase between 1988 and 1989 in crimes directed against gays and lesbians. "We've been trying to become less invisible," said LeBlanc, in reference to societal pressures on gays and lesbians to hide their orientation. "Unfortunately, the place we've become most quickly less invisible is among the haters."

The rise in frequency and intensity of publicized hate crimes, including the murder of a black man in Bensonhurst and the recent mailbombings of civil rights workers in the South, convinced most seminar participants that the United States is experiencing a marked upsurge in hate-motivated violence. Available data supports this conclusion. According to a report put out by the National Gay and Lesbian Task force, many groups and agencies documented record-high incidents of hate crimes in 1988, including The Los Angeles County Commission on Human Rights and the Anti-Defamation League of B'nai B'rith. Williams and Gordon believe this resurgence is in part a

legacy of the Reagan era and the shift in attitudes about the importance of civil rights and affirmative action. In addition to the political climate, both emphasized the underlying influence of economic realities. "When times get hard," Gordon pointed out, "people want easy answers, quick fixes, and someone to blame."

Due to a lack of organized data, the actual extent of hate crimes and their geographic trends are still largely a matter of guesswork. Leonard Zakim of the Anti-Defamation League of Boston said one problem in gathering data is the reluctance of many victims to report hate crimes to the police.

Other participants pointed to group-specific reasons for avoiding the police. Sgt. Johnston acknowledged that blacks and other racial minorities may have an historical and well-founded mistrust of the police. Marie Milnes, 1L, from Long Beach, Calif., pointed out that fears of discovery and deportation prevent reporting on the part of the undocumented. LeBlanc pointed out that lesbians and gays who are not openly homosexual face the risk that once an attack becomes public knowledge it will lead to loss of employment, housing, or the support of family and friends.

The lack of organized data regarding those hate crimes which have been reported led to the Feb. 9 passage of the Hate Crimes Statistics Act. This bill authorizes the Department of Justice to collect and publish hate crime data for five years. A lobbyist



William Johnston

for the bill, Susan Armsby of People for the American Way, said that such data, by targeting the extent and nature of such crimes, will better equip law enforcement officials in combating the occurrence of hate crimes. She expressed optimism that public awareness of this issue is growing, due primarily to increased media coverage.

There was a consensus among the panelists that hate crimes are detestable. Rep. Frank said, "People say that you can't legislate against prejudice. Of course you can." Frank pointed to the 1965 Voting Rights Act as an example of attitudes being informed through control of behavior. Williams also said that changes in behavior lead to changes in attitude, but he emphasized that what is needed is a truly fundamental change in values. "The reality of Americans of color," he said, "is not much different than it was thirty to forty years ago."

Clark Moves Clerkship Deadline

By Paul Tarr

In a series of moves designed to "inject some order into the process of selecting law clerks," Dean Robert Clark '72 has requested adjustments in the deadlines for the submission of faculty recommendations. An initial memo to the faculty set the date at April 1. This week, the date will be moved up to March 1.

His announcements, made largely at the suggestion of the Association of American Law Schools (AALS), will be echoed at Yale, Stanford, Chicago, and Penn, where the law school deans have made identical requests.

The new deadline has generally been welcomed by faculty and administrators who feel the application process has become too lengthy and diffuse. A number of students, however, have complained that the mid-stream change of policy could possibly hurt their employment prospects.

Students applying for clerkships were under the impression, as of September, that the application process would be finalized early in the second term.

This was affirmed in a memo to the students issued in early January by Margaret Tuitt, the Judicial Clerkship Administrator. Under the subsection "timing," it states: "In an effort to maintain some degree of sanity in the process, HLS has adopted February (original emphasis) of your 2L year as the starting time for submission of federal clerkship applications. This timing seems appropriate, since this is when Fall 1989 grades become available. However, you may submit an application sans current transcript and forward Fall grades when available."

The memo further states that, in cooperation with the United States Judicial Conference, the National Association of Law Placement (NALP), the AALS, and a number of other law schools, it was decided that: "no job offers, tentative or final, should be made to law clerk applicants before May 1 of the applicant's second year; no offers may be made before 12:00 noon Eastern Daylight time" (original emphasis).

Yet in a Feb. 1 letter to the faculty, Clark urges compliance with an April 1 deadline, saying "Harvard should not be the leader in undermining this attempt" at rescheduling. A memo released to the student body this week announces a second change, to

March 1.

The changes were originally inspired by the Federal Judicial Circuit Council which, according to Dean of Students Sarah Wald, requested the AALS organize an effort to establish the April 1 date. The judges' organization then reconsidered; a final date of March 1 was thought to be late enough to ensure that second year grades are available, but late enough so that spring break interviews could be conducted with the benefit of available references.

A provision that no job offers be extended before May 1 still stands.

Many students planned to have their application completed in February; some have mailed their grades, in the expectation that references would follow close behind. Other students are depending on strong references to compensate for marginal grades; they fear the new rules will hurt their applications, as the most impressive part of it will not be available for review by the judges for several months.

Some applicants have completed the process, had their references mailed out before the dean's letter was released, and have even scheduled interviews. This puts them at an advantage relative to students who failed to beat the new time restrictions. One disgruntled second-year applicant said, "People are going to look at my application and throw it in the garbage, because my grades are average, but my recs will be excellent."

Applicant Jim Chen, 2L, noted that "to the extent that it pushes the decision later it allows people to consider whether they really want a clerkship, and not just as a credential. They might have the opportunity to retract their application, and not feel trapped by the process and compelled to complete it."

He added, however, that any new system would be fighting "a long tradition of free-form applications."

Still, much of the faculty praised the order the new rules are bound to impose on the process. Prof. Lance Liebman describes himself as "very supportive" of the effort, especially for the way in which it will ensure the availability of first-term, second-year grades. "For a long time we've felt that the clerkship process has been getting earlier and earlier" he added. "Pretty soon, students will be mailing applications after the LSATs."



First-year Williston winners, (L-R) Robert Niewyk, Felix Phillips, Lawrence Blch, Anita Ramasastry, and Karen Levy

First Years Negotiate Williston Win

By Sharon Stone

The awards for the 38th annual Williston Competition were announced in the Ropes-Gray Room, Wed., Feb. 7. The competition, which is named after Samuel J. Williston, a Harvard Contracts Professor of the early 1900's, attempts to introduce first-year students to the world of contract negotiation through five days of intense bargaining. This year, 34 teams of two competed to produce a contract between an author and the U.S. government for the author's services as a political adviser. Prizes were awarded for the best contract for the author, the best contract for the government, and the best overall contract.

Winners in the Best Author category were Karen Levy and Brandon Bradkin. Martin Elling and Anita Ramasastry won the Best Government category. In the Best Overall category, two teams composed of Felix Phillip, Robert Niewyk, William Stone, and Larry Bloch took the honors. Best overall winners took home \$100 each and other winners were awarded \$50 each. All winners receive certificates commemorating their accomplishments and their names will be engraved on a plaque which to be hung in Langdell Library.

Of the 34 teams, only four failed to negotiate a final contract. Despite this failure, six of the eight non-finishers told the organizers that they still learned a great deal about nego-

tiations, trust, integrity and keeping one's credibility.

