



Harvard Law Record

America's Oldest Law School Newspaper

VOL. 84, NO. 8

APRIL 17, 1987

25 CENTS

Hark! Major Renovations Proposed For Change

By Hillary Richard

HLS is considering major renovations in the Harkness Commons, according to LSC representative to the Harkness Renovation Committee, Natalie Hanlon, 1L. The committee was created when the Quality of Life Committee exposed a large number of complaints about the Hark.

Students seemed "universally unhappy with the Hark," Hanlon

stated, and the administration responded by hiring an architect and confirming with DSAC on possible changes. This resulted in the moving of the mailboxes, as well as the opening of the DSAC coffee shop. These changes have made an "incredible difference in student attitudes. More people hang out there now; more students are using the building than ever before," Hanlon commented.

This led to the formation of the

Hark Renovations Committee, which is composed of Administration (Dean Smith, Dean Upton, Asst. Dean Upson, Dean Reagor, Debbie Little and Peter Kochenberger), Faculty (Asst. Prof. Wilkens) and students (Ken Abbey (2L), Tamara Lumus (2L), Lynn Gerber (1L), 2-DSAC representative) and Natalie Hanlon (1L, 3-LSC representative).

(Continued on Page 6)

Race Judicata Is Off And Running, And Running . . .

By Jonathan Grunzweig

The legal community took to the streets last Saturday morning for the Harvard Student Association's first "Race Judicata" 5K charity run. One hundred and twenty runners from area law schools and law firms traversed the course set alongside the Charles River. Race coordinator and Student Bar President Laura Steeves estimated the proceeds at \$500 to \$700, which will go to Greater Boston Legal Services.

Finishing ahead of the pack was Cameron Stracher, 3L, who negotiated the course in 14 minutes 31 seconds. Stracher was followed by classmate Jack Cleland. Fiona



Sal Casente

And they're off, among them 2Ls T. Wynne Morris, Kathy Marshall, Alan Robertson and Eric Sullivan.

(Continued on Page 5)

Inside the RECORD:

News:

LSC Referendum
Page 2

Feature:

DC Rally
Page 3

Off the Record:

Dead Kennedy Speaks
Page 10

LSC Proposes Student Funding Board

By Hillary Richard

The Law School Council is sponsoring a referendum to run Monday, April 28 to Wednesday, April 30, proposing a student funding board to supervise the funding of student organizations. The proposal, drafted by LSC representative Natalie Hanlon, 1L, addresses the issue of discretionary, non-publicized funding by the Dean of Students Office. Although the money allocated is taken from student tuition, the student body presently does not par-

ticipate in the allocation process, nor is it informed of budgetary decisions after they are made in September.

The referendum calls for a board, composed of the Dean of Students, a faculty member and five student representatives, four of whom will be selected by the LSC's existing student representative selection process, and the treasurer of LSC, who will be elected in a student-body wide election.

Jay Ward, 3L, called the student governments of Harvard's Business

School, Arts and Sciences, Education School and the Kennedy School, and confirmed that these student governments have total control over the funding process.

Dean of Students Mary Upton was very receptive to the idea of a student/administration/faculty oversight board, according to Jay Ward and LSC President Bill Sarraille, 1L, section 1. The LSC has already approved the proposal, but the student referendum will be "decisive," according to Jon Vein, 1L, section 4, LSC vice-president.

If the referendum passes LSC will bring the proposal to Dean Upson and Dean Reagor, the "money people," said Vein. Vein felt positive about their acceptance of the student funding board proposal. "Dean Reagor seems amenable to reasonable requests," Vein said, "and this is a reasonable request, especially since all graduate schools operate on this system."

Hanlon said she felt the biggest challenge in succeeding with the referendum is educating the students about the issue. "We want students to realize that this isn't a threat to any organization," Hanlon said. "Our whole goal is to let students see what's going on. We don't even want to be on the committee. We want students, not just the Dean of Students, to make funding decisions."

Each HLS student pays an annual student activities fee of \$175. If the LSC proposal passes, this money will still be appropriated by the Dean of Students' Office or the controller's office, but would be subject to the student funding board's approval. The Board will also review discretionary funding done on an ad-hoc basis by the Dean of Students' Office. These funds will have already been appropriated, so the Board will only offer advice to the Dean's office as to the propriety of the funding. In addition, the Board will serve as an appellate review board for groups whose requests for discretionary funding have been denied.

Review Celebrates Anniversary

By Vincent Chang

The *Harvard Law Review* celebrated its 100th anniversary April 11 with a banquet at the Copley Plaza in Boston. Nine hundred and thirty current editors, alumni, HLS professors and guests attended the celebration which featured speeches by such notables as U.S. Supreme Court Justice William J. Brennan, Jr.; HLS Professor Emeritus Paul Freund; Erwin Griswold, former Solicitor general and dean of HLS for more than 20 years; William T. Coleman, Secretary of Transportation in the Ford Administration; Elliot Richardson, Secretary of Health Education and Welfare, Secretary of Defense, and U.S. Attorney General in the Nixon Administration; Joseph Flom, a Skadden, Arps attorney, known as one of the nation's most prominent mergers and acquisitions lawyers; and Susan Estrich, a HLS professor and the *Review's* first woman president.

Justice Brennan, scheduled to deliver the keynote address, was not able to deliver his prepared speech because of a severe cold. Instead, he briefly congratulated the *Review* on its anniversary. His original piece was on the role of the state courts.

Dean Griswold's speech focused on the proposed faculty law journal, which Professor Laurence Tribe was originally scheduled to edit. The

faculty journal had been billed as a alternative to the *Law Review*. Griswold said that student-edited journals had done the jobs for the last 100 years and did not need to be supplanted. Griswold reasoned that faculty support of the journal would ultimately wane and that it would eventually need more HLS resources.

The current system, capitalizing on unpaid student labor, both produces a good product at minimum cost and affords students valuable experience, Griswold noted.

Susan Estrich spoke about the issue of favoritism toward *Review* members, noting that when she was at HLS professors would give her more leeway to miss classes because of her *Review* duties. Estrich commented that she was making an effort to be more even-handed.

Flom, of Skadden, Arps, Slate, Meagher & Flom, spoke about the use practicing lawyers make of the *Review*. Despite the proliferation in recent years of non-law review specialized legal publications, the *Review* is still often quoted and a valuable resource, Flom said.

Raj Marphatia, 2L, and Adam Cohen, 3L, the current and immediate past presidents of the *Review*, also spoke. Marphatia urged that hierarchy be de-emphasized and cautioned that people should be judged by character and worth,

(Continued on Page 6)

(Continued on Page 6)

Students Prepare To Rally Against Apartheid

By Greg Herbert

Several HLS students will join 500 to 1000 other East Coast law students in Washington, D.C. on April 25 to march as a group in a nationwide demonstration against U.S. policy in Central America and southern Africa.

The National organizers, the Mobilization for Justice and Peace in Central America and Southern Africa, expect approximately 60,000 to 100,000 participants in the three day event.

HLS coordinator Michael Linfield, 1L, anticipates that about 50 HLS students will make the trip to the capital. "As law students, we're in a unique position to point out the illegal and immoral activities of our government and demand a just and peaceful foreign policy," he said. "It's our obligation to speak out as future members of our country's judicial system. The presence of law students will be a very powerful statement," he added.

The demonstration is intended to alert Washington policy makers of Americans' "widespread opposition" to U.S. policies that "violate fundamental rights to self-determination, liberty and justice. . .[and] risk deeper U.S. involvement in bloody and costly foreign wars," according to the national organization's literature.

A distinctive feature of this demonstration is its support from a broad spectrum of national and international labor and religious leaders. United Farm Workers of America President Cesar Chavez, United Auto Workers President Owen Bieber and Union of American Hebrew Congregations President Rabbi Alexander Schindler are among the featured participants.

"This protest will demonstrate that moderate, mainstream Americans — religious and working people — are opposed to U.S. foreign policy," Linfield said. "They don't want their friends and children in another Vietnam."

The Reverend Jesse Jackson, National Organization for Women President Eleanor Smeal and actor

Ed Asner will speak at the Saturday rally. In addition to the march and rally, the Mobilization has organized an interfaith worship service on Sunday, April 26 and an act of "nonviolent civil disobedience" at CIA headquarters on April 27. The HLS student group will only participate in the march and rally.

The Mobilization specifically charges the U.S. with "escalating terrorism and war" in Nicaragua, and supporting an El Salvadoran government that is "bombing its own people, repressing the church and human rights workers, and protecting those guilty of gross violations of human rights."

In southern Africa, our govern-

ment is "persisting in intelligence cooperation with South Africa's military and security forces even as those forces repress and torture people," according to the group. They additionally allege that the U.S. sanctions policy against South Africa "contains major loopholes" favorable to American corporations there. The protest organizers further assert that the U.S. is "allying itself with South Africa in its war against Angola by providing covert aid to the rebel group UNITA."

HLS organizers are also asking professors either to join in the protest or to sponsor a student by providing the \$40 bus transportation fee.



