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HLS Conference Focuses On Minority Recruitment Issues

By Malcolm E. Harrison

The hiring partners and recruitment coordinators of more than 150 law firms attended the first annual Minority Recruitment and Placement Conference at HLS this past Monday and Tuesday.

The conference was designed to enable members of the legal community to consider the problems of minority hiring from new and different vantage points and to help produce workable solutions for them. Topics ranging from the questions faced by students during interviews to the firm environment were discussed during the series of panels.

For many of the panelists, the conference was a chance to be candid about some of the problems that these major firms have had attracting new hires from some minority groups.

"We have not had as much

success as we would have liked with hiring black lawyers in spite of the fact that we have been successful at bringing people from other races and cultures," explained Dan Burns from Baker & McKenzie.

Alain Kodsi '89, one of the organizers of the event, categorized the attendance as "excellent." Out of 225 firms invited to the symposium, more than 150 sent representatives to attend the conference. And while the event's organizers placed most of their emphasis on firms in New York, Washington, D.C. and Massachusetts, there were partners from firms as far away as Seattle and Atlanta.

One of the topics that the hiring partners discussed was the attitude of many job candidates who discover upon visiting the firm that there are no minority associates or partners.

"This is 1990; we don't need to be heroes and the road is hard enough," said Mario

Baeza, a partner at Debevoise and Plimpton in New York. "I would recommend that students think seriously before going to a firm where there are no minorities."

One thing that the participants considered doing to attract more minorities to their firms was to vary the type of social activities that summer associates participate in.

"Some minority students are not comfortable with the North Shore cocktail party scene," said Burns from the Chicago office of Baker & McKenzie. "We need to communicate more with them, find out the type of things that they would enjoy doing."

Baeza noted that the syndrome of judging a whole group by the actions of one or two associates is still a part of the law firm mentality even though it optimally should have been abandoned.

"The performance of other (see CONFERENCE on page 8)

Nader Challenges Students

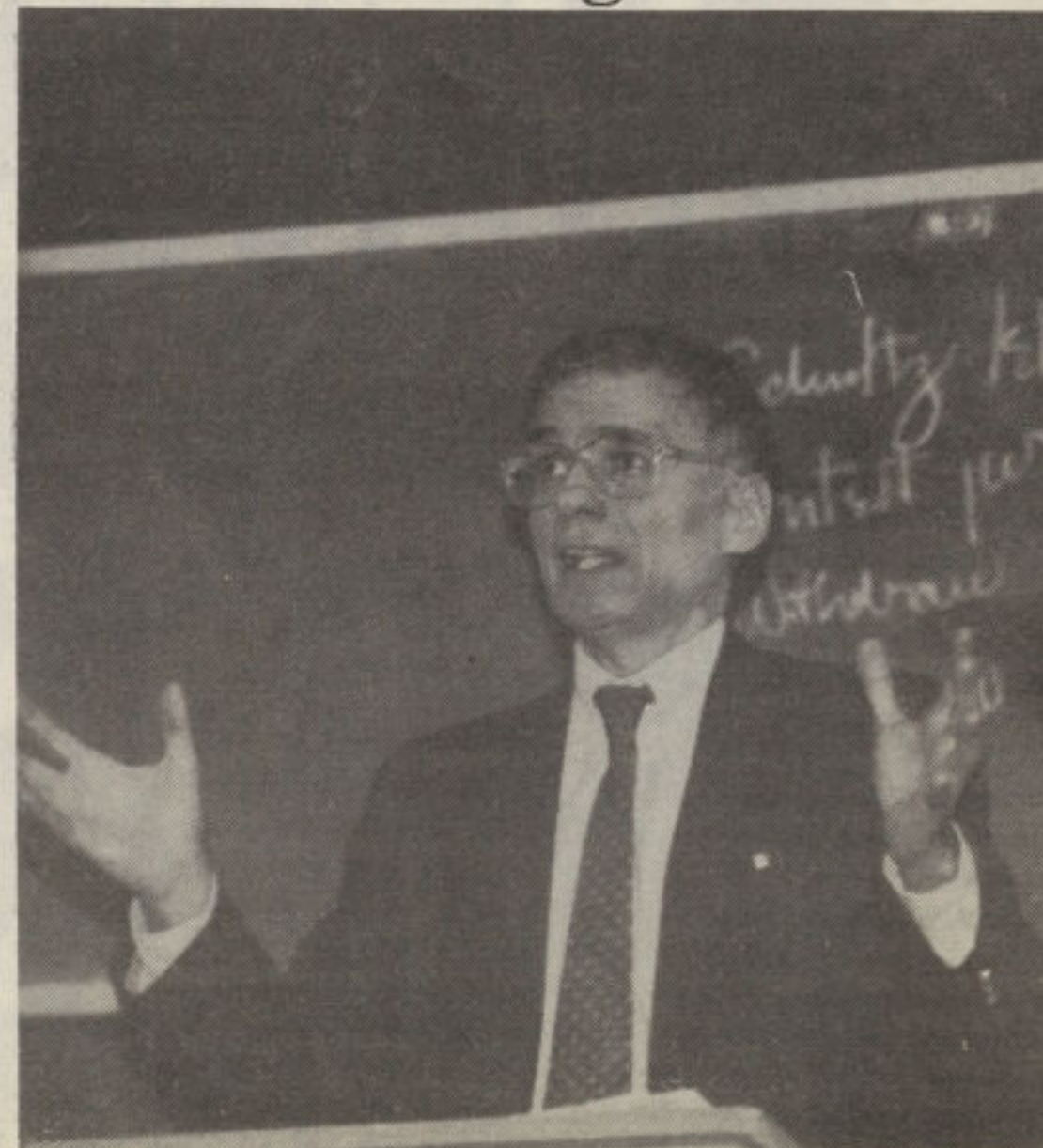


photo by Patrick Miles

Ralph Nader '58 addressed an overflow crowd in Langdell North Middle on Friday, Nov. 2. Nader spoke on the merits of pursuing a public interest career. (See Page 3)

Students Query Jones, Day On Racism Charges

By Dan Greaney

A letter signed by the leaders of six HLS student organizations to the national managing partner of Jones, Day, Reavis & Pogue inquiring about allegations of racism in the firm's Atlanta office has prompted the firm to consider a visit to campus to discuss the issue.

Robert M. Duncan, chair of Jones, Day's minority recruitment task force said that he spoke Julie Ferguson, 3L, president of the Black Law Students Association and one of the co-signers of the letter when he was at Harvard this week to attend the Minority Recruitment and Placement Conference. "While we think the allegations are unfounded, we are certainly sensitive to the concern expressed in the letter," Mr. Duncan told the RECORD. "I am perfectly willing to come to Harvard and meet with the chairs of the organizations and discuss the issue as soon as everyone's schedule allows."

The letter is based on an article that appeared in the

Fulton Daily Report, the legal newspaper of Atlanta.

The article describes how civil rights attorney Millard Farmer, plaintiff's lawyer in an anti-discrimination suit against a client represented by Jones, Day, charged the firm with condoning the use of the term "colored" to describe African-Americans; with trying to exclude blacks from a deposition in the Jones, Day's Atlanta office; with employing black staffers to serve coffee in white uniforms historically associated with servants in the Old South; and with defending the charges by claiming it counts among its "friends" several prominent blacks.

The letter, which asks the firm for an explanation of the charges, was signed by the leaders of La Alianza, the Black Law Students Association, the Asian-American Law Students Association, the Committee On Gay and Lesbian Legal Issues, the Native American Law Students Association, and Law Students for Disability Rights. It was also endorsed by the board of the Harvard Civil Liberties Union.

The students' letter, addressed to Richard W. Pogue, the firm's national managing partner, first recites the

charges against the firm -- which include "employ[ing] black staffers who serve coffee in white uniforms historically associated with domestic workers or servants in the Old South" -- and then asks whether the allegations are in fact true.

"We hope it is as obvious to you as it is to us that these statements and practices reinforce blatant racial stereotyping," the letter reads. "As such, they have no place in a society committed to racial equality nor in a law firm obligated by statute to uphold the principle of non-discrimination."

The letter next asks what steps the firm is taking to rectify the alleged conditions, if true, and what other action it is taking to increase diversity in its Atlanta office.

According to information the firm submitted the Employer Directory, the Atlanta office has no non-white partners (out of 28) and only one non-white associate (out of 57).

The letter also asks the firm to explain why the managing director of the Atlanta office, Girard E. (see JONES DAY on page 8)

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Faculty Approves Library Renovation

By Paul Tarr

After weeks of debate, the faculty has voted to approve the construction of a \$30 million classroom-office building in the Quad in front of Langdell Hall.