Niewyk, one of the winners in the "best overall" category, said, "my partner and I spent over 30 hours on the contract, 21 of which were spent actually negotiating. It was pretty intense."

The winning contracts were chosen by the three-member Williston committee of the Board of Student Advisors (BSA) which included of Phil Berg, 2L, Melissa Rheinberg, 2L, and Jim Flynn, 3L. Each contract was reviewed and graded by one committee member and another person from BSA. The contracts were judged on substance, negotiated terms, and drafting quality.

Flynn, the Williston chairperson, said the number of participants was a little below average compared to past years, "but overall I was pleased with the calibre of the contracts negotiated. The problem was a little more difficult than last year, but this year's contracts still compare favorably."

At the award ceremonies all the participants expressed enthusiasm about the competition. Steve Kasten-berg, who went home prizeless with his partner Don Lempkemier, said, "going two on two was a very intense experience. It was worth it." Niewyk expressed surprise at his victory and said, "the lack of sleep was more than worth it." Phillip, another best overall winner, said, "it was a very rewarding educational experience."



Harvard Law Record

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Erick Hachenburg
Editor-in-Chief

The Semester In Review

After six months of our new dean, it is time to look back. Leaping out at everyone are the battles of last semester. Petitions, protests, media coverage, and letters filled with intensity marked the activism of the law school last semester. The Emergency Coalition for Public Interest Placement (ECPiP) orchestrated the most sophisticated publicity campaign a student group has ever produced. The campaign brought to the forefront an issue that will affect this law school and every student in it before it is over.

In response, Dean Clark relayed cool explanations, trying to justify to ECPiP, the law school, and the nation why exactly he had so suddenly and clumsily eliminated the public interest counseling office at Harvard Law School.

Underneath the public interest flurry, Alianza continued its year-old campaign to convince the administration that an Hispanic professor was of paramount importance to further the excellence of Harvard Law School. Alianza also organized petitions and protests, but added a little bit of humor, selling T-shirts with empty frames depicting all of the Hispanic professors in Harvard Law School's 178-year history.

In response to this, Clark met quietly with members of Alianza assuring them that he too was interested in inviting an Hispanic professor to the Law School, all the time emphasizing that Harvard Law School must maintain its academic and scholastic excellence. A goal that Alianza never suggested it would want to sacrifice.

Finally and not to be forgotten, Law School Council (LSC) with its dedicated president, Brian Melendez, and a very active chair of the LSC Legal Education Committee, Tom Samuelian, researched and drafted a proposal to meet a perceived need: a fly-out week to allow students to interview without missing so many classes.

As we head into the second semester, progress has been made and student efforts have paid off. Last week, Clark appointed a temporary (six months) public interest counselor until a permanent replacement can be found. Stacey DeBroff, the new counselor, has been met with approval by all. Two weeks ago, Clark informed Alianza that Prof. Torres of the University of Minnesota Law School had accepted an offer to visit Harvard Law School for all of next year. A visiting professorship is often a precursor to a permanent offer. Also two weeks ago, Clark and the faculty acted with unusual dispatch and enacted a modified version of the LSC fly-out week proposal. Although students have registered a couple complaints about the plan, it is certainly worth trying for a year.

As we look back at last semester, there are a few things worthy of note. Apparently, student efforts are worthwhile and can instigate change, and apparently, Clark, though sometimes hard to read, is able to make adjustments in his long-range vision in ways that should make this a better place to go to law school. Despite the strains of last semester, everyone deserves congratulations.

As we look to the upcoming semester, however, the administration should continue to listen to students concerns. Student efforts, encouraged by the recent progress, are certain to be continued. ECPiP will work with the Public Interest Advisory Committee and seek changes that could affect the curriculum, financial aid, and other fundamental aspects of student life. Alianza, joined by other student groups, will continue its campaign because Prof. Torres is only one step to a more diverse faculty. LSC also will continue its efforts, as it has during the entire tenure of Melendez. May this semester be even more fruitful than last.

E.H.

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

The RECORD welcomes letters to the editor on any subject from students, alumni and interested members of the law community. Letters are printed as space provides and are edited for space and clarity. All letters should include the name(s) and phone number(s) of the author(s). All letters submitted become the property of the RECORD.

Letters To The Editor

Record Coverage Errs On Philippines Coverage

To the Editors:

As one of the moderators and organizers of the discussion "Militarization and Human Rights Violations in the Philippines," I was disturbed by the biased article on the talk which appeared in the Dec. 1, issue of the RECORD.

The article sensationalized and trivialized what student feedback told those of us who worked on the panel was a fascinating discussion exploring many of the controversies around the current Philippine human rights situation.

What's worse, the article misrepresented the lawyers' views and statements. For example, one of the main thrusts of the article seems to be that the lawyers "dismissed" the reported extrajudicial executions and other atrocities by the communist New People's Army (NPA). This simply was not the case. The lawyers argued that international human rights law should not apply to the insurgents because they are not a state and the Philippine government does not recognize them as such. This is in keeping with almost all international human rights organizations, including Amnesty International. Instead of international human rights law, the applicable body of law is international humanitarian law: the laws governing the conduct of wars. Attys. Valera, Battad, and Bautista repeatedly cited Article 3 of the Geneva Convention which in essence guarantees many of the same rights as human rights standards: it prohibits violence to the life and person of noncombatants, in-

cluding killing, cruel treatment and torture.

On a related point, the reporter inaccurately characterized Atty. Valera's discussion of the doctrine of parallels. The article said that the Philippine government merely stated that "the insurgents as well as the military commit atrocities." No one on the panel would disagree with the statement that the insurgents in the Philippines have committed atrocities. However, the doctrine Atty. Valera discussed was the government's claim that the NPA committed an equal number of human rights abuses to that of government forces. According to all the documentation that I have seen, this claim of parity in the number of abuses is inaccurate.

Similarly, the article took Mr. Bautista's remarks about the prosecution of human rights violations by the NPA out of context. The position of many Philippine human rights organizations is that they do not have the time or the resources to monitor all human rights abuses: currently the government military and paramilitary forces. This does not mean that human rights organizations do not hold the NPA accountable for atrocities, and Mr. Bautista commented that "all of us must condemn" human rights violations by all parties.

What dismayed me most about the article was that it gave very little attention to the detailed account presented about the worsening human rights abuses by military and para-

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And The Winners Are . . .

To the Editors:

OK, we realize we didn't give you contest junkies out there much time, but, since the risk posed by pinball is so "obvious" we didn't think you'd need it. After careful consideration of the many qualified responses we have received, we, the judges, are happy to announce the winners in the "Name-the-Risk-of-Pinball Competition." First, honorable mention goes to Christopher Erhardt for his entry, "Electrocution caused by beer spilled when you tilt." As Judy Tanuta would say, "It could happen." Our winners, however, were much more ambitious. Mark Cowan, 3L, and Jeff Weir, 3L, win for their "Top Ten Reasons Why Pinball is Dangerous to HLS":

- Noise kills Pub's natural academic atmosphere.
- Detracts from aesthetic value of World Tree.
- Duncan Kennedy beat Dean Clark's high score.
- Provides a more rational way to grant tenure.
- Keeping machine prevents formation of Emergency Coalition to Save Pinball.
- It was rumored that law school students were having fun.
- Conservatives enjoy pinball.
- Complaints of unfair competition from Creative Gourmets.
- Pinball machine clashes with beautiful Gropius architecture.
- Dean Reagor has spent too many quarters already.