Sam Ericsson, Executive Director of the Christian Legal Society, addressed the Law and Christian Society Symposium held at the Law School on April 11th.

Somerville Bar Review

Real Law Students Don't Use
SMH, Barbri, Josephson's, or Pieper. . . .
They're using

sbr

Wednesdays at various locations

Obscure Speaker Series Draws Capacity Crowds

By Michael Reilly

Deep in the basement of the International Legal Studies Building, just off the bustling main tunnel, a speaker series sponsored by the HLS Graduate Student Program has been regularly attracting "more than capacity" audiences to the Graduate Student Lounge. Unbeknownst to the vast majority of the HLS population, the series has featured speakers and topics ranging from Professor Alan Dershowitz discussing "The American Criminal Justice System," to Andrew Quale, a partner at Sidley & Austin, giving his perception of "The International Debt Crisis," to Oadeke Akinla, LL.D. candidate, addressing "African Economic Development."

During the fall semester, most of the speakers were distinguished professors, practitioners, judges and scholars. The topics covered a broad variety of geographic, political, legal, social and cultural concerns.

This spring, this same diversity in content remains, but the speakers are now drawn from the international student community here at HLS. Every Friday at 4:00 pm in the graduate student lounge, a number of students voluntarily share their experiences and insights on a particular topic. Some of these students have given their brief talks to various civic groups in the greater Boston area as part of an outreach program organized by the Graduate Student Office.

The co-organizers of the speaker series are Howard Youron, visiting researcher and LL.D. candidate at the University of Michigan Law School, and Nancy Porter, deputy administrator for the graduate program. Youron said that the program series "tries to make the most of the tremendous amount of international legal talent" at HLS by "sharing." In light of the 200-250 foreign students on campus each year, who are "very intellectual and

interested in sharing their experiences," the speaker series is an ideal medium for the exchange of ideas, according to Howard Langas, LL.M student and a future speaker himself.

Student reaction to the series has been very encouraging, said Youron, though he had hoped more J.D. candidates and faculty members would attend. He hopes that this series may serve as a model for a university-wide speaker series for the many foreign students at Harvard. For the moment, however, he is happy to have helped revive a practice to further enrich this "very, very rich place."

The outreach program, in which students speak in front of local civic groups, is one part of the series that Youron and Porter wish to make permanent. Six students discussed "Britain Under Thatcher" at the Somerset Club, Akmal Abbas, LL.M., addressed the National Conference of Christians and Jews, and Martha Luchsinger and Francisco Aguilar-Urbina told the Boston Jaycees about "Latin America: Democracy, Development and Foreign Debt." Youron said that the clubs have given students "tremendous feedback." Also, the series provides one of the few possibilities to overcome the "lack of opportunity for real expression for international lawyers."

Luchsinger noted that aspect in particular when discussing her satisfaction with the event. "I was thoroughly prepared to speak. Not only on behalf of myself and the school, but on behalf of Venezuela also." Although she felt the event was "extremely challenging" to prepare for, she was "really happy" with the results. "People were very interested in my serious approach to the Latin America debt crisis," she said. Youron said that such reactions were typical for both the students and the outside groups. The series thus serves as "another bridge" between local groups and the foreign student community.

Grossman & Co. was founded in November 1981 with the objective of achieving consistently superior investment returns with a relatively low level of risk. Here are the results through 12-31-86:

18.6% average annual compound return.

These results have been achieved through a flexible investment strategy centered on buying undervalued New York Stock Exchange listed stocks, but including the purchase of convertible bonds and the selected selling of covered call options. Dennis Grossman, the founder and president, who managed the accounts during this period, will manage your account. The minimum initial investment is \$50,000. For further information, including a free brochure, call or write:



90 Broad Street
New York, N.Y. 10004
212 - 422-3056

*Registered Investment Advisor
Member NASD and SIPC*

Christie Hefner Hops To Defend Father's Empire

By Jamin B. Raskin

Speaking to a receptive crowd of 200 in the Ames Courtroom on Tuesday, April 8th, Christie Hefner, the president of Playboy Enterprises, disputed the association of pornography with sexual violence and attacked "the new censorship in America which is going after textbooks, comic books, magazines, rock-and-roll, and sex education."

Declaring that "what is at stake in these struggles is tolerance, honesty, and equality," Hefner urged students to stand up for "an open society."

Hefner attacked the impression left by the Meese Commission on Pornography that there is a discernible connection between pornography consumption and sexual violence. "Every responsible study has shown that there is no relationship," she said. Moreover, "a report commissioned by Attorney General Meese found that less than 1% of pornography has any violent content at all. He suppressed it."

Hefner said the \$500,000 budget of the Meese Commission would have been better spent on sex education.

Hefner said she found conservative objections to violent pornography "hypocritical" since so much of the media and the film industry thrive on violent images. "There was a broad study done of movies in different rating categories," she noted, "The x-rated films have, by

far, the lowest rate of violence of all of them. You can show a picture of a man cutting a woman's breast in a war movie but you can't show him kissing it. What bothers the Right is not violence, but sex."

Declaring that "the Reagan Administration is slashing funds for battered women's shelters while trumpeting its concern for women victims of violence," Hefner said that the campaign against pornography is counter-productive to the struggle against domestic abuse. "We don't need more shame and sexual repression. We need programs to deal with child abuse, teen prostitution and alcohol and drug problems," she said. Hefner told the crowd that she had committed the resources of Playboy to local groups working on these problems.

Defending *Playboy* from hostile questioners, Hefner said that "the reality of the magazine is 180 degrees from the sexist image you have of it. Far more women are on the masthead of *Playboy* than *Newsweek*. If young women, who are treated exceptionally well, want to make money posing for *Playboy* or *Glamour* or *Vogue*, I'm not going to tell them not to. Men have told women for too long what's politically correct and I'm not getting into the same business."

Hefner said that the anti-pornography faction of the feminist movement was "small and off-base." Noting that the Playboy Foundation supports a flourishing "women's

erotica movement," she argued that "the way to affect cultural attitudes is to promote the political attitudes you want, not close off discourse."

Hefner also defended *Playboy's* decision to run the pictures of Vanna White, the hostess on "Wheel of Fortune," in the current issue, even though Ms. White objected. "We didn't run the Vanessa Williams spread even though we could have made a lot of money because she had no inkling those photos could ever be used and because of her sensitive position as the first black Miss America. But Vanna White brought those pictures to my father and asked if we would run them, just to wait awhile. Then, when she wrote her book, I think she got nervous about her corporate sponsors and tried to have them pulled. I feel comfortable with our decision."

Footrace For Justice

(Continued from Page 1)

Branton's (2L) time of 18 minutes 31 seconds sets the women's standard for the newly inaugurated race. Claire Sylvia, 3L, was the women's runner-up.

"I thought the SBA did a great job of getting it organized and run," commented Branton. Steeves credits the race's success to co-workers Deanne Steadem, 3L, and Salvador Casente and Leslie Messineo, both

2Ls. All are past or present officers of the SBA at Harvard. Beyond their hard work, luck played an important role: "We were so fortunate to have a nice day," admitted Steeves. "None of us had ever organized a race before," she added.

The SBA plans to sponsor the 1988 Race Judicata in conjunction with other elements of the Boston Legal community. Said Steeves, "we're definitely going to do it again next year."



BOSTON BRONZE presents... "THEMIS"

The timeless and monumental symbol of Justice.

This female figure holding the familiar scales and sword is traceable to the earliest civilizations and has been depicted by hundreds of artists in every conceivable medium.

She has graced many public institutions, museums, and galleries in larger-than-life representations but has rarely been produced as "lifetime art."

Now this beautifully crafted, appropriately sized, and affordably priced sculpture in all her majesty is available to the private and professional sector for the enhancement of home or office.

Every piece of solid bronze statuary is recreated by hand in the traditional hot-cast lost-wax process, and then hand-finished and aged. She is mounted on a marble base and stands 17" tall. This sculpture is ideally suited for desk, mantel, or tabletop and adds the finishing touch of professional decor that no law office should be without.

\$275.00 postpaid

CALL NOW **617 876-7204**

We accept Visa, MC, or check. 14-day money-back guarantee. Please allow 4-6 week delivery. Mass. residents add 5% tax.
©1987 Boston Bronze
P.O. Box 404, Cambridge, MA 02141

100th Law Review Anniversary Takes The Cake

(Continued from Page 2)

rather than by grades and credentials.

Cohen pointed out the parallels between today's *Review* and that of past years. "They were pioneers in civil rights; we're also using affirmation to be more inclusive to more groups."

Today's *Review* may seem different, Cohen noted, but "we're just continuing the ideals they set forth of inclusion and of opening up the legal world," Cohen said.

A check was presented on the name of Adam Cohen to the Ann Frank House, an organization that, according to *Review* member Paul Engelmayer, 3L, is "a vehicle for combatting racism and sexism." "Because Adam has demonstrated a real interest in divestiture, affirmative action in the *Review* and making the *Review* a "much more welcome place for women, minorities, and the handicapped," *Review* members thought the award would be appropriate," Engelmayer observed.