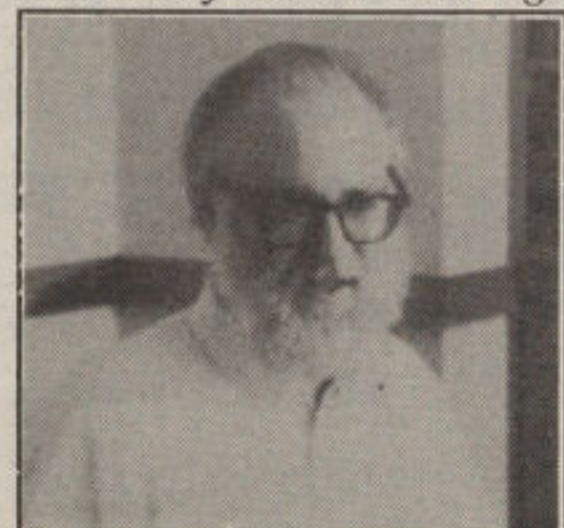
The new building would house new classrooms and faculty and, possibly, administrative offices.

The approved plan also calls for a major expansion and modernization of the Langdell Library that will make it completely wheelchair-accessible for the first time.

The proposal won out over an alternate plan being pushed by Prof. Lewis Sargentich '70. Sargentich's plan would preserve faculty offices in Langdell now slated for removal, would preserve a small closed stack section of the

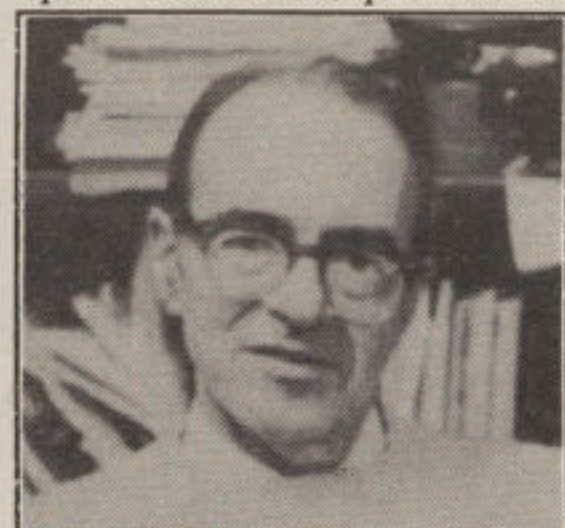
library, and would move classrooms over to the new building.

The "new look" Langdell will feature full wheelchair accessibility, as well as a first floor entrance, open stacks, more student workspace, and consolidated library collections. Langdell North Middle will be converted into a study area. The building's



Prof. Lewis Sargentich, '70.

heating system will be replaced, as its aging pipes threaten a possible water main break. Additional storage space could eliminate the need to house books in law school dorm basements, or in rented storage space in Southbury. Prof. Andrew Kaufman '54, who chaired the Space Committee, praised the



Prof. Andrew Kaufman, '54.

plan. "As compared with the proposal to build underground storage space, this plan provides space that can be used for other things" he said. "More importantly, if you stare out into Holmes field, and look at Langdell, the students are mostly up on top, and the materials readers use are mostly underneath. This plan opens up that space top to bottom."

The new Langdell, he predicts, will be "pleasant, usable and flexible -- a library for the next century."

While acknowledging that the dispersion of the faculty was a drawback, Kaufman added that "the disadvantage can be overstated...this building isn't that far away."

Mark McGoldrick, 2L and the (see LIBRARY on page 8)

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Ralph Nader Urges Students To Pursue Justice

By Robert Arnold

When asked to define himself, Ralph Nader '58 always responds, "Full-time citizen, the most important office in America for anyone to achieve." Even though that description is intentionally undescriptive, it is quintessential Ralph Nader.

Two weeks ago Citizen Nader brought his crusading energies to Langdell North Middle to speak to a standing room only crowd of over 250 law school students, faculty, and staff on "Law Students, Law Schools, and Law Firms: System of Control/Systems of Liberation." He was the invited guest of the Emergency Public Interest Coalition (EPIC) and the Harvard Law School Lawyers Guild.

Nader's remarks, which were filled with passion and sincerity as well as sarcasm and humor, were very well received by most of the attentive and complying audience.

On the one hand, he showed his rebellious side by offending two of the law school's most sacred manifestations, calling the Socratic Method, "a game that only one can play" and characterizing the *Harvard Law Review* at one point as, "a terrible misuse of intellectual resources."

On the other hand, he had nothing but praise and advice for the majority of the people who comprised his audience, and at whom his remarks were primarily focused: the students.

He told the students to "always question the assumptions" that are presented to us in our cases, and not to allow ourselves to become "trivialized" by the HLS environment. He urged them to be leaders and "world-builders," and to realize and not forget that they "represent the top one-half of one percent of potential world shapers in our age group." He reminded students to not procrastinate because we "only have, on average, about 17,800 days or 2400 weeks left in which to accomplish something with our their lives."

He urged students to direct our energies to finding cures for society's ills, and not at chasing symptoms. He also challenged them to do public interest work because, he said, "With programs like LIPP [Low Income Protection Plan] and the untapped goldmine of alumni involvement, there is no longer an economic justification for not doing public interest law." He also stated, that no matter what you do, to always be "leaders and crusaders for the advancement of justice."

Nader first made headlines in 1965 with the publication of his book *Unsafe at Any Speed* which was a scathing indictment of the auto industry for producing unsafe vehicles.

Since then, he has been responsible for at least eight major federal consumer

protection laws, for the recall of millions of defective motor vehicles, for many lives saved, and for countless other advances in the areas of safety, health, pollution control, access to government and freedom of information.

The *Wall Street Journal*, on the occasion of its recent centennial, named Nader one of the 20 most influential people in the development of American industry. The other 19 were business tycoons.

Long ago Nader passed beyond simple concern with seat belts and hot dogs. He has built an effective national network of citizen groups that have had a major impact in areas ranging from tax reform to nuclear energy to health and safety programs. The ultimate goal of this movement is to give all citizens more rights and remedies for resolving their

grievances and for achieving a better society. As the *New York Times* said of him, "What sets Nader apart is that he has moved beyond social criticism and on to effective political action."

It is no exaggeration to say that Nader's inspiration and example have galvanized a whole population of consumer advocates. Indeed, he almost single-handedly made it vogue to pursue public interest law at a time when few had even heard of public interest law.

Most of the audience was very pleased with Mr. Nader's remarks. Jason Adkins, 3L and a member of EPIC said, "It is amazing that on the eve of fly-out week we packed the house." He also added, "It's a little ironic that a lot of people missed Mr. Nader's denouncement of corporate socialism because of corporate interviews."

Armenian Legislator Forsees Independence

By Tom Samuelian
Special to the RECORD

On Monday, November 12, journalist and political activist Samvel Shahmuratian, a member of the Armenian Parliament, discussed the problems facing the Armenian Republic, now that it has embarked upon "an irreversible process leading to independence." The talk, entitled "Anti-Armenian Violence: Investigations, Prosecutions, and Preventive Measures," was sponsored by the HLS Human Rights Program.

Mr. Shahmuratian stated that as bad as the economy is, inter-ethnic conflict, often incited by the remnants of the KGB and central and local communist governmental forces, is the greatest problem facing the Soviet Union. His compilation of eyewitness accounts about the Sumgait Pogroms of February 1988 was recently published in English with a foreword by human rights activist

Elena Bonner. Sumgait is a suburb of Baku, the capital of Azerbaijan. In Sumgait, Azerbaijani mobs killed dozens of Armenian residents as local police and Soviet troops stood by and did nothing, "saying that they had no orders to protect Armenian lives."

Mr. Shahmuratian said that the pogroms were encouraged by Moscow and incited by local Azerbaijani officials and nationalist groups, who seek to "solve" the Karabagh problem by depopulating the region of Armenians. In 1921 Stalin separated Karabagh from Armenia against the will of the indigenous Armenian population and made it an Autonomous Region under Azerbaijani rule. The Armenians of Karabagh, who constitute 80% of the region's population, have sought to be reunited with their relatives and compatriots in the rest of Armenia ever since.

Mr. Shahmuratian said that the Armenian Republic has committed itself to establishing good neighborly relations with the Republic of Turkey and with Azerbaijan.

Talks on transportation and trade agreements are already underway. He believes that the problems in the region must be solved "peacefully through negotiation," but fears that if Azerbaijanis do not lift the blockade against the Armenians of Karabagh, "desperation may lead to further bloodshed."

Addressing the future, Mr. Shahmuratian stated that even Moscow realizes that it has permanently lost control of the periphery of the USSR. He said, however, that Americans should not fear the dissolution of the USSR. The new republics and their democratic leaderships are forces for peace and stability. He believes that the Soviet Union will give way to a number of nation-states, which will be better able to guarantee the fundamental political and cultural rights of their citizens. Gradually, these new democratic states will reintegrate by negotiating economic, cultural, and perhaps military ties for mutual defense.

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Harvard Law Record

Volume 91, No. 7

Patrick Miles, Jr.
Editor-In-Chief

No Way In

It is a very dark spot in Harvard Law School's illustrious history that some students who pay full tuition are unable to fully participate in garnering the same legal education as their peers, *simply because of a physical disability*. The HLS campus has many obstacles that prevent a disabled person from accessing all of its immense resources. Perhaps some examples will be illustrative.