Further honorable mention goes to David Letterman for obvious reasons. For their efforts, the winners will receive one roll of quarters and the judge's hottest tips on pinball games in Cambridge and how to beat them.

Jacqueline Fuchs, 2L
David Rockwell, 3L

Philippines Human Rights Record Distorted

To the Editors:

Felicia Ravago's article in the Dec. 1 issue of the RECORD ("Lawyers Criticize Aquino on Human Rights Violations") distorts the positions taken by the speakers and does not provide an accurate account of the event.

The article reports on a panel of three Philippine human rights lawyers, co-sponsored by the Human Rights Program and the HLS chapter of Amnesty International. Panelists gave a detailed picture of the human rights situation in that country, a situation which by all reliable accounts is significantly worse than before the flight of President Ferdinand Marcos on Feb. 25, 1986. A fourth lawyer participated in the question-and-answer period following the presentations.

A few examples. While the article refers to "the deteriorating social order" under the Aquino government, and to the "poverty of urban refugees" described by the panelists,

curiously absent from the reporter's account is the factual context provided by the panelists and their arguments that these phenomena are largely attributable to the policies of the present Philippine government. There is no mention of the panelists' assertions that paramilitary groups (whose stock in trade is murder, torture and intimidation) are linked to the Philippine military and security forces. There is likewise no mention of a key point made by Lio Battad in her presentation: that the bombing of villages in the Philippine countryside is a major cause of internal refugees.

Abstract references to the "systemic and societal problem of landlessness" and to the Aquino government's policy of "total war [against the insurgency]" are virtually the only place in the article where these two fundamental causes of the Philippine crisis are mentioned. No men-

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Correction:

In the Feb. 9 issue of the RECORD, in the article titled "Federalists Debate Separation of Powers at D.C. Conference," several statements were incorrectly attributed to White House Counsel Boyden Gray. The RECORD regrets this error.

Mr. President: What Makes A Great President?

Monday is Presidents' Day, in honor of our two greatest presidents, George Washington (DOB February 22, 1732) and Abraham Lincoln (DOB February 12, 1809). Studying presidents is something of a hobby of mine -- my personal favorites are Jefferson, Grover Cleveland, Warren Harding (undoubtedly the nation's most underrated president), and Silent Cal Coolidge, also a grossly underrated leader.

Brad Smith
Columnist

What makes a great president? Let's see what the presidents themselves have had to say:

"I long ago despaired of any other reward for my services than the satisfaction arising from a consciousness of doing my duty, and the esteem of my friends." Washington.

"The man who never looked into a newspaper is better informed than he who reads them; inasmuch as he who knows nothing is nearer the truth than he whose mind is filled with falsehoods and errors." Jefferson.

"I have only two regrets: that I have

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

not shot Henry Clay or hanged John C. Calhoun." Andrew Jackson.

"As to the Presidency, the two happiest days of my life were those of my entrance upon the office and my surrender of it." Martin Van Buren.

"The idea that I should become President . . . has never entered my head, nor is it likely to enter the head of any sane person." Zachary Taylor.

"As I would not be a slave, so I would not be a master." Lincoln.

"The Lord prefers common-looking people. That is why he makes so many of them." Lincoln.

"Although it is good that the people support the government, the government ought to support the people." Grover Cleveland.

"Stand the gaff, play fair; be a good man to camp out with." Theodore Roosevelt.

"Politics, when I am in it, makes me sick." Wm. Howard Taft.

"Segregation is not humiliating, but a benefit." Woodrow Wilson (rivaled only by James Buchanan for the honor of "Worst President in U.S. History"), speaking to black leaders.

"I love to meet people. It is the most pleasant thing I do; it is really the only fun I have. It does not tax me, and it seems to be a very great pleasure to them." Warren G. Harding.

"The country is better off tranquilly

considering its blessing and merits, and earnestly striving to secure more of them, than it would be in nursing hostile bitterness about its deficiencies and faults." Calvin Coolidge.

"Action can come only from ourselves. . . the state, call it what you will, cannot act; our only strength, our only security, lies in the individual." Coolidge, the only President born on July 4.

"People criticize me for harping on the obvious. Perhaps some day I'll write an article on The Importance of the Obvious. If all the folks in the United States would do the few simple things they know they ought to do, most of our big problems would take care of themselves." Silent Cal again.

"Prosperity cannot be restored by raids upon the public treasury." Herbert Hoover (but it was left to FDR to prove Hoover correct).

"The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have little." Franklin D. Roosevelt.

"All the President is is a glorified public relations man who spends his time flattering, kissing, and kicking people to get them to do what they are supposed to do anyway." Harry S.

Truman.

"Things have never been more like the way they are today in history." Dwight D. Eisenhower.

"Every gun that is made, every warship launched, every rocket fired, signifies . . . a theft from those who hunger and are not fed, those who are cold and are not clothed." Eisenhower.

"Forgive your enemies, but never forget their names." John F. Kennedy.

"I never trust a man unless I've got his pecker in my pocket." LBJ

"Whenever any mother or father talks to his child, I hope he can look at the man in the White House and . . . say, 'There is a man who maintains the kind of standards personally I would want my child to follow.'" Richard Nixon.

"[W]hen I go out of office. . . I hope people will say, 'You know, Jimmy Carter made a lot of mistakes, but he never told me a lie.' Jimmy Carter. (Boy, talk about clairvoyance!)"

"Government is like a baby. An

alimentary canal with a big appetite at one end and no sense of responsibility at the other." Ronald Reagan at his most eloquent.

"Well, I would--if they realized that we--again if--if we led them back to that stalemate only because that our retaliatory power, our seconds, or strike at them after our first strike, would be so destructive that they couldn't afford it, that would hold them off." Ronald Reagan at his least eloquent.

Happy Presidents' Day, and I hope Santa Flag brings you lots of gifts.

Fenno

"How could this happen?" Fenno shouted cathartically, throwing his remote control at his Official Bob Clark. Firm o' the Month Wall Calendar. Luckily, February's spread featured the "The Girls of Baker & McKenzie."

"How could this happen?" Fenno repeated. "Donald and Ivanna were the perfect couple! If their marriage is not safe, whose is?" Fenno sighed and fell lifelessly, Tyson-like, deep into his chair.

"Gee," thought the Fenno, "the transaction costs from this divorce-oriented transaction are going to make some lawyer real rich. Why can't that be me?" Fenno slapped on his Nike Pumps and filled them up firm. He was off.

Hours later, Fenno found the right room-- "Career Counseling." "Next," a voice whined from within. Fenno read her button: Corporate Law is Public Interest Law. "Pretty cute, isn't it?" the woman snorted. "Are you having a hard time choosing one firm?" "Well," a brave Fenno remarked, "I'm not sure I want to work for a private law firm; I'm not sure what I want."