The banquet was the "centerpiece," Engelmayer added, of several events including an open house and a 5 foot by 4 foot cake, shaped in

Council

(Continued from Page 2)

"The issue is not necessarily having control over the money," Vein stated, but just to hold the Administration accountable, so these decisions are not done under a cloak of secrecy."

Jay Ward added that we should all take a lesson from Bill Cosby — "It's our money."

Correction

In the April 10, 1987 issue of the **RECORD**, J. P. Sarbanes was incorrectly identified in the cover photo as J. P. Sarhanes. The **RECORD** regrets the error.

the form of Gannett House, the *Review's* office.

The April celebration follows upon the February *Review* issue by noted legal scholars on subjects related to the *Review's* hundredth anniversary. These articles ranged from an insider's oral history of the

civil rights litigation of the 1950's (including *Brown v. Board of Education*) to an essay by U.S. Solicitor General Charles Fried arguing that textual interpretation of the U.S. Constitution is analogous to literary interpretation of one of Shakespeare's sonnets.

Hark Gets Facelift

(Continued from Page 1)

"We are amazed at the scope they're talking," Hanlon said. "Dean Vorenberg is ready to do major fundraising to renovate the building."

Many changes have been proposed, including a café with a terrace, a view location for the Pub

and new student organization offices.

The architect's proposals will be displayed in the Hark for the week of April 15-22. An open meeting is being held by the committee on April 22 at 3:30 pm in the Hark (upstairs), where the committee hopes to hear students' opinions.

REVIEW the comprehensive
JOSEPHSON/KLUWER law summaries and outlines...

RESEARCH The "Tested & Proven"
methodology and "Program Learning System" (PLS)

COMPARE this pertinent information to
other Bar Review Courses...

THEN DECIDE

JOSEPHSON/KLUWER recommends your decision should be based on facts...not hearsay, sales gimmicks, peer pressure or subjective data.

Draw your own conclusions!

When you're the best,
it's easy to invite comparison.

JOSEPHSON
KLUWER
LEGAL EDUCATIONAL CENTERS, INC.

677 Beacon Street, Suite 201, Boston, MA 02215
(617) 267-5452

© 1986, Josephson/Kluwer Legal Educational Centers, Inc.

HLS Unveils Summer Public Interest Grants

By Vincent Chang

HLS will fund fifteen public interest law grants of \$1000 each during the summer of 1989.

Following a considerable amount of student pressure, the HLS administration has agreed to commit between \$10,000 to \$15,000 for a pilot one-year program. HLS Dean Vorenberg has further promised to contact alumni to raise funds to pay for the program. If that effort does not garner the registered amount, the remainder will be funded by general HLS revenues.

"It is important for students to get exposure to public interest law so that they think of it as part of their professional agendas, even if they don't end up making it their career," Vice Dean David N. Smith was quoted in the *Harvard Crimson* as saying.

Similarly, Ron Fox, director of public interest placement at HLS, confirmed with reference to another public interest program, that "studies and surveys indicate that a large number of people are interested in human services, public

interest or public service." One-hundred students take public interest or similar jobs in the summer after their first year, he stated.

A poll taken by the Alliance For Public Interest Alternatives (APIA) showed that financial considerations play a large role in dictating first-year students' job choices, as many students choose corporate jobs in a effort to defray tuition costs.

Although the HLS effort is "an important first step," the APIA had asked the administration for a considerably larger effort, according to Luke Cole, 2L. While the administration has agreed to fund only a one-year summer program, the APIA asked for a multi-year commitment, Cole said. Moreover, while the actual commitment will be less than \$15,000 during the first-year, the APIA sought a \$25,000 commitment for the first year, followed by \$50,000 the next, and \$100,000 in the third year. The APIA had also asked for a permanent effort, rather than a "pilot program."

Instead of adopting the APIA's proposal, the administration has asked the APIA to assist in a phon-

athon to raise funds for future programs. According to Cole, APIA and Student Funded Fellowship (SFF) members will contact up to 2,500 HLS alumni whose names appear on a list of public interest graduates.

But Cole noted that the phona-thon has rarely been tried in the past, and that the APIA did not "expect to raise a great deal of money that way." Cole called the administration's program a "small commitment" but added that "it shows the university is moving forward."

Special thanks
to Marla's brother,
Rob, for all the
witty headlines.
Now they can't
blame her anymore.

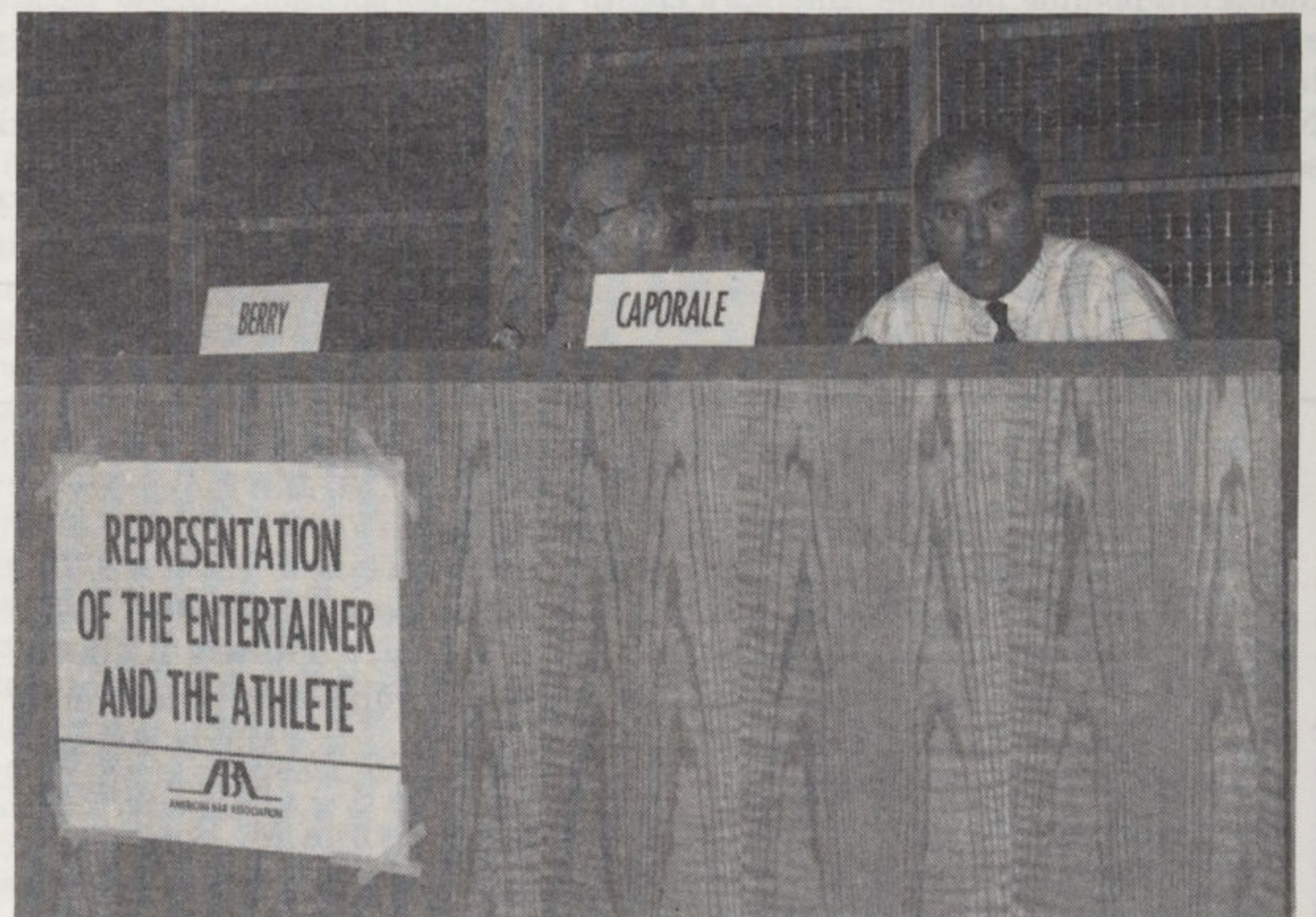
**\$10-\$360
WEEKLY/Up**

Mailing Circulars! No quotas/bosses. Sincerely Interested RUSH Self-Addressed Envelope: Rosemary, 804 Old Thorsby Road, Clanton, Alabama 35045

Professional Dry Cleaning
and Shirt Laundry
at

Rite-Way
DRY CLEANERS, INC.

547-8008
4 Hudson St., Cambridge
(off 1672 Mass. Ave.)



Sal Casente

Professor Robert C. Berry of Boston College Law School and Robert L. Caporale of White, Fine, Verville of Boston spoke on Saturday, April 11th, in a presentation sponsored by the ABA Forum Committee on the Entertainment and Sports Industry and HLS Committee on Sports and Entertainment Law.