The stacks in the Langdell library, which contain many state reporters, legal journals, secondary sources, periodicals, among many other research items, are impossible for a student in a wheelchair to enter. To access materials in the ill-conceived stacks, a researcher in a wheelchair has to ask a librarian to retrieve a particular item. Of course, the opportunity to peruse and stumble upon some relevant source material is lost by this limited retrieval method.

Two classrooms, Langdell South and Langdell North, are inaccessible to a person in a wheelchair. It should also be remembered that more than just classes are held in these rooms. One of the most invigorating benefits of an HLS education is the quality and notoriety of the speakers, of the forum and conference participants, who come to the campus to address a particular issue or audience. Unfortunately, these notable and interesting people are sometimes scheduled to speak in either of these rooms. Even classrooms that are accessible have drawbacks. Most classrooms have aisle steps, as opposed to ramps (as are in movie theaters), which confine a person in a wheelchair to the back row. Of course, the back row is the worst location for the auditory and participatory aspects of a class discussion.

In regard to living quarters, the extent of on-campus residence options for a disabled male is one floor of one complex (the joint first floor of Shaw and Story Halls). There are no options for females.

Ironically the one of the newer buildings on the HLS campus, Pound Hall, is considered by some disabled people to be a nightmare. There are many unnecessary stairs in the building, they are there for stylistic purposes. To overcome the three angular steps to reach some classrooms, the building has loud, slow, cage-like elevators which are activated by small (i.e., hard to handle) keys.

The faculty has now approved a plan to renovate the Harvard Law Library which is located in Langdell. The accessibility issue was raised during the faculty debate on which plan to adopt, but received a subsidiary position in the discussion. However, the plans the faculty adopted are intended to remove some of the access problems of the library.

It is important that the access issue gets to the forefront of the plans as they are being implemented. Also, as the campus undergoes these changes it is an opportune time to make changes to not only the library but also other areas on campus which are restricting the ability of fellow students to get the full Harvard experience.

-P.M.

Editor's Note:

Rob Niewyk submitted the following note to me with his column this week: "I've discussed with people the possibility that you might refuse to publish my columns after I allowed them to distribute my piece on Steve [Donziger]. They are fairly sure that, should you make such a decision, they can get some Op-Ed pieces into national publications about 'censorship on campus,' so I'd recommend against your doing so."

I do not understand why Mr. Niewyk would be concerned about the future presence of his column in the RECORD. Two weeks ago, the students who signed the letter accompanying Mr. Niewyk's "censored" column failed to mention that the column had never been submitted for publication. Nevertheless, I would like to make one thing clear: Mr. Niewyk is a valued contributor to this newspaper and his column is appreciated.

However, it should be well understood among contributors to the RECORD that because of our limited space, no writer is guaranteed space in a particular issue. It is important to the RECORD editors that our readers also understand this policy. In addition, the RECORD would never make an editorial decision as retribution for either personal or institutional affronts.

-P.M.

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

Review President Explains Affirmative Action Policy

To the Editor:

Since the merits of the *Law Review's* selection policy has been the subject of commentary for the last three issues, I'd like to take the time to clarify exactly how our selection process works.

As our Treasurer, Lisa Hay, explained in your first article on our selection policy (October 12th), all students who wish to

The vigor of debate and the wide range of perspectives that results from our current selection process have not been purchased at the price of any "lower standard" of editorial excellence; in fact, our program argues for the proposition that diversity can and should be the companion of quality legal scholarship.

This isn't to say that our selection procedures are ideal. No matter how anonymous the process, we are in the difficult and unusual position of evaluating our peers; indeed, the absolute necessity of anonymity prevents us from making the nuanced evaluations that a law school admissions office might make. As a result, the design of the selection process -- including not only affirmative action but also the use of the writing competition or the use of grades -- has been an important subject of discussion for each volume of the *Review*. As I stated in the first *Record* article, we decided last year as a body that based on the percentage of women in the Law School and our previous success in attracting a large number of women to editorial and leadership posts at the *Review*, an affirmative action program for women was unnecessary. Because of the drop-off of women editors this year, that policy is subject to change if the majority of *Review* editors think it's appropriate. In the meantime, we've been in contact with members of the WLA to ensure that we effectively recruit women to participate in this year's competition.

Let me end by emphasizing that the *Review* is committed to including the widest range of viewpoints on its editorial staff, and strongly encourages LL women and men of all backgrounds and ideological stripes to participate in this year's writing competition.

I'd also like to add one personal note, in response to the letter from Mr. Jim Chen which was published in the October 26 issue of the RECORD, and which articulated broad objections to the *Review's* general affirmative action policy. I respect Mr. Chen's personal concern over the possible stigmatizing effects of affirmative action, and do not question the depth or sincerity of his feelings. I must say, however, that someone who has undoubtedly benefited from affirmative action programs during my academic career, and as someone who may have benefited from the *Law Review's* affirmative action policy when I was selected to join the *Review* last year, I have not personally felt stigmatized either within the broader law school community or as a staff member of the *Review*. Indeed, my election last year as President of the *Review* would seem to indicate that at least among *Review* staff, and hopefully for the majority of professors and students at Harvard, affirmative action in no way tarnishes the accomplishments of those who are members of historically underrepresented groups.

(see LETTER on page 7)

Letters To The Editor

become editors of the *Law Review* participate in a writing competition at the end of their first year. The entire writing competition is conducted on a double-blind basis, to ensure absolute anonymity. Each submission is graded by at least three different *Review* editors to help decrease the effects that any particular editor's subjective opinions may have on the final scores.

Once all the writing competition submissions have been graded, these scores, as well as the law school transcripts of all those who have chosen to release them, are submitted to a Selection Committee made up of the President and two other *Review* editors who have been elected by their fellow editors.

The Selection Committee first identifies the group of candidates whose excellent performance, either in the classroom or on the writing competition, sets them apart. (Approximately half of this first batch is chosen solely on their performance on the writing competition; the other half are selected on a weighted formula of 70 percent grades and 30 percent writing competition.) The Selection Committee must then choose the remaining editors from a pool of qualified candidates whose grades or writing competition scores do not significantly differ. It is at this stage that the *Law Review* has for several years instituted an affirmative action policy for historically underrepresented groups: out of this pool, the Selection Committee may take race or physical handicap into account in making their final decision, if the Selection Committee believes that such affirmative action will enhance the representativeness of the incoming class. On the other hand, the Selection Committee may find that given the make-up of the first batch of candidates, such considerations are unnecessary. In no event is the Selection Committee required to meet any set quotas.

Once final selections are made, all writing competition material is destroyed. No editors on the *Review* will ever know whether any given editor was selected on the basis of grades, writing competition, or affirmative action, and no editors other than those on the Selection Committee even know the number of editors who were selected with affirmative action in mind.

The *Review* as a body feels that the success of the program speaks for itself.

In Defense Of Baker & McKenzie

To the Editor:

As an employer of Baker & McKenzie's services for some years, and having a general knowledge of their structure, I find it quite difficult to credit the charge which was made by the Harvard Asian American Law Students' Association that the firm "reflects an overt racial bias," October 5, *Harvard Law Record*, p. 5.

I don't possess the exact figures, but the firm's roster worldwide as of January 1990, which clients receive, reflects approximately 65 ethnically Asian partners, 37 female partners, and 28 ethnically Hispanic partners. There are, of course, significantly larger numbers of associates in these categories.

To suggest that this polygot partnership is, as a partnership, "racially insensitive" seems rather farfetched. Some might even say absurd. The

charge certainly doesn't square with my experience. But then I may not possess the exquisitely sensitive antennae which apparently the leadership of the Harvard Asian American Law Students' Association possesses.

If I were Baker & McKenzie, I'd give the leaders of the Harvard Asian American Law Students' Association their wish and eschew recruiting at Harvard. Baker & McKenzie can find highly competent graduates to replenish their ranks at Chicago, Northwestern, Virginia, Georgetown, Tokyo, Oxford, Kansas, Missouri, and 20 other law schools. None of the 24 lawyers on my staff are from Harvard and the world hasn't come to an end. I doubt if it would for Baker & McKenzie.

-William K. Hoskins '62

Correction:

The November 2 article on the Kuwaiti Ambassador's visit to HLS did not make clear that the

ambassador is a member of the Al-Sabah ruling family of Kuwait. The RECORD regrets any confusion.

Student Interest, Not Faculty Bias, Shapes Clinicals

To the Editor:

Greg Cook, 3L, wrote a letter in the October 26 RECORD addressing his perceptions of the political tilt of the call for mandatory *pro bono* activities. He included some statements about my response to the desire by a few students to form a clinical program which would represent landlords before the Cambridge Rent Board. I think the issue is important enough to warrant a column explaining not only the events in question but the broader issues which it raises.

Most students at HLS learn to represent clients in a fieldwork based experience through the curriculum. This year there are more than twenty such courses. Nearly 60 percent of the student body enrolls in such a course by the time they graduate.