"Ooh?!" squealed the woman, leering up from her desk for the first time. The woman started explaining how it would be very difficult to pay off loans without a high-paying job. Her words, however, started to blur; Fenno could not understand; he felt like Charlie Brown; he was leaving his body, slowly floating toward the ceiling. He was having a dream, not a big dream, but a tiny, Fenno dream.

"Who are you?" asked Fenno. "I am the ghost of corporate law," said the stoic, bow-tie clad ethereal being, "and this is the glimpse of one future."

"Who is defendant's counsel?" a judge's voice boomed. "That's me!" stated Fenno, "and judge we need another year's time; I have to go through plaintiff's fertilizer transaction records." His voice drifted away.

"And who are you?" asked Fenno. He could tell from his tie-dye T-shirt that he was the ghost of public-interest law. Fenno saw himself in court, his polyester suit shining under the lights.

"Well judge," Fenno shot back, "the landlord has lead paint in the attic." Fenno followed the third ghost, the ghost of government law, to court.

By KA

TO: Readers of "Break Downs"
FROM: the RECORD & (your pal) the Normative Chameleon
DATE: 16 February 1990
RE: Cartoon Contest

Dear Reader(s),

Due to a particularly acute attack of leftist ennui brought on by an aggravated case of 3rd year paperitis, the Normative Chameleon is temporarily indisposed to putting forth even the minimal effort that this puerile, adolescent and repetitive cartoon requires. Wallowing in self-pity, he has succumbed to the infamous Three D's of Harvard Law School: DISORIENTATION, DEMOBILIZATION, and DEPRESSION. In spite of his intellectual paralysis (as any faithful reader of this cartoon can vividly attest to), the Normative Chameleon has asked the RECORD to announce a CARTOON CONTEST!!!

Objective: Bash anything/and/or everything for nothing -- try to do it in cartoon form (using the term "cartoon form" very broadly -- ANY subject!)

Suggestion: The size format for artwork to be reduced into this space has been 9 inches by 14 inches; black ink reproduces much better than pencil, but hey, as good of Roberto Unger sez, contexts were made to be smashed, right? Right!

Winners (if there are any contestants, that is) will be announced and reproduced in this space sometime this spring (Deadline for submissions is approximately mid-March.) Submit as many entries as you want to: The HARVARD LAW RECORD, 23 Everett Street, Cambridge, Ma 02138 (Or the RECORD Mailbox at the north end of the Hark). Open to ANYONE who reads this, except for you, KA, you gravy-sucking, snivelling, brown-nosing, hypocritical sychophant!

The Grand Prize (actually, the only Prize) will be a valuable & rare copy of the 1989 Collection, CASUAL LEGAL STUDIES: ART DURING LAW SCHOOL, by LUKE COLE & KA, with an introduction by Duncan Kennedy (the RECORD strips from 1987-89 and some 1986 REPTILE material) as well as a copy of "forthcoming in May" the 1990 SUPPLEMENT TO CASUAL LEGAL STUDIES by KA (all the RECORD strips from 1989-1990).

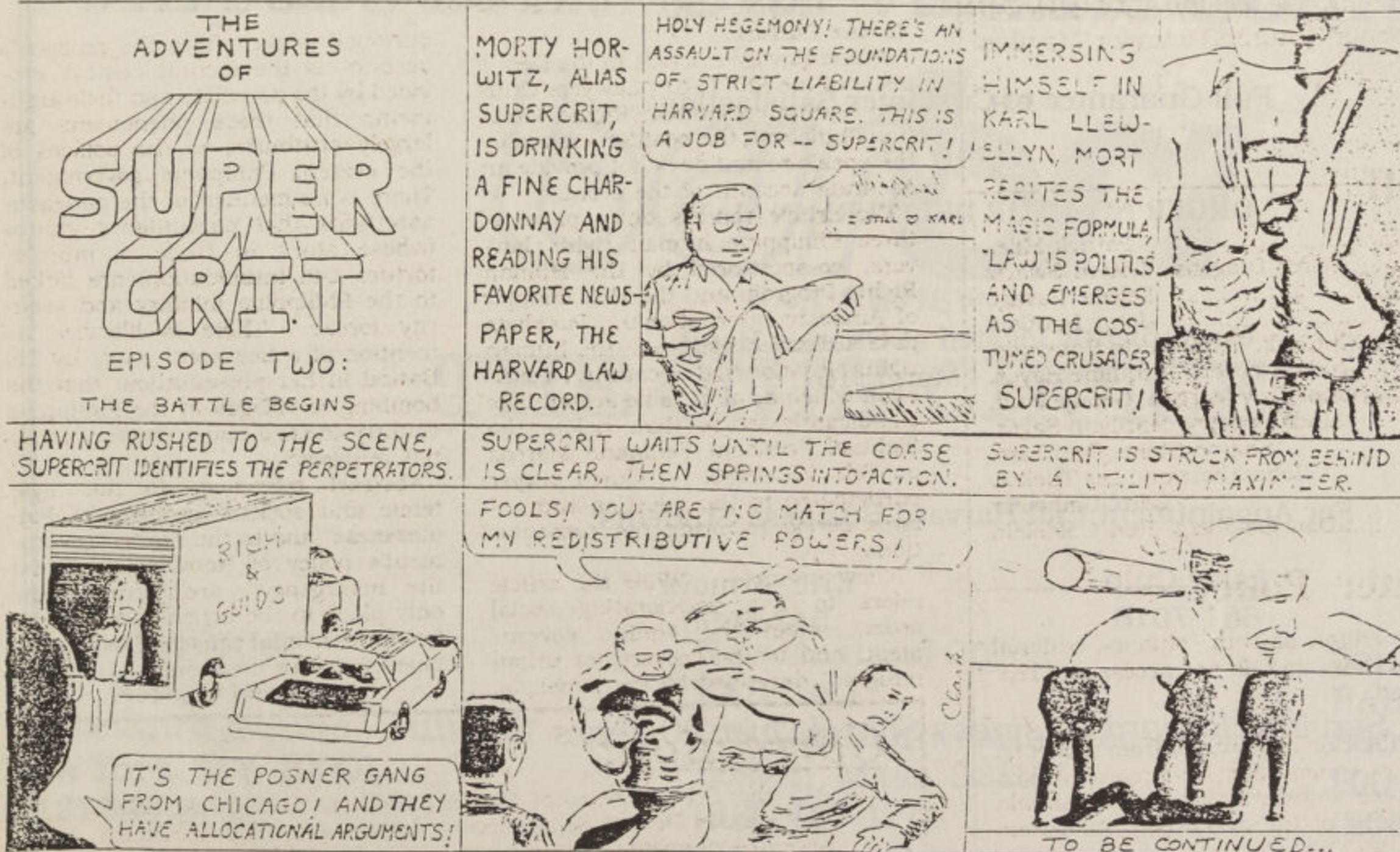
Caveat: Criteria which the judges will use will be wholly arbitrary, subjective, largely inarticulate, and verging on the random (something all of you law students must be totally accustomed to by now, except for the ILs, and they'll be used to it after they get their 1st semester grades!)