Expensive Injustice

In most classes, we learned that the law ought to be consistent, that judges (like law students) should in a scholarly fashion parse through the facts of a case to arrive at a well-reasoned outcome. But just as law students give up outlining cases after the first week, the Texas judges involved in the Texaco-Pennzoil case apparently abandoned all notions of jurisprudence in favor of a frontier justice that stands out, the *Wall Street Journal* noted, as a "national embarrassment."

We were taught that judges, appointed through elaborate systems of checks and balances, are sworn to uphold "the law." But that theory is hard to reconcile with the conduct of the Texas judge who handed down the trial decision in Texaco-Pennzoil. It is well-known that Pennzoil's lead attorney had contributed \$10,000 to the re-election campaign of the trial judge, Anthony J. P. Farris (Farris later described the gift as a "princely sum.") But even more shocking are Judge Farris' recently released letters. Farris, after lashing out at Texaco's lawyers, wrote to one of them, saying: "I have more balls than any partner or associate in your firm. You may check out my Marine Corps record in World War II. You may check out the way I handled the U.S. attorney's office for six years. . . . Do not lecture me on COURAGE, sir."

To say the least, such revelations undermine confidence in the decisions of the judge assigned to the case when Farris became ill. That judge, a specialist in divorce law who had retired twenty years before, declined to review Farris' decisions. And the Texas court of appeals decision was just as predictable. That court declared, in pertinent part, that "there is no evidence in the record that Judge Farris was either biased or prejudiced in any manner."

The recent revelations might be persuasive enough to call into question the seemingly irrational damage award upheld by all three courts. Despite the fact that Pennzoil planned to pay only \$5.3 billion for the portion of Getty Oil in controversy, the Texas court ruled that Pennzoil should be given \$7.5 billion in compensatory damages. Apparently, the court figured that the piece of Getty was actually worth \$12.8 billion — even though Pennzoil valued the property at only 40 percent of that figure. Some experts contend that in fact compensatory damages should be discounted for both time and the improbability of actually striking oil — a reasonable award might be closer to \$500 million than to \$7.5 billion.

Whatever the reasoning or the injustice, the results now are clear: the Texas courts are holding hostage America's eighth largest corporation, 15,000 Texaco employees, and 8,000 retired workers on Texaco's pension rolls. We can only hope that the Texas Supreme Court acts decisively to overturn a decision that New York Federal District Judge Charles L. Brieant described as "so absurd, so impractical, and so expensive that it hardly bears discussion."

V.C.

Fenno

Fenno looked down at his body and did not like what he saw. His chest was sunken, his biceps had disappeared, and his beer belly blocked his view of his feet. Clearly, his steady liquid diet was killing him. He needed some solid food. He began strolling down Mass. Ave, searching not for bars, but for eating institutions — restaurants, he believed they were called. He had heard of them, but he had never actually been in any. Finally, he entered a building which advertised itself as "Three Greases Pizza." He waited in line for ten minutes. Eventually, after threatening to light his hair on fire and sing "Disco Inferno," he attracted the attention of a waiter.

"What you want?", the waiter demanded.

"What size are your pizzas?" Fenno asked meekly.

"Small is twelve — large is sixteen."

Fenno ordered a small, and sat down in an empty booth to wait. A gigantic cockroach crawled across the table.

"This seat is taken," the roach said.

"Sorry." Fenno got up and moved.

After a half hour of waiting, Fenno heard a voice shout out his name: "Yo, the pizza's ready!"

Fenno approached the counter eagerly. The waiter handed him a tiny puddle of grease, four inches in diameter.

"I thought these were twelve inches large!"

Fenno protested.

"No — only twelve centimeter. In Greece, we use the metric system."

"You defrauded me! You tortfeasor!" Fenno yelled, remembering dimly the only word he learned as a 1L.

The waiter grabbed Fenno and rudely ejected him out the door.

The next establishment Fenno entered reminded him of Dante's Inferno. Orange and red fires blazed on the walls, and hideous demons stared at him from the bar. Rude waitresses served overcooked cheeseburger specials while the howls of tormented souls escaped from the back room.