In addition to curricular offerings, HLS provides nominal support to dozens of extra-curricular groups. Of these, four are student practice organizations representing clients in an adversarial forum. They are funded at a much higher level because the school will not simply turn a student loose to practice law. Clinical instructors/fieldwork supervisors are assigned to each group. They insure that clients receive high quality representation while the student has a positive educational experience.

The clinical budget is limited. Most of our resources are spent on the curriculum. We cannot begin a new student practice organization easily, even when

the demand is great. For example, there are well over two hundred students who have been trained to do advocacy for battered women through the Women Law Association's Battered Women's Advocacy Project. The clinical program is actively seeking grants to fund an attorney/supervisor to oversee its work because funds are not available in the core budget. Until such resources are available, it cannot be granted the status of a practice organization.

One of the existing practice organizations is students for Public Interest Law (SPIL). It represents low and moderate income tenants before the Cambridge Rent Control Board. A group of landlords, the Small Property Owners Association (SPOA), has been quite vehement in its opposition to SPIL. They have asked that SPIL be disbanded or that SPIL students be forced to represent landlords. Their fall back position is that HLS should set up a program representing landlords.

Obviously the school will not de-fund a student organization based on the unhappiness of its adversaries. Nor will we force a voluntary organization of students to represent clients against their will. As to setting up a parallel organization to SPIL, as noted, the school has never set up any organization. It responds, if it can, to student demand. It is against this background that the statements of Mr. Cook must be evaluated.

First, because of the pressure that SPOA has mounted, Marilyn O'Connell, Director of Community Affairs for the University, has been actively involved in trying to recruit representation for the landlords. She has publicized SPOA's request and asked interested law students to speak with me. Several months ago, a student from the Real Estate organization finally came forward. He estimated that ten or fifteen students might be interested in doing this work. I indicated that no student organization has ever been granted the status of a student practice organization with such small numbers. Indeed, two years ago, when membership in the Government Attorneys Project dropped, it was discontinued from the control of the clinical programs. The student said he would get back to me if the situation changed. Other than Mr. Cook's letter I have heard nothing else.

Second, there are conflict of interest questions raised by HLS students, organizations and supervisors -- all responsible to the clinical office -- appearing on both sides of the same case or issue. These may not be insurmountable but to dismiss them as insubstantial or ideologically based is silly.

Third, no one treats any of these demands lightly. Meetings have been held directly with SPOA, and with John Shattuck, a Vice-President of the University and Marilyn O'Connell. At the law

school, Dean Clark is aware of the situation and has directed a number of us to address it. Dean of Students Sarah Wald; Director of Student Affairs Suzanne Richardson; Associate Dean Dan Meltzer; and professors Gary Bellow and Andrew Kaufman have given considerable time to this situation, as have I.

Fourth, the matter is not yet settled. The University is currently seeking ways in which its Real Estate Office, together with volunteer attorneys, may offer students who wish to work with SPOA the opportunity to do so. In the meantime, there is, of course, no bar to any student volunteering her time to work for any group, organization or attorney.

Finally, I am glad that my alleged statement that I "could not accept such a program as a legitimate, worthwhile cause," was prefaced by the lawyerly phrase that I "reportedly said" it. This is an example of clinical education at its best, showing us how theoretical concerns have their basis in reality. Yes, there are reasons why hearsay is inadmissible in courts. It should be inadmissible in letters to the editor as well, especially when a simple phone call could corroborate its falsity. I never made such a statement.

—Daniel Greenberg
Director of Clinical Programs

Fenno

As I sit down to the traditional and sumptuous Thanksgiving Day repast at the Harvard Law School's last bastion of pure, unmolested thought and reasoning—yes, Lincoln's Inn, you ignoramus!—I realize that I have so much to be thankful for.

I am thankful for the bountiful white meat and white bread (a mite too dry, actually) that we break here today. I am thankful for the mini-sausages and Velveeta cheese balls we downed as appetizers, the same yummys which are now finding their way back up my esophagus. "If you'll excuse me for a moment..."

All better now. One trip to the luxurious basement john and I'm completely relieved. I am thankful for the opportunity that the Good Lord (not to be confused with the Bad Lord, or worse, the Land Lord) has given me to waste away and emaciate for lo, these many years at the Harvard Law School.

I am thankful for the opportunity to mortgage the next ten years of my life. I am thankful for the anchor chained around my neck, the heavy rope that has hoisted me onto that glorious ship of yesteryear, S.S. Wall Street. I am more thankful for the wax in my ears which prevents sound waves from reaching my cranium fully intact. I am thankful that I can barely absorb the faint murmuring tales of icebergs and shipwrecks and other messy inevitabilities of life.

I am thankful for the leaky ceilings in the Harvard Law School tunnels that shower me with cooling rain after an early morning's walk in the scorching Cambridge sun.

I am thankful for the genius that surrounds me and smiles at me and so readily bestows its wisdom upon me, nurturing and caring and coaxing my brain into advanced, terminal maturity.

I am thankful for Cardullo's rows and rows of jelly in the window, bleached through the years but still prettier than any afternoon at Chartres.

I am thankful for Victor Kiam, for each of us is a unique and dignified individual, and I am not he.

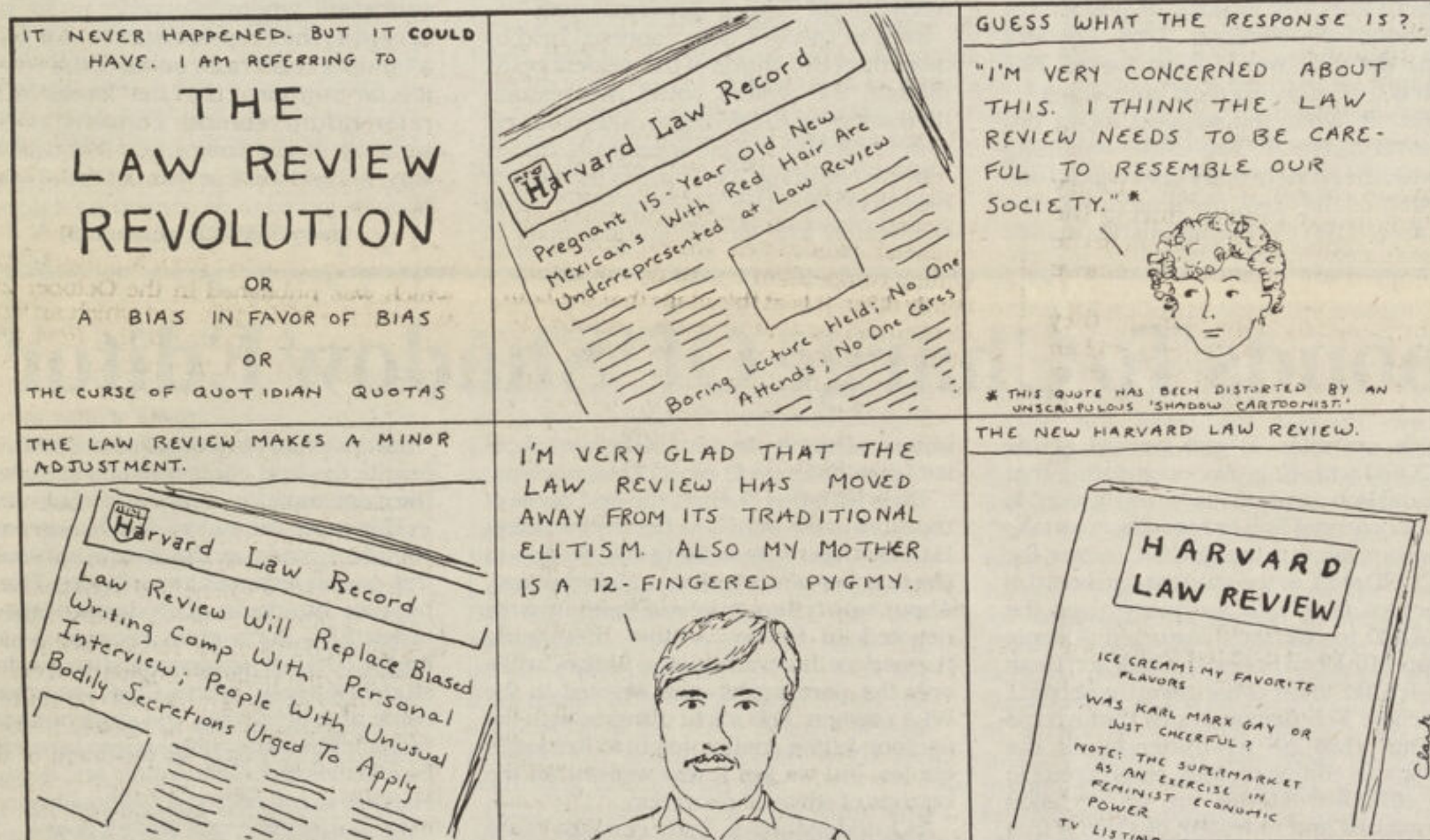
I am thankful for a recent grammar check which confirms that my roommate is not in error when he speaks into the telephone, "Yes, this is he."