Break Downs



Agenda Neutral

By Clark



Drug Legalization: A Pyrrhic Victory, If A Victory At All

A growing sense of frustration with the federal government's impotence in waging its heralded war on drugs has recently provoked several prominent public figures to promote a controversial alternative solution: legalization.

Greg Dingens
Columnist

While this is scarcely a novel idea, the stature of its current advocates has given the push for legalization renewed momentum. Former Secretary of State George P. Schultz, economist and Nobel laureate Milton Friedman, conservative columnist William F. Buckley, and most recently Manhattan Federal District Court Judge Robert W. Sweet have all publicly endorsed the idea. Another champion of drug legalization, HLS Prof. Alan Dershowitz, claims personal knowledge of private support for this policy among a "half dozen Senators and several dozen Representatives." Dershowitz insists, however, that seemingly overwhelming public opposition to the idea prevents them from revealing their true feelings on the subject.

Responding to a convincing majoritarian public opinion, the Bush administration has taken an uncompromising stand against legalization, claiming the result would be an "unqualified national disaster," creating a great increase in the incidence of addiction. The administration's "drug czar," William J. Bennett '71, recently labeled the idea of legalization "morally scandalous" and scoffed at the legitimacy of the option, calling it a "fancy-pants" theory endorsed only by ivory tower intellectuals. Last year, Congress passed an anti-drug bill which explicitly rejected legalization as an unconscionable surrender in a war in which "there could be no substitute for total victory."

Yet the inadequacies of the present

policy are painfully obvious, and the media's sensationalist treatment of its more poignant problems have convinced many that this policy currently points toward total defeat. New strategy is clearly necessary, but is legalization the answer? In a recent interview with the RECORD, Dershowitz admitted that legalization is the "worst possible solution -- except for all the others." Since the problem of drug use will never be solved, he claimed, legalization is "not surrender, but the best way to allocate resources." Despite the seductive logic of this rhetoric, it is questionable whether legalization would solve more problems than it would create.

The Bush Administration's conventional supply-side attack focuses on aggressively prosecuting drug producers and distributors. The demand side of the Bush equation relies heavily on the social deterrence of criminal prohibition, with an anemic education program ("Just Say No?") and limited rehabilitation for addicts.

Three problems emerge from this approach: first, the aggressive attack on supply has subordinated the real cause of the problem - the demand for drugs - focusing instead on only one symptom; second, the enormous profits generated from drug trafficking have created both an international and domestic criminal network of horrifying wealth and tenacity; and third, the burden of prosecuting drug-related crimes has congested the judicial system to a point nearing incapacitation.

Few people debating the drug crisis deny the shortcomings of the present strategy. However, in seductively simple logic, promoters assert that legalization will eliminate the two problems they label as most serious: the crime resulting from the profit motive and the overloaded judicial system. Disturbingly, the profound effect on national demand which will result from legalization is breezily dismissed. This approach not only

mimics the government's indifference to this critical aspect of the problem, but actually sows the seeds for immediate and long-term growth of drug consumption and abuse. In other words, the actual cause of this disease is encouraged to flourish under the guise of alleviating its symptoms.

Let us assume that the proposed legalization mirrors Judge Sweet's vision: that of unlimited access of all drugs - heroin, cocaine, crack - to all but minors, with state regulation of licensing and price-fixing, supplied by pharmaceutical companies in a highly regulated distribution system. The only crimes would be sales and distribution outside the legal system, and the usual prohibition of access to minors.

According to Judge Sweet's picture, the economic access to drugs for recreational users and addicts would stay constant if current street prices of drugs were kept constant. Undoubtedly, the extraordinary black market profits would shrink dramatically, thus stifling the associated criminal culture.

A dose of reality, however, casts doubts on these assertions. Price pressures from consumption taxation, import tariffs of raw materials, and governmental regulation will drive prices higher. If the price of drugs is driven significantly higher than what the drug cartels charge on the streets, what will stop an efficient black market? Certainly today's street prices include fat profit margins which would be slashed by dealers facing the alternative of completely losing their livelihood. The same expensive detection and prosecution strategies would exist for regulating the residual black market.

Most importantly, the legalization of drugs easily and fatalistically embraces the central problem: demand. The demand for drugs will never be eliminated, the argument goes, so why fight it? "We will never solve the

problem of drug use," Dershowitz claims. Besides, he adds, "today drugs are legal in every sense of the word" since laws against consumption are never enforced, diluting any deterrent force existing laws have against drug use. Consequently, he estimates that legalization would result in "immediately, a slight increase, followed by an eventual leveling off to near present levels." He also claims that drug use will never be as widespread as alcohol consumption; that the social stigma of using drugs would remain. Dershowitz's first argument solves the problem by legislating the problem right out of legal existence. Imagine if this nation took that stance toward slavery or segregation: if some form of racism will always be present, why not legalize it?

The contention that demand will not significantly change in the long run is obviously impossible to prove but smacks of fantasy. The long term result from the repeal of Prohibition was a significant increase of alcohol use, today costing the nation almost \$140 billion dollars.

According to the National Household Survey on Drug Abuse, the number of people reporting current alcohol use was 53 percent of the population. The same survey found that seven percent of the population reported current illicit drug use. The latest federal estimate of the total societal cost of alcohol use reached \$136.6 billion in 1990, in terms of productivity, deaths and health care costs. Comparable statistics for drug abuse would be \$68.4 billion in 1990. In other words, the total cost to society for each user of alcohol is roughly \$1,300 per reported user, compared to \$4,700 per reported user of illicit drugs.

Assume that drugs were legalized, and that the drug use in our country rose to half the level of social respectability commanded by alcohol.

(continued on page 9)

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Friday, March 16, 1990
(Happy St. Patrick's Day!)

Article Misses Mark

(continued from page 4)

military forces. Atty. Encinareal gave a detailed account of the lack of control she had as mayor of the paramilitary forces, who under the law were to be responsible to her. She spoke of the government paramilitary forces being composed of ex-convicts, recycled members of President Marcos's paramilitary forces, leaders of the local underworld and members of the private armies of local politicians. Farmers who refuse to join are threatened; one neighborhood captain was killed because those living in his neighborhood refused to join. She herself is now in the United States because of death threats issued by the local paramilitary forces.

Lio Battad also addressed in detail the social and economic human rights violations against the estimated 66 to 70 percent of the population living below the poverty line. She gave detailed statistics of the problems of the urban homeless, the "semi-workers" and the unemployed. She discussed how the militarization in the countryside worsened these problems because of the influx to the cities military operations caused. She spoke of the root cause of the insurgency as being poverty and said that unless this problem was addressed, the revolutionary movement would continue and the escalation of the counterinsurgency would also produce more deaths and violence.

As the recent coup attempt in the Philippines makes all too clear, the Philippine military and a civilian government unable or unwilling to discipline them pose a serious threat to democratic government in the Philippines. As the four lawyers on the panel eloquently illustrated, the military and their paramilitary counterparts also violate the rights of Philippine citizens. I'm sorry your article did not make this clear.