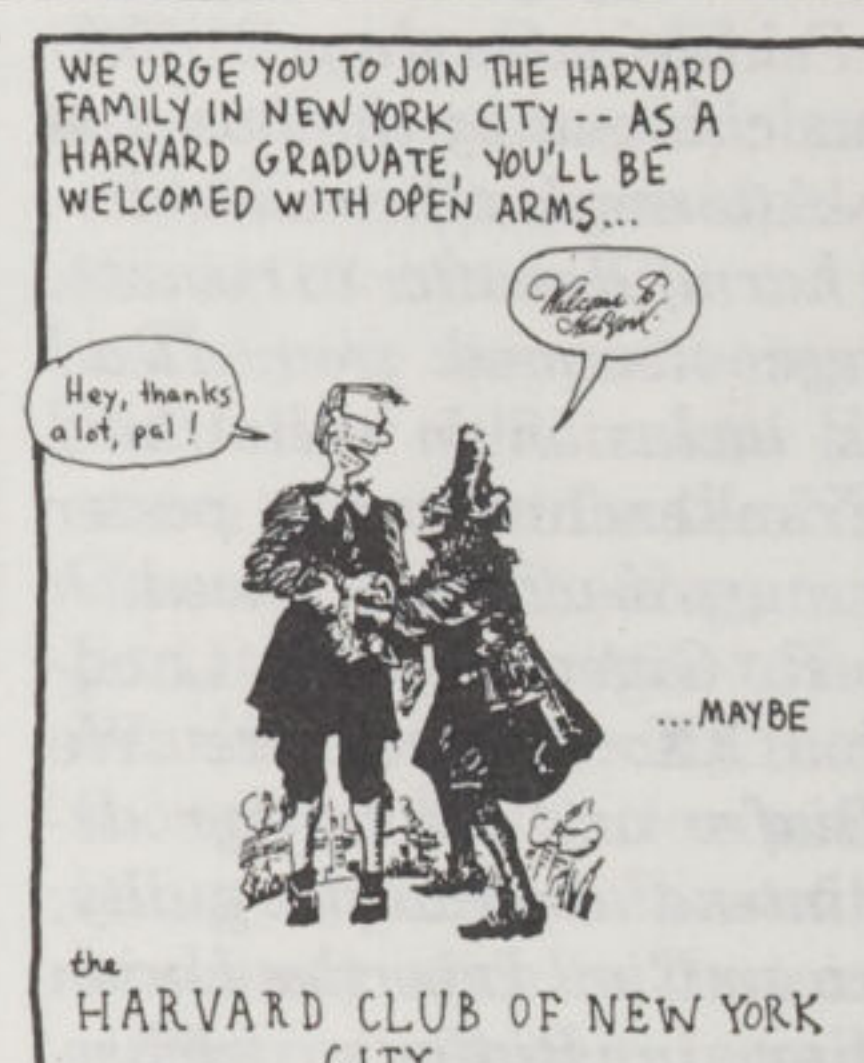
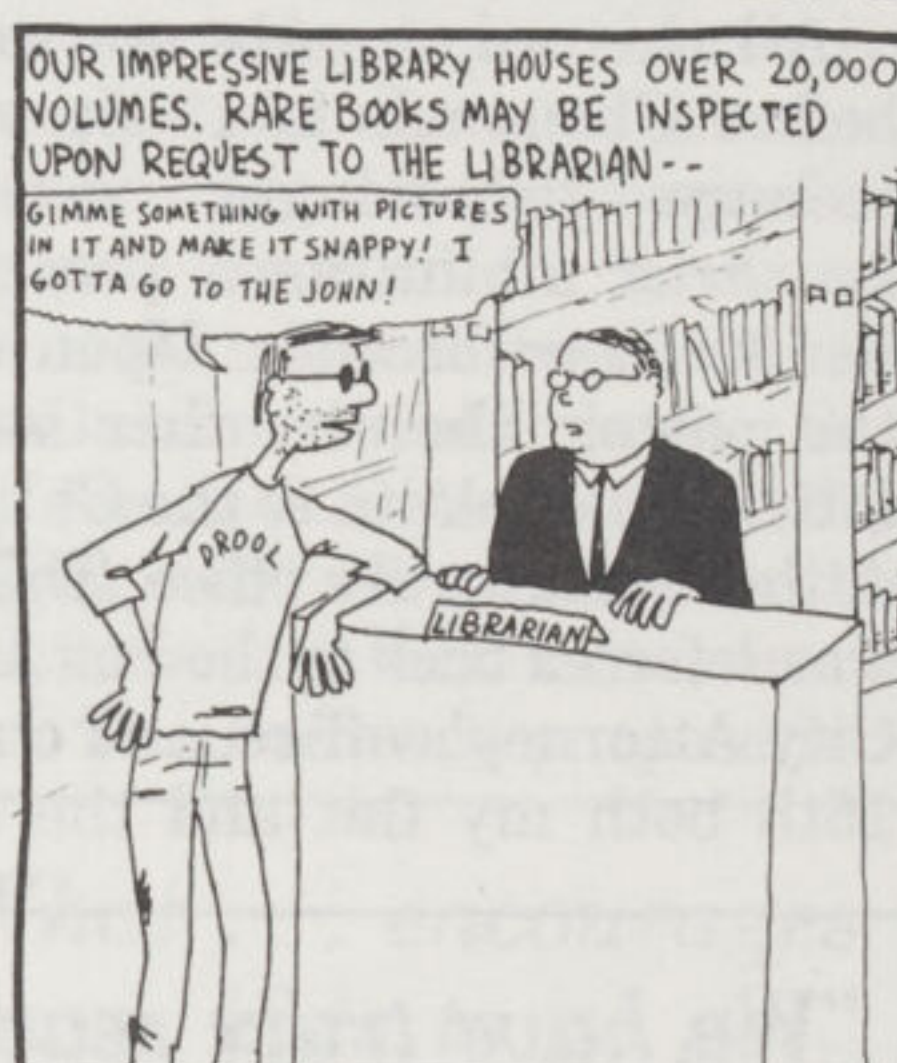
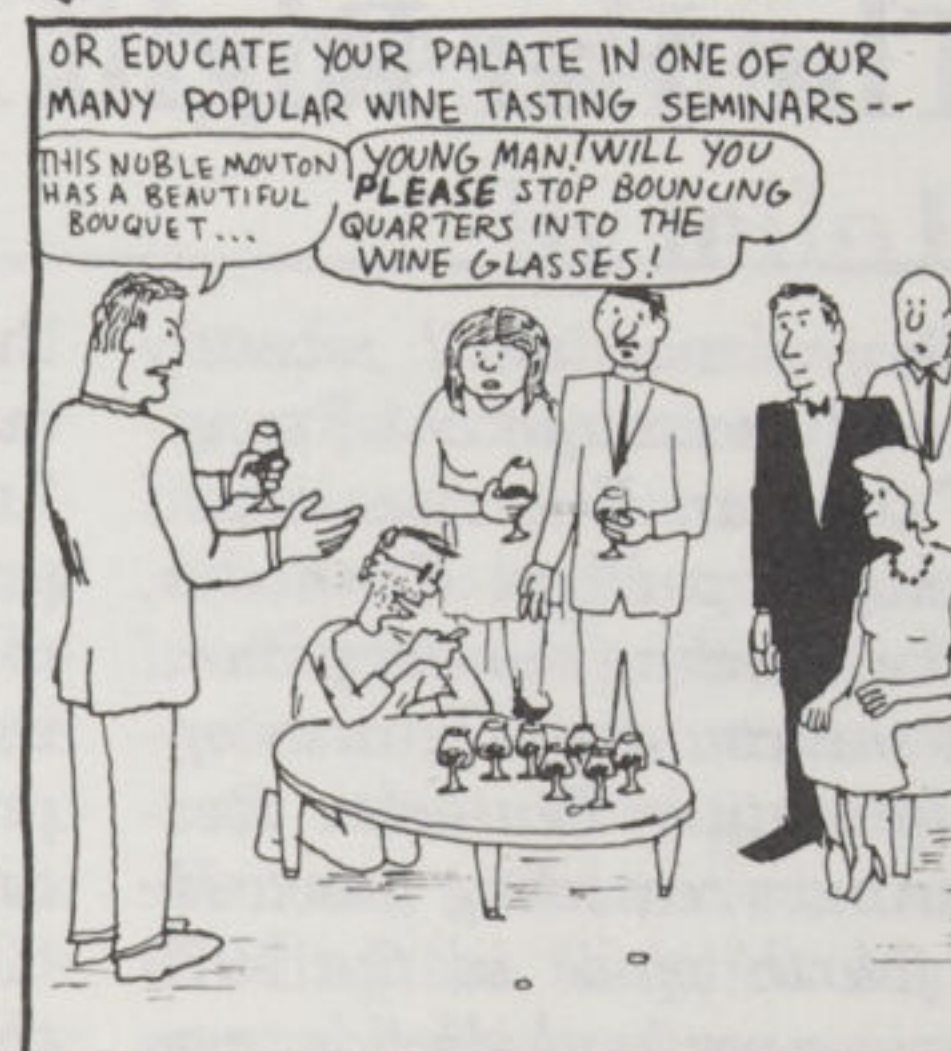
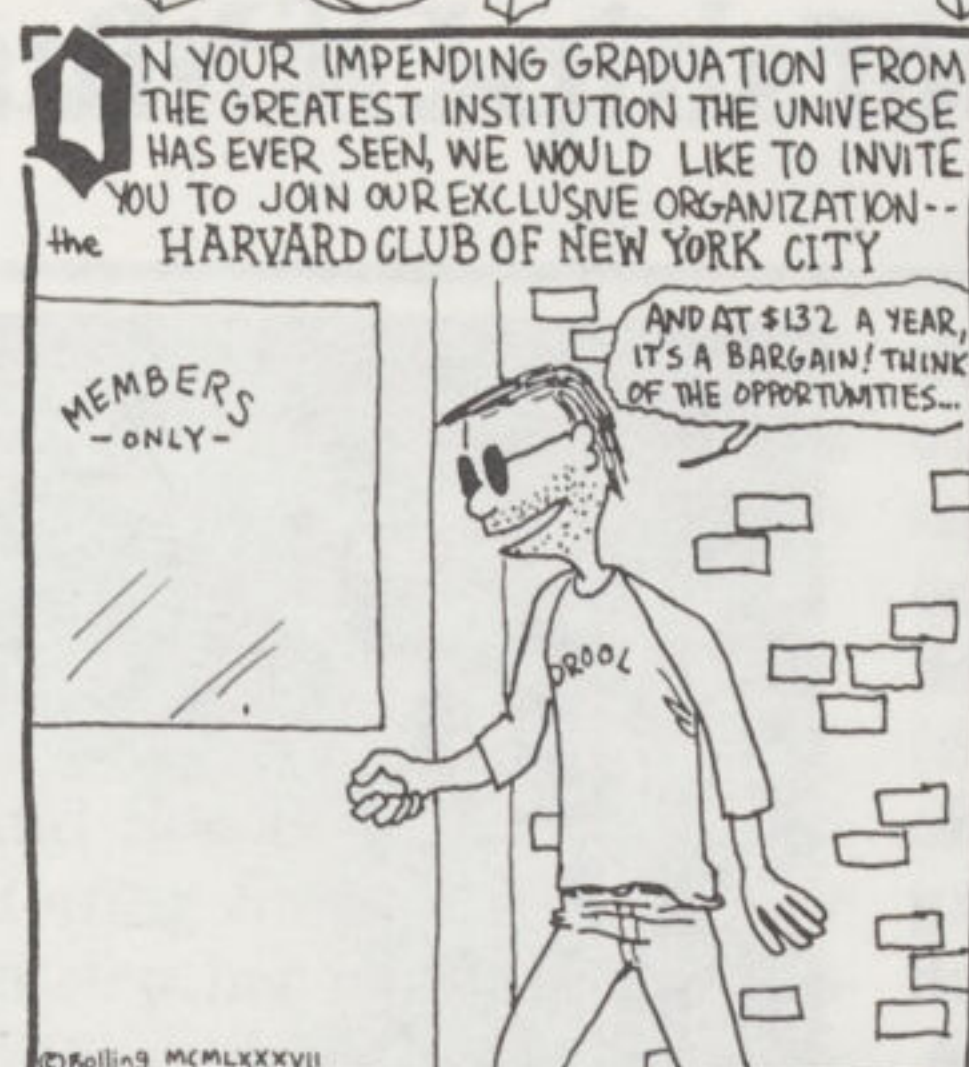
Fenno returned to the law school. As he climbed the ramp to the Harkness dining room, he hoped the fact that it was run by the law school administration he so loved and admired would contribute to better food. But, alas, it was not so. The Hark had been contracted out to something called "Dachau Food Services." A giant splotch attributable to some guy named Miro, stained the wall. In the kitchen, mutant cooks heated "Chick-wiches" and "Sea Shore" sandwiches garnished with atomic radiation.

Fenno couldn't stand it any more, and he fled down to the Pub. Around him wandered his fellow law students, pale and emaciated from excessive study. Compared with them, Fenno realized, he was a veritable Charles Atlas. As Fenno ordered up a pitcher of Meister Brau, he proudly exclaimed, "Beer is good food!"

HARVARD LAW RECORD

EDITOR IN CHIEF Vincent Chang
 MANAGING EDITOR Tegan M. Flynn
 NEWS EDITOR Hillary Richard
 FEATURE EDITOR Jonathan Grunzweig
 BUSINESS MANAGER Marla Becker
 COMMENTARY EDITOR Eric Sullivan
 EDITORS EMERITI Risé J. Peters, George M. Borkowski
 STAFF: Fenno, Ken Fisher, Jeff Gershowitz, Greg Herbert, Adele
 Hendrix, James F. Hoffman, Julia A. Loewy, Susan Povich,
 Jamin Raskin, Mike Reilly, Karen Russell, Walter Sargent,
 David Snouffer
 PHOTO EDITOR Sal Casente
 PHOTO STAFF: Adele Hendrix, Suzanne Jackson, Hillary Richard,
 Karen Russell

TOM the DANCING BUG BY: RUBEN BOLLING



Letters to the Editor of the Record

Obligation To Listen?