I am thankful for God, even though he has abandoned me; for Country, even though she is stumbling and faltering; for Democracy, even if it means morally depraved monsters are re-elected as U.S. Senators (R-N.C., for one); for Mom, even though she still loves Dad after all the hell he's put us through; for Apple Pie, even if it is full of debilitating pesticides; and for the chance to be free.

Most of all, I am thankful that I am not free. For freedom's just another word for nothing left to lose. I am still planning on losing my virginity and my Ad Law book this semester, thank you.

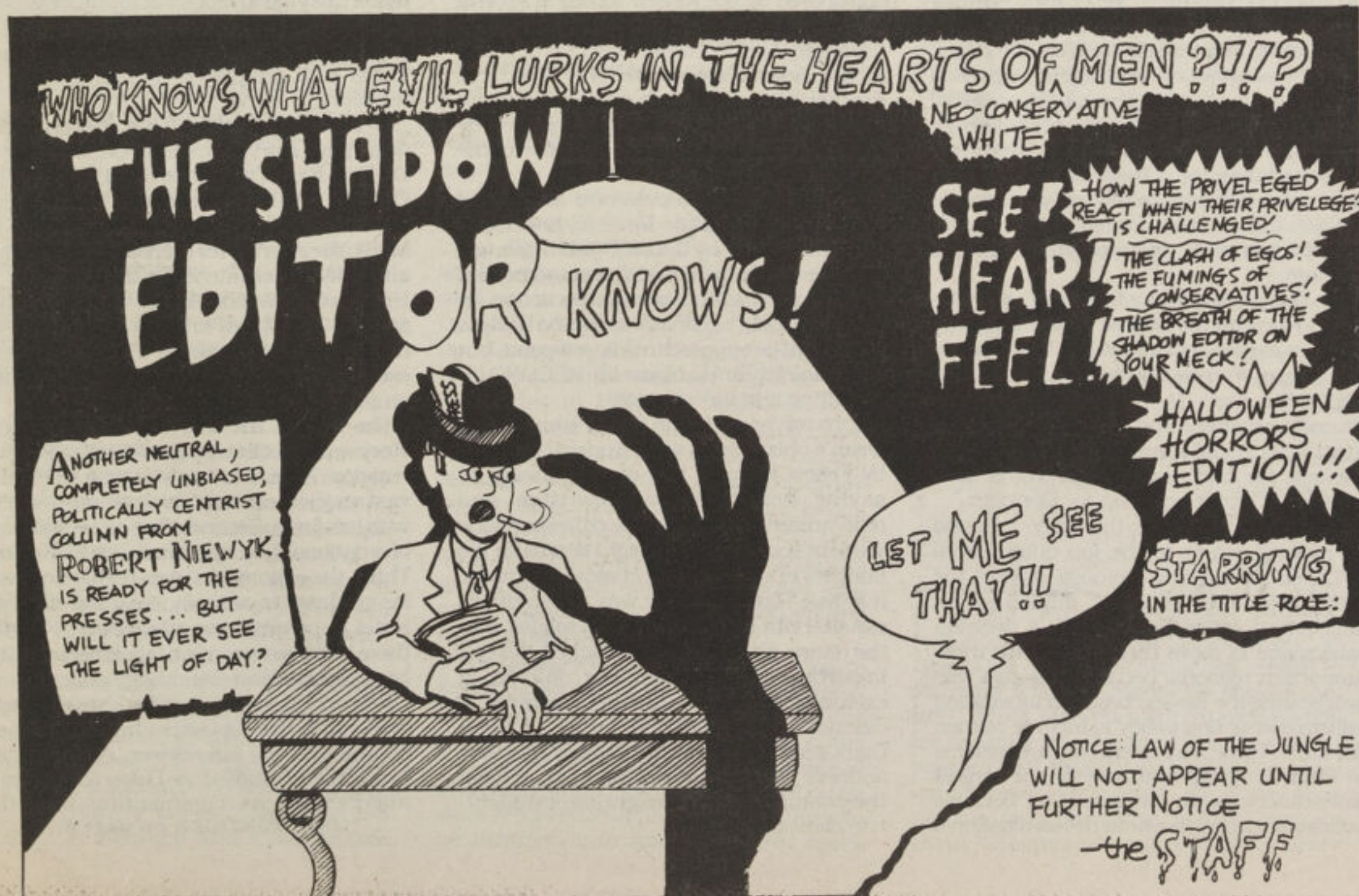
Agenda Neutral

By Eli Clark



Law of the Jungle

By Idle Rich



EPIC Strays From Pro Bono Mandate

Whatever one thinks of the jurisprudence of Justice Brennan, one must admire his skill at weaving his favored principles into the fabric of Supreme Court law. The question to be asked is whether, skill aside, Brennan's techniques for achieving his objectives were appropriate ones for a Justice to use.

Brennan's most effective tactic -- and, not coincidentally, his most questionable -- went as follows: Brennan would write an opinion hinting at a principle of law that he favored, but that had not previously been seen in the Court's opinions. To maintain the support of his fellow Justices, he would stress the narrowness of the holding, or he would use intentionally vague language to mask the boundaries or the implications -- or,

By Robert K. Niewyk
RECORD Columnist

at times, the very existence -- of the principle. Then, in a later opinion, he would assert that the previous case had "clearly established" the broad principle that Brennan had purposefully left unclear in his previous opinion.

The problem with such methods is revealed by asking why they were necessary in the first place. There can be only one reason for their use: Brennan would have been unable to gain the support of a majority of his brethren had he been explicit about what he was trying to accomplish. He was subverting the democratic process, such as it exists, within the Supreme Court.

Likewise, whatever one thinks of the objectives of this or that student group at the law school, one must admire the skill of the students as students. But of course, students need not confine their studies to "the law" as law; Robert K. Niewyk, 2L, is a RECORD columnist

they can also study the techniques of Supreme Court Justices and adapt them for their own use -- even when those techniques are illegitimate.

The Emergency Public Interest Coalition is doing precisely that. At today's faculty meeting, EPIC will be presenting its current proposal "to improve and increase public interest law at Harvard" which comes "in response to last year's student referendum endorsing the concept of a practice component of the Professional Responsibility requirement," i.e. mandatory pro bono. EPIC stresses that its proposal is a "preliminary outline." No matter how "preliminary" the proposal is, however, it leaves no doubt that EPIC is attempting to use last spring's narrow vote as a stamp of legitimacy for current EPIC proposals that go far beyond the scope of the referendum.

Let's be clear about exactly what was shown by the referendum vote. To interpret the vote as an "endorsement" by the student body of EPIC's agenda is, to put it lightly, a shaky proposition. EPIC had been running what was by law school standards a highly organized and massively funded campaign in favor of its agenda for most of the school year. In contrast, the opposition made its first public noises only a few days before the vote, and it did so with very little money or organization. Yet, despite a well-run EPIC "get out the vote" campaign between the first and second day of voting, EPIC was able to scrape together only a 53.6 percent to 46.4 percent majority in favor of *any* sort of pro bono requirement. One wonders what the vote would have looked like with a true campaign on both sides.

Second, while the support for "a pro bono requirement" was underwhelming at best, the student body's rejection of one version of that requirement was indisputable. The referendum distinguished

between a pro bono requirement with academic credit and one without credit; voters gave a slim majority to a requirement with credit, but voted by a thumping 69 percent to 31 percent *against* a requirement that did not include credit.

Third, to gain even a slim passage of the referendum, EPIC had to spend most of March and April disclaiming a Public Interest White Paper that was largely its own product, disowning its more extreme positions, and stressing the narrowness of the question posed by the referendum. When all was said and done, EPIC was left with little more than a feel-good vote for some sort of student commitment to pro bono by about half the voting students.

One should keep that history in mind when considering EPIC's current proposal. The proposal offers four options for students to fulfill their requirement: 1) Spending one-half of a summer doing public service work; 2) Working 50 hours for non-credit research organizations such as Defenders or SPIL; 3) Enrolling in existing for-credit clinical courses; or 4) Independent fieldwork.

The proposal's most noticeable attribute is its rejection of academic credit as a component of any pro bono requirement. Only one of the four options offered by EPIC -- enrolling in clinical courses -- includes academic credit. Even then, the proposal disparagingly informs the reader that such an option allows "double counting." The writers apparently feel that such a position is an evil necessary to "address the concerns of the student body that they be allowed to receive credit for their [pro bono] work."

Even in the face of a "concern" held by more than two-thirds of the student body, though, the writers could not restrain themselves from offering an alternate version of Option 3 that specifically *avoids* "double counting," i.e. thwarts the explicit desires of the voters. It seems EPIC would desperately love for the student body to

forget that it overwhelmingly rejected any mandatory pro bono requirement that was not for academic credit. Don't let EPIC get away with it.