Jennie Green

RECORD Article Criticized By Human Rights Director

(continued from page 4)

tion here of the essential component of the government's "total war" strategy, referred to repeatedly by the panelists: the obliteration of the distinction between combatants and noncombatants, and thus the programmatic violation of a fundamental norm of the international law of armed conflict—the protection of noncombatants.

Undercutting the importance of these aspects of the Philippine situation is their location in the article. Despite lengthy discussion of these issues by the other panelists, both of the quotes are attributed to one of the panel members just after a paragraph noting that he "somewhat glibly" responded to a question about insurgent violations.

Especially disturbing is the reporter's statement that "...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. . ." This is not what I heard at the panel. The clear position of the first speaker, who specifically addressed insurgent violations, was that both parties to the conflict must be held accountable for violations of the laws of armed conflict. He noted that the Aquino government is using the existence of isolated occurrences of violations by the insurgents to counteract the negative impact of their massive and systematic violation by the government. The speaker's point was of course that the "doctrine of parallels", in which government and insurgent violations are equated, while making good propaganda for the Aquino government, flies in the face

of the facts. Neither he nor others on the panel dismissed insurgent violations.

Documenting and reporting on violations by insurgents in non-international, "low-intensity" conflicts create dilemmas for human rights organizations, since they often face situations in which widespread and systematic human rights abuses by the government are combined with the sophisticated campaign to deny their existence. Characteristically, such campaigns take the form of silencing or intimidating those who document such abuses, falsely attributing the work of human rights monitoring organizations through characterizing them as biased, unpatriotic or fronts for the insurgents.

While human rights organizations should not be immune from criticism for less-than-comprehensive investigation, we should be careful not to let shortcomings distract the real issue in the Philippines -- the existence of a systematic policy of human rights violations by the government, and consistent failure to investigate, prosecute, and punish the guilty. Incompleteness of documentation of abuses by no means invalidates the documentation which has been done. Criticisms (spurious and valid) of methodology have been used in the past to attack the credibility of human rights organizations when the facts of widespread and systematic abuse by government forces could not otherwise be denied (see America Watch, *U.S. Reporting on Human Rights in El Salvador: Methodology at Odds with Knowledge*, New York: June, 1982).

Jack Tobin,
Administrative Director
Human Rights Program

ABA Note:

The American Bar Association House of Delegates voted on Feb. 12 to repeal its standing policy favoring the legalization of small amounts of marijuana. The policy had been in place since 1973. The ABA also encouraged the president and Congress to fund fully

the nation's drug prevention and treatment programs.

The repeal resolution originated in the ABA's Law Student Division. The resolution was authored by First Circuit Governor Steve Crawford, 3L, and was passed at the Division's Fall meeting in San Antonio.

Drug Legalization

(continued from page 6)

which is "tolerated" by over half the population of the country. If drug use reached 26 percent of the population, legalization would cost the nation an additional \$180 billion per year. Query whether these staggering numbers would be offset by reduced court congestion and partial elimination of the black market for drugs.

Tragically, these numbers may be significantly underestimated. Ignored in this discussion are the physiological differences between narcotics and alcohol: in simplest terms, a narcotic is a stimulant, while alcohol is a depressant. Behavioral tests of laboratory animals addicted to cocaine have shown a preference to starvation rather than cessation of cocaine. The appalling ignorance to this difference was conspicuously revealed in Judge Sweet's comment that if Americans could learn to cut down on their butter, they should be able to choose to refrain from using cocaine.

A limited imagination can picture the social stigma of drug use evaporating within a generation. Of course, mature, enlightened and educated adults may consciously choose to withhold from drug use, but the belief that younger generations will voluntarily abstain from drug use is naive at best, and inconsistent with the current patterns on campuses now, when the substances are illegal.

The question is one of social choice. Will legitimizing recreational drug use make the nation better off? Legalization may eliminate some social costs of limited illicit drug use, such as narcotics trade-related crime and the resultant enforcement burdens. However, this would be offset by increased social costs of widespread drug use, such as increased productivity loss, greater health care costs, and medical and educational burdens of future narcoleptic generations. If drug legalization were to triumph as a social policy, it would be a Pyrrhic victory at best, a national disaster of untold proportions at worst.

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Clark Sees Religion As Efficient

By Greg Dingens

Dean Robert C. Clark '72 returned to the classroom last week to give students a preview to his upcoming book, offering an admittedly "covertly utilitarian" analysis focusing on the efficacy of religion as a system regulating human behavior. His speech, bearing the same title as his forthcoming book, *Law, Markets and Morals*, was sponsored by the Federalist Society and was intended to furnish a "taste of the ongoing book process" which, he wryly added, was "rudely interrupted by being chosen dean."

The book, Clark said, will be the result of a project attempting to compare the relative advantages and disadvantages of the various institutions which make and enforce laws, "broadening the Law and Economics thinking" further into social domains



Dean Robert Clark '72

world," Clark said.

Religion has five primary "norm-internalization" techniques, Clark said. The first is the "Big Myths," or basic theology which provides the intellectual basis for norms. "Little

"The power and efficiency of religious systems in influencing and controlling human behavior are often overlooked."

and particularly into "the world of religion." The power and efficiency of religious systems in influencing and controlling human behavior are often overlooked, particularly by the more secular intelligentsia of our nation, Clark noted.

Clark, who at one point in his career studied to enter the Roman Catholic priesthood, compared and contrasted religion to three other systems of regulation: legal, market and social controls. (He calls "Morals" the combination of social and religious controls.) When measuring the four systems against each other, he asserted that the system maintenance costs and negative side effects of religion are higher than for the other three, but religion has the "tremendous advantage" of internalizing norms and therefore having minimal detection and enforcement costs. He concluded, in response to a "Solomonic question," that "if I were the guru running the whole [world] system, I would incorporate techniques of world religions into other settings."

The dean began by polling the audience, inquiring how many people present had watched a televangelical program on TV recently. Only two or three out of the roughly 100 people present responded affirmatively. Approximately 40 percent of the television households nationwide, Clark noted, watch such religious programs regularly. His point was that elite intellectuals "systematically underestimate the importance of the religious phenomena in our society." It is important to recognize the psychological edge enjoyed by a system which "promises the inside track into the great enlightened

Myths" are vivid, heuristic, storytelling parables, while "Group Rituals" are rites of passage which repetitively facilitate "certain emotions and make certain behavior more likely." The fourth technique utilized by religions is "Devotion," which narrows attention and focuses training. Finally, "Sacralization," a "central notion of all religion," generates feelings of awe and promotes the "inhibition of questioning of sources of authority."

While careful to note the extreme complexity and sophistication of "moral" systems which make broad generalizations difficult, Clark described religion as a "front-end loaded" regulatory system, with "enormous resources" invested in time-intensive practices such as education and indoctrination of religious canons, group rituals, and rites of passage. However, once this investment has been made, "the beauty of religious systems is that a potential violator monitors himself or herself," which, though not always true, virtually eliminates the need for expensive detection and enforcement costs.