To the Editor:

Your article on the visit of South African Vice-Consul Duke Kent-Brown to Harvard contained a few points which I would like to address.

The article implies that I felt that Mr. Kent-Brown had a "reasonable point of view." All I said was that the Vice-Consul was not here to defend apartheid but merely to explain the South African government's efforts so far to dismantle apartheid. I meant that the South African government certainly has not gone nearly far enough in taking down the apparatus of apartheid, but it would be reasonable to let the Vice-Consul try to explain his government's point of view.

Several persons quoted in the article complained about the security arrangements at the speech. Such security has been instituted only after numerous attacks on conservative speakers at Harvard. Last year, for example, students shouted down a Nicaraguan *contra* speaker after only three sentences of his speech. Students then drove the *contra* of the stage, pelted him down with red paint and eggs, and then struck him in the head with a bottle, knocking the speaker unconscious. The University failed to apprehend or punish any students involved, even though the attack occurred in the full view of the

Dean of Students. In fact, Harvard has never seriously disciplined any of the dozens of students who have attacked conservative speakers over the years.

Certainly extensive security and screening of the audience is undesirable. It penalized the vast majority of innocent persons for the actions of a few trouble-makers. It would be fairer for Harvard to severely discipline the few guilty parties and leave everyone else alone, but the University has rejected this course.

The RECORD article claims that the Conservative Club had reserved half of the seats in the hall for Kent-Brown's supporters. This claim is completely false. This claim is so untenable that no other paper on campus has seen fit to print it.

It is true that the Southern African Solidarity Committee (SASC) invited Duke Kent-Brown to debate an African National Congress representative at Harvard. But SASC sent its invitation in a first-class letter which only reached Kent-Brown two days after his speech. SASC also attempted to telephone the Vice-Consul -- on a Sunday, when to SASC's great surprise the South African consulate was closed.

It is unfortunate but true that the South African government holds most of the cards in South Africa, in fact in all of southern Africa. It is easy for Harvard students to sit

in an ivory tower and scream for bloody revolution twelve thousand miles away. But very little will change in South Africa without the cooperation of the South African government. Therefore as students committed to change and justice in South Africa, it is our obligation to listen to Kent-Brown, find out what his government is planning, and work out ways to deal with it.

Mir Saied Kashani

Letters Policy

All letters submitted to the RECORD are read by the RECORD's staff. Many of them appear on our pages, subject only to editorial discretion. We encourage letters on any subject, particularly those subjects which have not been covered in the RECORD. Short letters are more likely to be printed.

Letters must be received by 2:00 P.M. on the Tuesday before the issue. Letters should be addressed to the RECORD rather than to third parties. In no event will the RECORD publish letters by writers who have not identified themselves to the RECORD. Organizations should identify the specific individual(s) responsible for approving the letter. All letters submitted become the property of the HARVARD LAW RECORD Corporation.

The Far Right And The Censorship Of Music:

Jello Biafra was until recently lead singer, lyricist and chief songwriter of the San Francisco-based punk rock group Dead Kennedys, one of the leading underground bands in the country. He also operates Alternative Tentacles Records, their own recording label. He came in fourth place in the 1979 San Francisco mayoral election, won by Diane Feinstein. On June 2, 1986 Biafra was charged by the Los Angeles City Attorney's office with distributing harmful matter to minors. The charge stemmed from Dead Kennedys' inclusion in their third album, *Frankenchrist*, of a poster by Oscar award-winning Swedish artist H. R. Giger, entitled *Landscape No. XX: Where Are We Going?* Biafra and four other defendants intend to plead not guilty; the American Civil Liberties Union is assisting in Biafra's defense, challenging the constitutionality of the charge. Since that time, the Dead Kennedy's have broken up, an event the associate editor of Rolling Stone magazine termed "a real loss to the American scene." To raise the necessary funds to fight this case, Biafra helped form the San Francisco-based No More Censorship Defense Fund. He now tours various parts of the country giving talks on the issue of censorship, and performing "spoken word" readings of his poetry and lyrics. His musical activities will probably remain on ice for some time to come.

I was half asleep in the attic of my rented flat on April 15th of last year when I was startled by nine police officers tearing my place apart. They had broken a window by the front door in order to get in. They claimed they had knocked but I had not heard them. The police were hoping, I think, to find the original Giger painting, or better yet Giger himself, and were disappointed to learn that the painting was hanging in a private collection in France and that Giger lived in Switzerland. With their vaguely-worded search warrant, they looked

through so many places that it was quite obvious they were hoping to find drugs or weapons as well as anything pertaining to the set-up of a harmful matter bust. (The search warrant said nothing about drugs or weapons.) They were again disappointed. They found nothing of this type since we don't touch that sort of thing in the first place.

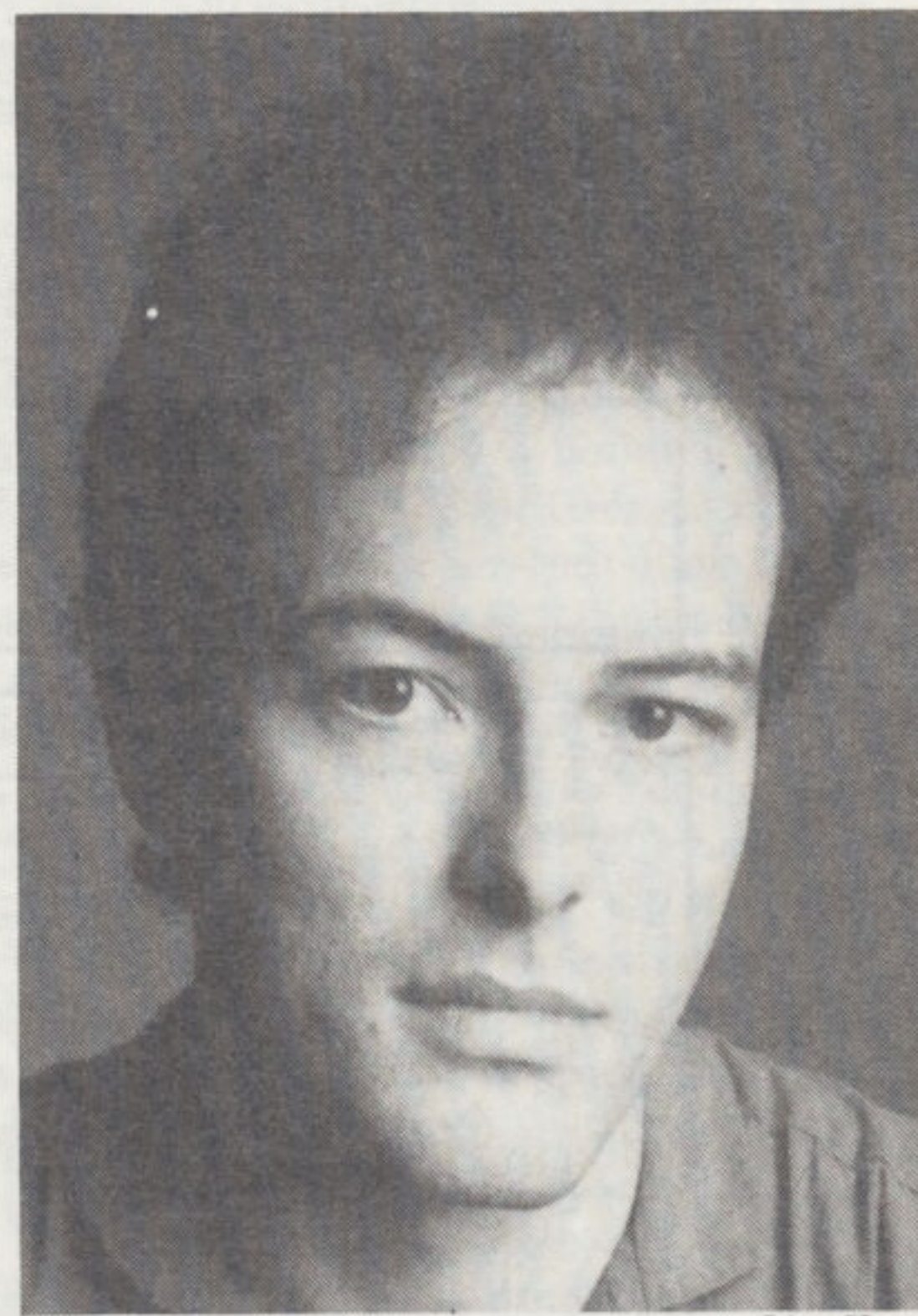
All this apparently started just before Christmas of 1985, when a teenage girl bought the *Frankenchrist* album as a present for her younger brother. Upon seeing the poster, their mother wrote a letter of complaint to the California Attorney General's office. The letter was referred back to the Los Angeles City Attorney's office, and on April 15th both my flat and the offices

"We have truly reached a low point in our history when self-appointed moral guardians such as Jerry Falwell and Pat Robertson are presented as valid spokesmen for the American mainstream."

of the record company which I own, Alternative Tentacles Records, were raided by the police — three officers from Los Angeles and six from San Francisco.