Next, after spending all last spring narrowing the question posed by the referendum, EPIC is working hard to re-expand its mandate. For example, during the campaign for a pro bono requirement, EPIC stressed over and over again that the requirement is "educational in nature" and that the effect of "ameliorating the legal services crisis in America" would be only a "secondary benefit." (The quotes come from EPIC's op-ed piece in support of the pro-bono referendum in the April 11 issue of the RECORD; emphasis in original.) Compare these statements with today's EPIC proposal: "EPIC strongly asserts that serving the needs of the poor is one of several primary goals of the Public Service Requirement." Oh? EPIC can assert all it wants, but it won't erase the positions taken before the referendum that were necessary to eke out a majority.

Of course, one need not view the referendum as the final, binding say on pro bono. EPIC can propose anything it wants, no matter what the vote numbers were or what the referendum was approving. If EPIC strays beyond the bounds of the referendum, however, it cannot be allowed to use it as a source of legitimacy. The referendum was not an up-or-down vote on EPIC, and EPIC not even speak for all of the students who voted in favor of a pro bono requirement.

Finally, the referendum was not a candidate whom everyone must now accept as their representative, nor was it a binding constraint on all of the voters; it is far from clear that the "losers" of the referendum should consent to the tyranny of the majority. Put another way, should 46.4 percent of the student body be forced to do something it doesn't

(see NIEWYK on page 8)

Donziger Responds To Charge Of 'Shadow Editor'

To the Law School Community:

Two weeks ago Rob Niewyk, 2L, and six other students distributed an article to the Hark boxes alleging that I have acted as the "shadow editor" of the RECORD. Pat Miles, the editor-in-chief of the RECORD, responded in a RECORD editorial to some of the allegations ("Set the RECORD Straight", Nov. 2, 1990, p. 4). Because I feel my personal and professional integrity has been questioned, I will respond to Rob's allegations directly.

First, I accept Rob's argument that in our small community the need for accountability should require that all editors who devote a substantial amount of time to the RECORD be listed in the staff box. In hindsight, I believe I made an unfortunate and unwise decision to ask that my name not be included. That decision has now been corrected.

That said, I am deeply troubled by the way Rob describes my role at the RECORD. He attributes to me vast powers I do not possess and a pernicious intent I do not have. He hides behind the cover of an anonymous source in an attempt to damage my credibility as a professional journalist. He lifts events from their context and reconstructs them to embarrass both myself and the RECORD. And he does it all in the name of a self-defined code of journalistic "ethics" to which not even he adheres.

Rob and his six colleagues mislead the HLS community by claiming Rob's column was censored by the RECORD. The truth is the column was never submitted to the RECORD. Pat Miles told Rob he would welcome a column criticizing the RECORD's news coverage for alleged bias, but that a piece on the editing process itself would be inappropriate. Rob agreed, and turned in a column on an entirely different topic. The following day Rob distributed his "censored" column to the Hark boxes. Would the RECORD have run the column? We will never know, because the column was never submitted for publication.

I am at a loss to explain what would motivate Rob to spend weeks conducting a "thorough investigation" of the RECORD to determine the precise nature of my activities there. On several occasions, over the course

of this semester, I have worked at the RECORD with Rob. Not once during that time did Rob mention his "investigation" to me. Not once did Rob or his colleagues take their complaints to the RECORD editor, the RECORD staff, or the student-run board of directors that has authority over the RECORD. Instead they have urged students to appeal to Dean Robert C. Clark and Dean Sarah Wald "to force changes at the RECORD."

I believe Rob demonstrates through his column that he misunderstands the newspaper editing process. He is correct to say RECORD stories are on occasion reorganized and rewritten, but this is true of newspaper stories everywhere. Editing occurs at the RECORD for the same reason it occurs at any self-respecting newspaper or law journal: to improve the quality of the published product. RECORD editors acknowledge that this process is inherently subjective, and that different editors might edit the same article in different ways. But we all are guided by general principles of balance and fairness. We acknowledge mistakes when we make them. We do not feel mistakes were made in the specific examples Rob cites, although we certainly believe there is room for reasonable people to disagree with our decisions. Let me explain:

1. Rob claims that a front-page story by Mary Flood on the decline in the number of women at the Law Review ("At Law Review, Number of Women Members Falls Sharply," RECORD, Oct. 12, 1990, p. 1) created a "furore" on campus and "made a mess" of the usually collegial environment at the Law Review. He said none of this would have occurred "had it not been for Donziger."

My primary input into this story consisted of moving nearer to the top quotes from WLA co-chair Patty Arzuaga asking the Review staff to consider implementing affirmative action for women. A decision was made to move these quotes for three important reasons: because Arzuaga was suggesting the Review broaden its existing affirmative action policy to include women for the first time; because Arzuaga represents a student group with one of the largest constituencies on campus; and because affirmative action is a hotly debated national

issue and how it plays out at the law school is of great interest to most of our readers.

Even with this change, the first quote of the story came from Law Review President Barack Obama describing the decline in the number of women as an "aberration". About twenty paragraphs in the story were devoted to Review editors distancing themselves from affirmative action, while only five paragraphs were devoted to the WLA position. Rob might disagree with the decision to give greater weight to Arzuaga's quotes, but we feel it was well within the bounds of editorial discretion.

As I understand it, Patty Arzuaga has a separate issue. She is quoted in Rob's column as saying that the story did not accurately reflect her comments that affirmative action for women should be considered by the Review as one of several options, rather than the *only* option. I read the original draft of Mary Flood's article and to the best of my recollection it did not mention other comments made by Arzuaga. All of Arzuaga's comments as reported by Flood remained in the edited version of the story.

Rob claims the dispute over affirmative action at the Law Review has been "manufactured" by the RECORD. It is a fact that the co-chairs of the WLA stand behind their comments that affirmative action for women should be considered by the Review. Rob might be opposed to this viewpoint, but it is unfair for him to blame the RECORD for including it in its coverage.

2. In reference to the Oct. 5 story on the Dean's open forum with students, written by Felicia Ravago, Rob quotes Ravago as saying her story was rewritten and reorganized to focus on the concern of one student that the Dean might downsize the budgets of student-run clinical programs. It is true Ravago's story was substantially edited. Both Pat Miles and myself felt that the story she submitted lacked several important elements. In our opinion, it excluded important student comments; it did not fully reflect the thrust of Dean Clark's comments; and it failed to adequately address Clark's suggestion that across-the-board budget cuts might affect student-run clinicals.

It is customary in journalism for editors to rewrite the lead paragraph of a story with the most important news item of an event. In this case, the editors decided no other comment made at the forum surpassed this one in terms of importance. This is because hundreds of students might be affected by such cuts; because similar budget cuts last year generated tremendous student interest; because Clark's comments came at a time when the student-faculty public interest committee is recommending he expand clinical education; and because Harvard is considered a national leader in clinical education and what it does in this field affects legal education generally.

Rob neglected to report the fact that the edited version of Ravago's article reports on the substantial progress Dean Clark has made this year to reach out to students and to increase fundraising for a major capital expansion and to support the LIPP program. These facts are played up prominently in the story.

3. Rob makes allegations concerning a front-page story ("Students Confront Firm On Fifth Floor Of Charles Hotel," RECORD, Oct. 12, 1990, p. 1) reporting that a group of students confronted the Baker & McKenzie interviewer to challenge the firm's allegedly discriminatory interview of a University of Michigan law student. This story was assigned to a reporter but it was not submitted. I played a major but not exclusive role in putting together the story on production night.

The editors felt this was an important story worthy of front-page attention for four reasons. First, it came at a time when the vast majority of students were interviewing with law firms. Second, the protest was part of a national boycott of Baker & McKenzie. Third, the editors felt it was highly unusual for students to actually enter the Charles Hotel to confront an interviewer. Fourth, there had been a confrontation between the law students and Cambridge police.

Rob criticized the story for stressing how reasonable the protesters had been when confronting the interviewer. Actually, the article merely quoted the Baker & McKenzie interviewer as commenting that the

(see DONZIGER on page 8)

Boiled Conch Meal And Hauntingly Sweet Sausage

By Lucy Braun

Green Street Grill

280 Green Street

T: Redline to Central Square

Tel. #876-1655

No reservations accepted. Open Tuesday through Sunday, 6:00-10:00 p.m. Prices: Appetizers \$5-\$7; Entrees \$12-\$16.

If you walk down barren Green Street in Central Square, you're likely to notice Charlie's Tap and little else. But connected to this fun dive bar is the Green Street Grill, a Caribbean restaurant serving wonderfully unusual food in a relaxed, pub-like atmosphere.

Both the Tap and the Grill attract what appears to be an eclectic, non-Harvard crowd of avant-garde types, plus the kind of people you'd imagine frequenting British pubs. Wooden walls are topped with dull yellow plaster and funky artwork; tables are covered with green and red plastic tablecloths. The waitresses wear black, and a jukebox

plays Patsy Cline.