On the other hand, since religion "generates so much more intensity and drive" than legal or market forces, the potential for negative side effects is multiplied. This religious devotion tends to "impede rational thought," resulting, Clark said, in such troubling phenomena such as fanaticism and religious wars. Conversely, the positive side effects of religion include "group mobilization of good causes" such as the movements for abolition and civil rights, and personal and social support in times of crisis, Clark said.

Boston's Black History Comes Alive

By Julie Ferguson
and Peri Lynn Johnson
Special to the RECORD

Six of the oldest black citizens in Boston came to campus this week to recount to law students the stories of their lives -- including one tale of a man who compared his treatment to that of blacks in modern-day South Africa.

These oral histories ranged from reflections on the universal struggle of blacks to the need for independent black businesses.

Specifically, Mr. Palmer, age 76 and a native of Trinidad, noted that when one talks about black oppression anywhere in the world, "I am there, too!"

He recounted that during the 1920s in Trinidad, white South African managers in the oil fields tried to impose identification books, called "red books" on all black citizens to restrict their movements between jobs.

After a month-long workers strike, however, one of the first concessions of management was the abolishment of "red books." As a result of his own experiences, Palmer related that he well understood the feelings of black South Africans over recent changes in their country.

Mr. Bell, 90 years of age, reminded students of the historical importance of the negro spirituals to the black community. He favored the audience with his own heartfelt rendition of the *Battle Hymn of the Republic*, with students and other panelists chiming in for two rounds of the chorus.

Bell informed the group that while he has had a prosperous life, he also has some painful memories. He recalled how, during the depression, he and others would sit on park benches waiting to be hired out for short term work by white employers. He described this experience as being similar to slave auctions because, "It was just like selling people."

Another panelist, Mrs. Chapman, age 65, talked about her teenage years spent as a gossip columnist for the *Chronicle*, one of the first black newspapers in the area. She admitted to sometimes "matching up the wrong girl with the wrong boy, but usually things worked out."

While working in the naval ship-

yards during World War II, Chapman noted that the Navy disciplined racist remarks, but sexist views, such as women "returning to the kitchen" after the war, were tolerated.

Minouche Kandel, 2L, referring to Chapman's refusal to return to anyone's kitchen, noted that there was an awareness of a woman's right to choose her career even before the height of the women's movement.

The oldest member of the panel, 94-year-old Mrs. Christmas, helped in the war effort by serving as a hostess for the various military units coming to Boston during World War II. Born and raised in Boston, she also related the accomplishments of her children in attaining leadership roles in the mostly white schools.

Mr. Bolt, age 82, talked about his family's grocery business. Started by his father, it was one of the first black-owned businesses in Boston. He reminded the audience of the need, once again, for blacks to learn to operate their own community businesses.

Mrs. Faulk, age 84, also talked about the need to return to earlier values, exemplified by the return to neighborhood schools. She reflected on the difficulties of integration of public schools. Faulk recognized the need for quality education, but she advocated doing this through neighborhood schools so that parents can remain involved in their children's development.

The panel was moderated by Prof. Amanda Houston, Director of the Black Studies Department at Boston College.

Houston gave an overview of Boston's black history. On a personal level she recalled how her father obtained his Ph.D. yet could only work as a red cap at South Station. One of the most vivid childhood memories was going to the library at lunchtime and seeing a roomful of redcaps, including her father, reading on their lunch hour. "Boston had an intellectual middle class long before it had a financial middle class," she said.

Generally, Houston said she viewed this night as a reminder that the substantive history of black people encompasses much more than just the periods of slavery and the 1960s.

Law Review Positions Filled By Obama

(continued from page 1)

HLR members may run for more than one position. After the members voted, the votes were tallied to determine which candidates had the "highest preference" for each position.

Obama, who did not partake in the Sunday ranking process, was then given a "slate" or a list of the highest-ranking members for each position. For the masthead, Obama's "slate" had twice as many names as needed to fill the particular position. From the slates, Obama filled each masthead position.

No discretion is given to the president for the office chair positions. Office chair positions are given to candidate(s) with the "highest preference."

Perrelli said that besides the difference in voting procedure, there is "no distinction" made by the HLR between the masthead and the office chairs.

The new masthead and office chairs assumed their responsibilities immediately, giving the outgoing masthead and office chairs a chance to train their successors.

Next RECORD: March 2

The Harvard Lodge A.F. & A.M.



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Roscoe Pound

Dean, Harvard Law School

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DeBroff Hired For Temporary Position

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is "only one wheel" in the public interest machine.

She said for the public interest machine to move the school must give support to other wheels, such as counseling, clinical experience, and curricular changes. The student-faculty Public Interest Advisory Committee, created by the dean last fall, is close to making recommendations in these other areas.

Wallach said ECIIP will remain active contacting faculty and alumni, doing fundraising and outreach activities, and supporting the Advisory Committee.

Although the final decision to hire DeBroff was made by June Thompson, director of Career Services, various student groups were involved in interviewing the seven candidates for the position and making recommendations to Thompson. Groups participating included the Public Interest Advisory Committee, the ECIIP, the Law School Council, and the Student Bar Association.

Wallach called the hiring process "a success" and commented that "student involvement made a big difference" in the decision to hire DeBroff.

DeBroff's first major task is to establish a formal agenda that will "meet the needs of the students" and "make public interest counseling accessible in the most effective and visible way," she said.

To accomplish that end, DeBroff said she has been meeting with HLS deans, including Clark and Dean of Students Sarah Wald, as well as with several student organizations, individual students and faculty members,

attempting to "get a full sense of what the needs are" and "see what we need to do for public interest" at the law school.

Her goals will be the result of this information-gathering process, and will be set in an agenda formulated with Thompson to accomplish critical goals in the most feasible way, she said. DeBroff also spoke of utilizing her extensive networks in Boston and Washington.

DeBroff said she was "very aware" of the Fox situation, and knew the search for a new counselor was "highly politicized." Now that she is here, however, DeBroff said she hopes to "avoid political waters" and focus on "getting people jobs and opening their minds to alternatives." DeBroff noted that "a lot has been left undone in the absence of the two positions," and she wants to try to "fill the gap."

Clark and DeBroff may have different visions of her position, said the new placement advisor, but they "share enough in common" that DeBroff will be able to meet student interests by counseling students in alternative career options and giving them access to resources. DeBroff noted that any ideological differences between the dean and herself "didn't deter him from putting me in the position."

According to Thompson, DeBroff will be updating materials in the Career Resource Center and is available for one-on-one counseling concerning career choices. Although DeBroff is concentrating mostly on the public interest area, she is "very knowledgeable in both the public and the private



Stacey DeBroff answering questions at an ECIIP meeting.

sector" and is available for both types of counseling, said Thompson.

DeBroff's background consists mostly of work in the public sector, including positions with a legislative lobbying firm, the Office of Public Service Activities of the D.C. Bar, the American Civil Liberties Union, and a recent judicial clerkship under Justice Edith W. Fine of the Massachusetts Appeals Court.

For the past five months, DeBroff experienced the private sector as a litigation associate in the Boston law firm Palmer & Dodge. DeBroff said she left the firm "on good terms" after deciding she did not want to practice corporate law.