Criminal charges were levelled against me, the by then ex-general manager of our record company, the distributor, the wholesaler in Los Angeles, and a 67-year-old man who owns the record pressing plant that actually manufactured the records and inserted the poster in the albums. The charges were announced to the press on June 2nd, the day before primary elections in California.

I see this prosecution as a direct



Lisa Haun

Jello Biafra

result of a nation-wide climate of hysteria created by an orchestrated power play by forces on the far right to set in motion a pattern of censorship that will in time allow them to censor anything they find "objectionable." There are already movements to purge *The Wizard of Oz*, *Catcher In The Rye*, and many other books out of the public schools, and remove or qualify the mention of Darwin's theory of evolution in school science textbooks. The recent U.S. District Court ruling in Alabama striking down the use of any textbooks that mention what the judge classified as "secular humanism" resulted from a lawsuit partly orchestrated by the judge himself and funded by TV evangelist Pat Robertson.

Yet rock music, and particularly underground and independent rock music, has become one of the far right's most convenient targets. Ideally, what such groups are hoping to do is set in motion a domino effect, similar to what happened with 7-11 and other convenience stores pulling *Playboy* and *Penthouse* off their shelves after that under-the-table threat letter from the Ed Meese Inquisition saying

Off the Record An Attack On The Freedom Of Expression

by Jello Biafra

that these stores would be labelled "peddlers of pornography" unless such magazines were removed. Lo and behold, less than a month later, the Wal-Mart drug store chain, with stores throughout the Midwest, South and Southeastern seaboard pulled *Rolling Stone*, *Creem*, *Tiger Beat* and 30 other publications pertaining to rock music off their shelves on the grounds that they too were "pornographic." Who was it that threatened Wal-Mart by branding these magazines pornographic? Not Ed Meese, but TV evangelist *Jimmy Swaggart*! Since when has a religion-for-profit exporter been allowed to wield this much power?

We have truly reached a low point in our history when self-appointed moral guardians such as Jerry Falwell and Pat Robertson are presented as valid spokesmen for the American mainstream. Thinking people are aware they represent nothing of the kind, yet at times it seems otherwise because the far right is better organized and more widely exposed than at any time in the recent past. Their success so far in advancing their agenda is at least partly due to the fact that people are characteristically silent in this country until something reaches their own raw nerve and threatens their own personal comfort and cocoon. When a few loudmouths on the far right begin harping at grocery stores or at local school boards, and the majority fail to take notice and respond, the school board or retailer feels it has no choice but to give in to the high-pressure tactics, exaggerations and outright lies employed by the far right.

Enter the PMRC (Parents Music Resource Center), a pressure group formed by the wives of several Congressmen and a member of President Reagan's cabinet. Like so many far right groups, they masquerade their real goals behind the ruse of the "concerned parent." That time-honored cry of "What about our children?" has always been an ef-

fective tool for getting attention.

The PMRC operates as a semi-secret society, complete with tax-exempt status. They claim they have no membership (only "founders") and refuse to divulge their sources of financing. Their start-up money apparently came from a rock musician, Mike Love of the Beach Boys. Now their backers reportedly include noted arch-conservative fundraiser and Reagan kitchen-cabinet member Joseph Coors of the Coors brewing family.

The co-founders of the PMRC are Susan Baker, wife of Treasury Secretary James A. Baker III, and Tipper Gore, wife of presidential aspirant Senator Albert Gore, Jr. (D-Tenn.). Their avowed purpose is to

"What . . . encourages more kids to go get killed, Ozzy Osbourne records, or armed forces recruiting ads?"

force record companies to bypass the law and the Constitution and censor their own releases by slapping movie-style "R" or "X", or at the very least Parental Advisory warning labels on the album covers of artists they deem "morally objectionable." What is "morally objectionable?" According to the PMRC's *Rock Music Report*, it is any song dealing with rebellion, substance abuse, sexual promiscuity, perversion, "violence-nihilism", or their definition of the occult. Ironically, they voice next to no objection to violent TV shows or opera and country-western music lyrics.

Besides a rating system, they call for lyrics to be printed on album covers whether the artist deems it appropriate or not, and covers deemed "explicit" to be kept under the counter. More dangerously, they call for the "reassessment of contracts of performers" they claim "engage in violent or explicit sexual behavior" on stage. Their so-called

"media watch" asks citizens and record companies to pressure broadcasters not to air "questionable" artists. Many chain shopping malls have already threatened to evict any record store that stocks any item carrying any kind of warning sticker whatsoever, including the "Explicit Material-Parental Advisory" warning label the PMRC proposes. This not only amounts to censorship, but a partial and all-too-ominous blackballing of the artist himself.

The joke stopped being funny in the fall of 1985 when the PMRC wives arranged for the U.S. Senate Commerce Technology and Transportation Committee to hold public hearings on obscenity in rock, even though no legislation was actually being considered. Five of the wives' husbands were on that committee.

The mainstream record industry has been all too silent about this power play towards censorship. Very few major artists, with the notable exception of Frank Zappa, have spoken out against this subject in interviews. Zappa has even wound up spending over \$70,000 of his own money, and at least a year of his time, trying to raise the awareness of music enthusiasts to the growing threat of censorship and blackballing. Why isn't the industry helping to back him up?

It appears members of the Recording Industry Association of America (RIAA) have agreed to censor their own artists by playing ball with the wives in hopes their husbands will ram a tax on blank recording tapes and/or cassette tape recorders through Congress. They claim this tax (\$.01 per minute of tape, \$.90 on a 90-minute tape at the *wholesale* price) will reimburse musicians who lose royalties when listeners tape their albums at home. This is complete fraud. In reality, 90% of this tax would go *directly to the record companies*, with only 10% to the artist, a \$250 million

(Continued on Page 12)

Off the Record Continued

(Continued from Page 11)

windfall. Even the artists' 10% would be divided according to whoever sold the most units, thus ensuring the smaller artists would get nothing. This also means that if I were to buy a cassette tape and recorder to tape, say, a classroom lecture or correspondence memos, I would wind up paying a royalty tax to Michael Jackson. I hardly think that's fair, yet this is why major record companies continue to cooperate with the censors.

Ours is a test case. I have no doubt that if someone as popular as Madonna, Prince or Ozzy Osbourne were charged as we are, the record companies would give them the best legal help money could buy. But Alternative Tentacles and I are a self-managed, self-supported independent artist and record company, and are therefore the easiest to destroy through bankruptcy. An official said on network television news that they picked us to prosecute because "We feel this is a *cost-effective* [our emphasis] way of sending a message that . . . we are going to prosecute."

It is also curious that the record store responsible for the actual sale, an outlet of the giant Warehouse chain, was not charged in this case, on the grounds that "they were cooperative and took the record off the shelves." This same prosecuting official also told the National Law Journal in the July 28, 1986 issue: "We don't feel that the City Attorney's office is in charge of protecting [the daughter of the mother who complained] from this: We are responsible for seeing that the Dead Kennedys don't profit from the sale of this sort of merchandise[.]"

The major reason we are fighting this charge instead of taking a slap on the wrist, paying a fine, and negotiating away the jail sentence is that a conviction would have ramifications far beyond this case. A legal precedent set by such a conviction could only open the floodgates nationwide for further charges and harassment against other artists, big and small. Not just un-

derground artists, but also folk artists, as well as some of the journalists who are being kept out of the country by various INS regulations would be affected. We hope that fighting this case will help stop this lurch toward blackballing dead in its tracks.

The rippling effect of a McCarthy-style chill factor has already taken its toll. Contrary to media predictions, there has been no dramatic rise in our record sales as a result of the publicity surrounding this case. In fact, many retailers have already removed our records from their shelves out of fear of being dragged down to the nearest kangaroo court by the local gendarmes. They know all too well how easy it is to go broke defending themselves, even if they eventually win in court. People have written in from all over the country, saying they can no longer find Dead Kennedys records in their local stores, especially chain stores.

"[W]e hope a dismissal will help slam the door on prosecutions of rock musicians for what they say with their records[.]"

Another alarming example of possible blackballing is the banishment of John Denver from RCA Records. Until recently RCA was owned by General Electric, one of the world's largest arms manufacturers. John Denver, a veteran and very successful RCA recording artist, included a song attacking the arms race on his last LP. After his album was released Denver testified against the censorship warning sticker proposal at the Senate hearings. Soon afterwards, RCA dropped John Denver — someone who had sold tens, if not hundreds, of millions of records for them. Sure, Denver's sales had been declining, but would RCA have dropped a Frank Sinatra or Elvis Presley?