But don't let the casual atmosphere fool you -- this is serious food. Chef Levins has created a menu unusual in both ingredients and preparation. For example, there's the "Hammered and Boiled Conch Meat" appetizer, "finished in its own juices and mingled with okra, Scotch bonnet chilies, Blue Mountain curry, Myer's rum, lime and thyme." The emphasis is on fresh ingredients, strong seasonings and complex flavors.

My companion Lindsay and I started with a grilled pork sausage appetizer in a spicy fruit sauce. The sausage was light and juicy but not greasy, the sauce hauntingly sweet. Both the Caesar salad and the mixed green salad also make nice beginnings.

Over half the entrees are fish; the menu also sports venison, duck, pork, ribs and daily specials. Alcohol is a frequent flavoring: you'll find food cooked with red wine, white wine, port wine, sherry, rum, brandy, vodka, Guinness Stout, Double Diamond Ale, Bass Ale, and ouzo. The range of heat-generating ingredients is equally impressive: jalapenos, curry, seven-chili

peppers, poblano chilies, Anaheim chilies, Scotch bonnet chilies, bow and arrow chilies, and "mixed ground chilies." Although those who seek milder food can find satisfaction here, those who like things hot are in their element.

For my entree, I chose the special "Trio of Fettuccine," chock full of scallops, cucumbers, tomatoes, grilled eggplant, mushrooms, feta cheese, pumpkin, wine and spices. Feeling wimpy, I followed my waitress's recommendation and ordered the chilies on the side -- a wise decision, given the huge quantity of chilies that arrived next to my pasta. The entree was delicious, brimming with all kinds of goodies, and flavorful even without the extra heat.

Lindsay chose a grilled tuna steak with a sauce of burnt sugar, spices, Guinness Stout, chives, and crushed peanuts. This tasty piece of fish was served with rice, tangy baked beans and cauliflower. In previous visits we've also tried the sauteed red snapper with roasted pineapple and the typical sauce of alcohol and seasonings -- crispy and hot on the outside, tender on the in-

side. It's Lindsay's favorite.

Fresh, plain bread accompanies all entrees. The wine list offers four or five selections of both white and red wines at reasonable prices. No desserts are served; our waitress explained that "we concentrate on what we do best."

Though I love this restaurant, I should point out its weaknesses. For starters, the wait can be very long on weekends, and reservations are not accepted. (Fortunately you can wait in a bar with a decent beer selection, a pinball machine, and, for the truly bored, a television set.) Another problem is the old man who calls people from the waiting list and seats them: he can be pretty unpleasant. Finally, a friend who joined us for dinner found a piece of metal colander wedged in her fish. However, the waitress apologized and the restaurant didn't charge us for the entree, so I don't really hold it against them.

When you feel adventurous, crave hot food or just want a change of pace, escape the clutches of Harvard Square. One short T-shop away, you can take a walk on the wild side at the Green Street Grill.

Argentina: Has History Taught It Nothing?

By Alicia Rubin

On July 25, the corpse of a young man, Guillermo Ibanez, was uncovered. He had been clubbed to death with a sledgehammer by the men who had kidnapped him a few weeks earlier in Mar del Plata, a seaside resort 240 miles south of the capital, Buenos Aires. Ibanez



AMNESTY
INTERNATIONAL
VOICES

was the son of Diego Ibanez, the state oilworkers' union leader and a close friend of the President of Argentina, Carlos Saul Menem. In fact, Menem and Diego Ibanez had been prisonmates for part of the military dictatorship which lasted from 1976 to 1983. So it came as no great surprise that at the young man's funeral a few days later, Menem -- who had openly supported capital punishment before -- announced that he would submit a bill to congress to reintroduce the death penalty for certain crimes.

The bill that Menem submitted to the Senate on August 1 called for the death penalty to be applied for such crimes as "death resulting from the rape of a victim; death resulting from a kidnapping; and for those who habitually organize or finance certain aspects of the production or commercialization of stupeficients [in other words, drug traffickers]." Minors under 18, people over 70 and pregnant women would be exempted. The bill called for execution by firing squad.

The other leading political party in Argentina, the Radical Civic Union (UCR), opposed the bill vigorously and forced Menem to withdraw this particular version. Both UCR members and members of Menem's own Justicialista party as well as independent lawyers pointed out that reinstatement of the death penalty would place Argentina in breach of the treaty obligations it assumed when it became a party to the American Convention on Human Rights six years ago. Menem's predecessor, Raul Alfonsin, had abolished the death penalty when the country returned to democratic rule in 1984, after seven years of one of the most barbarous military dictatorships in South American history.

The junta that took power in 1976 and relinquished control only after a humiliating defeat in the Malvinas/Falklands war with Britain differed from the previous military regimes in Argentina. The country had vacillated between electoral democracy and military rule

for most of the twentieth century, but the military governments had generally seen their role as one of imposing order and then returning the country to civilian control. The "Process for National Reorganization," as the 1976 junta called itself, had no intention of acting as an interim government. It saw itself as the ruling caste of a nation with a religious mission of extirpating the leftist cancer that had infiltrated Argentina. In the name of national security, the military launched a dirty war that systematically instilled terror into the populations. Unmarked cars picked up young women on the streets to rape and torture; people were seized from their apartments in the middle of the night; and being named in a friend's address book frequently turned into a death sentence. Over ten thousand people were killed out of a population of approximately thirty-three million.

So it seems particularly ironic that the current civilian government would use the same rhetoric of security interests to justify judicially sanctioned executions. But the preamble to the bill that was withdrawn state: "When the state has no other recourse in protecting society from the scourge of aberrant crimes, the application of the death penalty is legal in order to provide society with the security it needs to survive."

Both Menem and his Education and Justice Minister, Antonio Salonia, continue to support the idea of the death penalty as a way of stemming the rising crime rates. Moreover, spokesmen for Menem have indicated that they will attempt to find a way of making reservations to certain of the treaty obligations under the American Convention so that that objection could not be raised to a later version of the legislation.

At the same time Menem has urged capital punishment for some, he has decided to let other murderers and kidnappers go free. Almost six months to the day before Ibanez' body was found, another young man was finally given his own grave after thirteen years. Marcelo Gelman, son of one of Argentina's most famous poets, Juan Gelman, had been kidnapped by the military with his wife in October of 1976. He had been held and tortured at an old auto body shop on the outskirts of Buenos Aires that the military had converted into a clandestine death camp. In the early morning hours of October 14, 1976, Marcelo Gelman's body, along with seven others, was placed in an old drum, encased in sand and cement, and dumped into a canal leading into the Rio de la Plata.

The military had been unusually careless in this case and a witness who saw the suspicious dumping of the drums reported the incident and a local court was forced to go through the motions of an investigation, during which the bodies were removed and fingerprinted, only to be dumped into another secret mass

grave immediately afterward. The bodies were not identified until the Argentine National Forensic Anthropology Team took up the case in December of 1989.

However, the oil drums incident had surfaced earlier as evidence when the three junta leaders who had directed the brutal regime were brought to trial for murder, kidnapping, and human rights abuses in 1984 under the government of Alfonsin. The three men were convicted by a civilian court in 1985. General Jorge Rafael Videla, who led the 1976 coup was sentenced to life imprisonment, as was

Admiral Emilio Massera, the head of the naval forces. General Roberto Viola, who led the second junta, was sentenced to seventeen years in prison.

But now President Menem, while pleading the need for the death penalty, has implemented a pardon campaign for the military personnel involved in the Dirty War and for those who aided in barracks revolts since the country returned to civilian rule. Citing the need for national reconciliation, in October of 1989, Menem as newly-elected president, pardoned 285 military officers who faced civil charges for their conduct, 42 of whom were senior officials in the military regime. In December he plans to complete the "second stage" of pardons by decreeing amnesty for most of the other senior officials, including these three junta leaders.

On October 12, in a demonstration organized by a coalition of twenty-five human rights groups and political parties called the National Commission Against the Pardon, thousands marched through Buenos Aires streets to protest Menem's plan to pardon the officers. But Menem seems more concerned about military pressures than civilian ones. He stated to the press after the demonstration, "No matter how many movements they create, it is decided that the pardon will be granted."

This pressure from the military is not new. After a rebellion by junior army officers in 1987, President Alfonsin felt compelled to introduce legislation that exculpated hundreds of members of the armed forces for their participation in the Dirty War on the grounds that they had been acting under orders. The new law however did not quell the rancor of some military factions. There were subsequent barracks mutinies in January and December of 1988.

The leader of the December 1988 revolt, suspended Colonel Mohammed Ali Seineldin (who previously did a stint in Panama training Noriega's special police), wrote Menem a threatening letter as recently as October 20. The letter warned that dissatisfaction in the army could produce "events so grave that neither you nor I are able to specify them." Seineldin's support lies mainly

in army officers, noncommissioned officers who are discontented with the poor pay and diminished military budgets that have resulted from Menem's economic programs and the low prestige the armed forces have in Argentina today. Seineldin does not appear to be planning a coup, but he and others have certainly managed to keep alive the right-wing nationalist ideology that sees the armed forces as superior to the civilian population.]