The Advisory Committee is currently working on a comprehensive plan that will recommend permanent changes on the entire spectrum of public interest issues. DeBroff was hired for a six-month temporary position, pending the final recommendations of the Committee, noted both Thompson and Wallach.

Students See Long Road Ahead For South Africa

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up anything to get out.

"But if by releasing Mandela De Klerk can eat baked Alaska in the White House with Bush and get the economic sanctions lifted, then that will be sick. Who is holding their feet to the fire? Are we all going to drink now that Mandela is released? Will we turn our heads and forget?"

"He symbolized the injustice and now he is out. The danger is that people will turn their eyes."

Tynia Richard, 3L, expressed a similar concern. "My first reaction was not of elation, unlike many of those around me. It was more fearful that the issue of apartheid will no longer be of as much significance in the United States now that Mandela is released."

"Our response in this country will help determine if the anti-apartheid movement will pick up momentum; black South Africans can only do so much. International pressure is still needed to bring about change. This one move does not mean that substantive change has occurred, nor does it guarantee that it will occur."

Richard said the invitation from Bush to De Klerk "really scares me. Bush's willingness to host this man in the White House after so little change on their part is

forward."

"I think it is great that he was released because it was completely unjust that he was ever in jail in the first place. But we have to avoid overreacting."

"My hope is his release signals a willingness on the part of the South African government to move forward to dismantle apartheid but I'm not convinced that will happen anytime soon."

Ford called the invitation to De Klerk "premature" and said, "This was exactly the kind of response from the United States that I was worried about. Millions of people are still suffering in a police state. We are talking about one man, and this man still lives in a police state even though he is out of jail."

Andre Nobles, a second-year student who spent last summer in South Africa on a human rights internship, said he was pleased with the turn of events.

"We have to remember that Mandela is a very important leader but he belongs to an organization and will act in that context. The problem in South Africa is systemic, and systemic problems must be attacked through organizations and not through individuals."

Ken Mack, 2L, who was also in South Africa on a human rights internship last summer said he could really empathize with the South

"My hope is his release signals a willingness on the part of the South African government to move forward to dismantle apartheid but I'm not convinced that will happen anytime soon."

Additional Dorms To Be Allocated For Women

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classmen. Next year when the dorms are allocated equally to the first-years, the upperclassmen applicant pool will also be more equally distributed.

The administration, DSAC, Law School Council (LSC), and Women's Law Association (WLA) agreed that the re-allocation was a "move toward fairness." A letter from Gibberman on behalf of DSAC, approving the allocation system, stated that it was the "only way of actually ensuring that women received rooms in proportion to their number at the law school."

Opponents, however, strongly resisted the 50/50 allocation, especially as applied to second- and third-years as initially proposed. Solomon admitted that this year was "disgustingly set-up" but complained that the numbers for the re-allocation were "arbitrary" and "corresponded to nothing."

Jasen also said the 50/50 plan was unfair. In his original letter to the dean, he accused the proposal of "playing favorites." He contended that other "non-security issues vital to this discussion" were not being considered. Jasen wrote that the inconvenience of living off campus was not "a problem related to gender." He said that "economics were as important" as the other issues, such as security.

Jasen's position on the 50/50 allocation to first-years was "swayed by the argument made by the WLA"

regarding the "obvious pattern of discrimination against women." In a second letter to Wald, he proposed a re-allocation plan almost identical to the final plan chosen by the committee.

Gibberman criticized the arguments made by the opponents of the re-allocation. She said they were only worried that it might "favor women" and they were "so afraid men might get discriminated against."

A lot of the discussion centered on the safety of women living off campus. Wald said that her concern for the safety of women had a lot to do with the decision to re-allocate the dorm rooms. Women living off campus "were cut off from campus life in the evening" because of "security reasons."

Suzanne Richardson, director of student activities, was also on the committee. She said that, between men and women, the difference in the safety issue is not that the threat is different but that "women circumscribe their lives more in the face of threat. They don't do some things because it's too late, too dark, or too far."

Gibberman stressed in the DSAC letter "that they do not feel that reallocating dorm rooms . . . solves the more serious underlying problem of campus safety."

Contreras wrote in his letter to Wald that "men and women concerned with safety may purchase an automobile."

Jasen, pointing to statistics, wrote that even though

crimes such as "robbery by knife or gun, a beating by a gang [or] attempted physical assaults" are "far less serious than rape," the threat of those crimes are likely to affect a person similarly to the threat of being raped.

Jasen continued, writing that "the likelihood of being a victim of one of these crimes is equally distributed between both sexes," according to the Cambridge Police Department's Crime analysis unit. He said the statistics were "compelling."

Solomon said that "nationally, men are attacked two to one" compared to women. Even though he "had heard that women are more afraid of men," he did not think women should be given an advantage in the allotment of on-campus housing.

The decision to re-allocate the dorm rooms was made by a committee composed of four administrators. Along with Wald and Richardson were Rocco Forglone and Frank Lamentea, from Building and Operations.

Wald realized that the root of the problem was simply that "there were not enough dorms."

"Hopefully," Lamentea said, the allocation issue will be solved "the year after next when we'll have 135 more rooms." HLS is making plans to purchase the Quality Inn down the street, according to Lamentea.

In the meantime, the re-allocation of the dorms, Wald said, will "take some slack off of" the dorm issue.

not only disappointing, it's shocking."

Julie Ferguson, 2L, called the release "great news" and said Mandela "looks good after all he has been through."

"But my concern is how this administration may use this to back off on sanctions. Bush seems to be ready to back off, but Congress looks like it is ready to stand strong."

"I'm also concerned about the people marginally involved in the issue, the people who only catch the big news items. These people might be fooled by the South African government and our government that progress is being made."

"We have to remember that our government for many years accepted the South African government's characterization of Mandela [as a terrorist]. We have to make sure the reaction is not a cover-up."

Rich Ford, 2L, said he regards the release as a "step

African people.

"I saw Soweto and Capetown where some of the police were firing on protestors—I recognized some of those places."

"I feel good about the release, but cautious. The real issues of power have yet to be addressed. DeKlerk still advocates segregation in education, housing, voting. If that's not apartheid, nothing is."

"White South Africans of all political persuasions who are aware of the power relationships are recognizing that political change is inevitable. It is interesting to see what happens as they realize there will be economic change as well. Finally they want a bill of rights to protect their property. But you can not say there should not be redistribution; there is such a forced disparity in wealth."

Mack summed up saying that Mandela "symbolizes so much of the history. The people just go crazy for him. He started the whole thing, and maybe he'll be the one to finish it."

Hemenway Improvements Sought

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using Harvard athletic facilities are allocated according to usage. The monitor at the entrance of each facility records which school the visitor is from, and the law school pays the university proportionally for each law student visit.

The exact figures for the amount of money the law school pays and how much is spent on Hemenway and other gyms were unavailable.

Students, law school representatives, and athletic department officials alike are hopeful that Friday's meeting will result in some changes.

"Many of the things we are asking for are not very expensive. An incline bench is \$250; a stair climber or rowing machine is \$850; sweeping is cheap. I think a lot could be done with just two or three thousand dollars," expressed Doyle.