The combination of the pardons and the push for the death penalty signals a dangerous trend in Argentina. The amnesty decrees are a huge step toward the complete vindication of a regime that violated all human rights with impunity, while consideration of the death penalty shows a willingness on the part of the government to short-cut justice with retribution. Arbitrarily attempting to impose capital punishment on some while pardoning others who have been tried and convicted undermines the legitimacy of the entire judicial system. Both actions also show a shocking disrespect for the lessons of history. If nothing else, Menem should have learned that democracy in Argentina is not cultivated by empowering the military and imitating their penal rationales.

Juan Gelman, Marcelo's father, now has a grave where he can visit his son. He even knows which military men worked at the torture center where Marcelo was held. But he has no legal recourse against his son's murderers. And while Mr. Menem angrily denounces the men who kidnapped and killed his friend's son, he is pardoning the ones who did the same to Marcelo Gelman and to thousands of other sons and daughters. Gelman noted after his son's funeral, "the decrees issued by Dr. Menem (himself a lawyer) place in jeopardy not just moral obligations but the rule of law itself. And when laws can do no right, perhaps it is fitting that they bar no wrong. At least that's what Shakespeare thought."

Letter

(continued from page 4)

I would therefore agree with the suggestion that in the future, our concern in this area is most appropriately directed at any employer who would even insinuate that someone with Mr. Chen's extraordinary record of academic success might be somehow unqualified for work in a corporate law firm, or that such success might be somehow undeserved. Such attributes speak less to the merits or problems of affirmative action policies, and more to the tragically deep-rooted ignorance and bias that exists in the legal community and our society at large.

—Barack Obama
President, Harvard Law Review

Conference

(continued from page 1)

black lawyers affects the new hires," Baeza said when speaking about the prospects for minorities seeking jobs in large firms. "They may be two different people, but it's a reality that students should be aware of."

The conference participants also had an opportunity to listen to a group of HLS students describe their experiences and job expectations.

"Gay and lesbian people who are looking at firms want to know if they can be open there," said James Esseks, editor of the Harvard Civil Rights-Civil Liberties Law Review. "Even if there aren't any gay people, students can look at the type of pro bono work that the firm does to determine if there's an open atmosphere with people who care."

At the same time that the students stressed their desires to work at culturally diverse firms, they also resisted any ideas that they would want to be pigeonholed into a certain field of law because of their backgrounds.

"Several of my Asian col-

leagues do not like it when employers raise the issue of offering them jobs working in the Pacific Rim when what they really want to be is a litigator," explained Terrence Yang, 3L.

Patrick Thompson, 2L, said he resisted the idea that students could determine what was and was not a good environment for them based just on the numbers found in the directory of employers.

"Oftentimes law students make the same mistakes that the law firms do by just looking at the numbers," Thompson said, referring to the emphasis that law firms place on grade point averages. "Firms that don't have any minorities are at a loss to attract minority associates. Students should be in a position to look at all aspects of what the firm has to offer them."

The keynote speaker at the conference was Justice Dennis Archer of the Michigan Supreme Court. During a luncheon address on Monday, Archer implored the participants to hire more minorities to reflect the growing diversity of America's people.

"All we want is an equal opportunity to prove ourselves in law firms," Archer said. "Given a chance, we will do our part to make America stronger."



photo by Patrick Miles

(Left to Right) Anahaita Kotval, 3L, Tracy Ballard, 2L, and James Esseks, 3L, describe their interview and job experiences at the Placement Conference.

Jones Day

(continued from page 1)

Boudreau Jr., is quoted as describing Coretta King, Andrew Young and Maynard Jackson as "among our very good friends."

In conclusion, the letter

raises the specter of national protest if the allegations are true and the conditions are not rectified.

"If the practices described [in the *Fulton County Daily Report* article] are even partially accurate, it would be difficult for many members of our organizations to interview or work with your firm," the letter says. "We would also feel obligated to pass this information about your firm to the rest of the Harvard Law School community, and to our sister organizations at law schools around the nation so they too can

make an informed decision about working at Jones, Day, Reavis & Pogue."

Grande Lum, 3L, president of the Asian American Law Students Association and one of the signers of the letter emphasized that the letter was an inquiry rather than an accusation. Asked whether the letter might be a prelude to a boycott, Lum responded, "It's way too early for something like that. This is a letter of inquiry. Some of the allegations sound fairly bad. I'm very interested in what Jones, Day has to say."

Library

(continued from page 1)

co-chair of Harvard Law Students For Disability Rights, considers the plan to be an important step towards making the campus more accessible to disabled students. "Right now, Langdell is the most difficult part of the campus, access-wise. The new arrangement will give more access both vertically and horizontally."

He feels that vigilant oversight of the project will be needed to ensure the level of access that the committee envisions. "When big plans are undertaken, the potential to increase access is great," although many such projects do not reach their potential, he said.

Faculty opposition to the plan has focused on its perceived over-emphasis of the library. The plan is said to ignore other interests, such as the need for the creation of student-friendly workspace, faculty office space, and the maintenance of faculty contiguity. The faculty is now largely concentrated within two buildings. Under the

new plan, some professors will be displaced from their current stations in Langdell.

Prof. Christopher Edley '78 has asserted that insufficient physical plant is allotted under the plan to accommodate the need for student workspace, and the housing of auxiliary law school programs.

Law School Council (LSC) President Tom Samuelian, 3L, feels that the expansion of Langdell could prove costlier than previously imagined. Growing collections add to the already considerable costs of upkeep. Samuelian fears that the money spent on the creation of new storage space is "probably small compared to the mushrooming maintenance and staff costs."

The new plan for Langdell envisions the library as an important international facility, with greater resources for scholars and visitors from outside the HLS community. It has not been fully debated whether this is an appropriate use of limited funds. "Someone has got to think seriously about users here at the law school -- faculty, students -- and how much of a collection we

need to meet their ordinary reference needs" said Samuelian.

He added that the push to expand could result in marginally better collections at great cost. Possible alternatives include endowed travel grants to meet special research needs, and an improved interlibrary loan system.

The faculty vote is a vote of preference, but not a green light for construction. While the outlines of the plan have been established, the details remain sketchy; the actual shape of the new building, and the allotment of its internal space, is still to be determined. The Committee also needs to consider the amount of space the library will occupy. The final arrangements require the approval of the Harvard Corporation.

The faculty rejected a third plan that featured the construction of library space under the courtyard between Langdell North and the International Legal Studies building, to be used for compact book storage. This idea was widely dismissed as impractical due to the condition of the land, the high cost of excavation, and the non-convertibility of the proposed space.

Niewyk

(continued from page 6)

want to be coerced into doing, simply because a slightly larger percentage feels that everyone

should be doing it?

The EPIC proposal boils down to little more than an attempt by EPIC to force its preferences for summer employment, extracurricular activities, and coursework on the entire student body, including the nearly

50 percent that voted against any sort of pro bono requirement. If the predominantly liberal members of EPIC take seriously their celebration of an individual's choice, perhaps they ought to apply it to pro bono work as well.

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Donziger

(continued from page 6)

protesters had acted reasonably. The quote from the interviewer, Jim O'Brien, also mentioned that the students had been "a little disruptive" when they left the hotel and began chanting outside.

Rob said the story failed to mention that two fire alarms had been "mysteriously" pulled at the hotel at the "precise time" of the protest. To my knowledge, none of the protestors heard a fire alarm go off in the hotel. If there had been a fire alarm in the Charles Hotel at any time that day, I am aware of no evidence to link it to the protest. If Rob has such evidence he should bring it forward.

4. In reference to the Oct. 26 story covering the national campaign for a pro bono requirement ("Campaign For Pro Bono Requirement Spreads To Over 100 Law Schools," *RECORD*, Oct. 26, 1990, p. 1), Rob claimed this article was more a public relations gimmick than a news story. He also said that it was more or less a repeat of an article on the issue that appeared in the Sept. 21 edition of the *RECORD*.

Actually, this story covered two major developments that had occurred since the Sept. 21 story. First, it reported that students from over 100 law schools had launched campaigns at their schools for a pro bono requirement. Second, it reported that students from more than a dozen schools held a press conference in Washington, D.C. to announce the national campaign. Besides the *RECORD*, this story was picked up by dozens of magazines and newspapers, including *The Washington Post*, *The Boston Globe*, *U.S. News and World Report*, *Insight*, and *The Wall Street Journal*.

Rob criticizes me for being involved in the writing of this story because I am an organizer of a national pro bono campaign. This story was assigned to a regular reporter and not submitted. I played a major but not exclusive role in putting the story together on deadline.

I would venture that it is Rob's view that all reporters and editors should as much as possible be detached from the subject matter

they cover. This is difficult at any newspaper, but especially at a student newspaper with limited resources like the *RECORD*. If Rob and his colleagues are unhappy with the breadth of the *RECORD*'s coverage, they should join the staff and begin writing stories. I believe that coverage of campus events could only be enriched by their presence.

-- Steven Donziger, 3L

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