Turning now to the poster itself, when I first saw H. R. Giger's work

I was very impressed, emotionally affected, and even uplifted by it. The art that truly inspires me is the kind that jolts the dormant sediment in my brain and gets thoughts spinning and whirling so ideas pop into my head, and I am then inspired to create on my own. I had not seen any visual art that had affected me this deeply since viewing the work of Hieronymus Bosch. *Landscape No. XX* in particular made me think, "My god, here it is, this is how we treat each other every day in a consumer-oriented society, intentionally or as a defense mechanism. This is consumer culture on parade!" The painting portrayed to me a vortex of exploitation, that vicious circle of greed where one of us will exploit another for gain and wind up looking over our shoulder lest someone do the same thing to us in return. I realized that many of these same themes ran like a thread through the songs slated to be on the *Frankenchrist* album, which we were in the process of recording at the time. I felt that we should include this piece of artwork as a kind of crowning statement of what the record was trying to say, musically, lyrically and visually. Is this pornography or political speech? The Constitution implies that it is up to the individual to make that decision, not to the State or self-appointed surrogate parents in Washington, DC to make it for them.

We do not feel the mother who complained about the poster had a valid complaint. Nothing we have ever included on one of our records or in an album cover was intended to be harmful to anyone. But even if she thought it was harmful, it is the height of irresponsibility by a parent to be so lazy as to expect the police to do one's parenting for them. If my kid brought home something that I thought was harmful, the last thing I would do would be to call the police and try to have the artist arrested.

But let me mention first what I would consider harmful. If my kid

(Continued on Page 15)

More than just experts: They'll get you through the Bar Exam.

BAR/BRI lecturers are more than experts on the law and more than experts on the New York Bar Examination. They know how to communicate. They know how to teach. Each year, BAR/BRI improves the quality of our faculty by hiring the top law lecturers in the

country. We are proud of our faculty, most of whom have been lecturing on the Multistate *and* New York Bar Exam for years. No other group of lecturers is as knowledgeable about the bar examination—nor as capable of teaching law school graduates how to pass.

Prof. Vincent Alexander, St. John's Law
Prof. Richard Conviser, BAR/BRI Staff
Prof. Butch Covington, BAR/BRI Staff
Prof. Joe Tom Easley, BAR/BRI Staff
Dean David Epstein, Emory Law
Prof. John Jeffries, U. of Virginia Law
Prof. Stanley Johanson, U. of Texas Law

Prof. John Moye, BAR/BRI Staff
Prof. Faust Rossi, Cornell Law
Prof. Robert Scott, U. of Virginia Law
Prof. Michael Spak, BAR/BRI Staff
Prof. Georgene Vairo, Fordham Law
Prof. Charles Whitebread, USC Law
Prof. Irving Younger, Practicing Attorney

Stanley D. Chess, Esq.

barbri

415 Seventh Avenue, Suite 62
New York, New York 10001
212/594-3696

New York's Number One Bar Review.

© 1986 BAR/BRI

FINDING AN APARTMENT IN MANHATTAN TAKES THE RIGHT EDUCATION

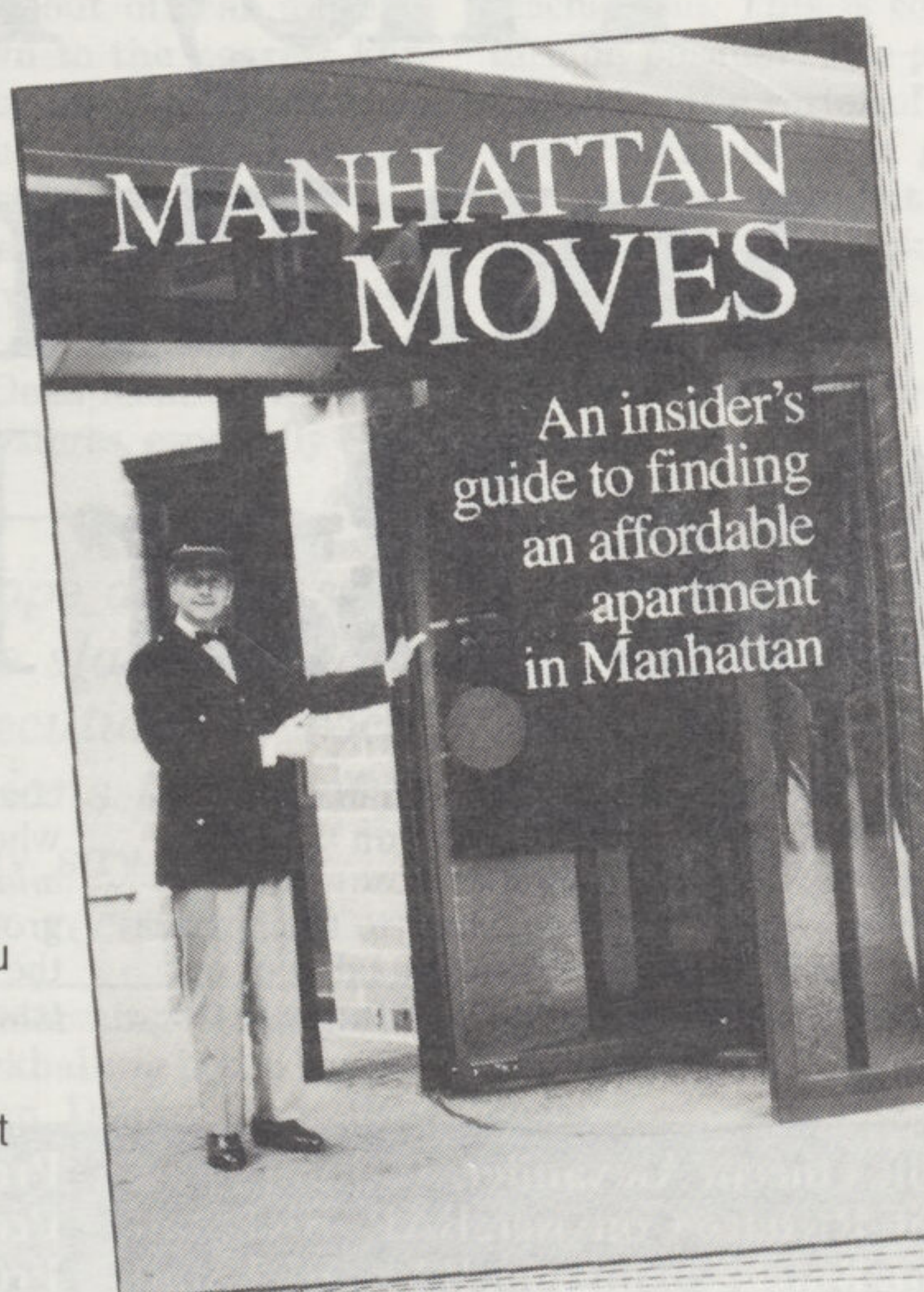
Get a free copy of "Manhattan Moves®"—
the insider's guide to finding an affordable
apartment in Manhattan.

To welcome potential new residents to the city, and dispel some myths about housing in New York, we have published a book called "Manhattan Moves®". It's the ultimate *insider's* guide to apartment hunting in the Big Apple.

"Manhattan Moves®" helps you set your sights on the right type of apartment and location. It takes you on a tour of the city's neighborhoods, introduces you to the available housing, gives you vital facts about transportation, housing laws, renting, sharing, and much more.

The book gives you inside advice on actually finding the apartment you've targeted. It helps you find the hottest listings, tells you how to canvas, and how to select a broker.

Send for a free copy of "Manhattan Moves®" today. It won't guarantee you a Manhattan apartment, but it will definitely get you "moving" in the right direction.



TO: MANHATTAN MOVES® 235 EAST 95TH STREET, NEW YORK, N.Y. 10128

Send me a copy of "Manhattan Moves®", The Insider's Guide to finding an Apartment in Manhattan—free without cost or obligation.

Your Name _____

School _____

Address _____

City _____ State _____ Zip _____

Home Address _____

City _____ State _____ Zip _____

Phone No. _____

Or Call Toll Free 1 (800) 247-4041

In New York State: (212) 996-5000

Off the Record Continued

(Continued from Page 12)

brought home something like *Top Gun* on videotape, or one of those blatantly nationalist, racist or sexist heavy metal albums that promote beating or sexual assault of women, or some whisky-drenched country-western song where the guy brags about beating or shooting his wife, or a Rambo-type toy — yes, that would rub my fur the wrong way. What, after all, encourages more kids to go get killed, Ozzy Osbourne records or armed forces recruiting ads? I do not feel, however, that any of the above should be censored. That's not what the Constitution says. I would rather reply to and expose stupidity in media through my own artwork, and make it an issue that way.

Nor would I abdicate my parental responsibility and chicken out and call the cops. I wouldn't even confiscate the offending article, because that would not teach the kid that the article could be harmful or misconstrued. Such an action on my part would only serve to reinforce the notion that daddy is a fascist, or that daddy is mean, or worse yet an uptight jerk who just doesn't understand.

What I *would* do is sit down with the kid and say, "Look, you went out and brought home this item. Why? Why did you buy this? Why do you like it? What do you see in it? How does it affect you? How do you think it might affect someone else? And now let me tell you what I think of it and how it affects me." A meaningful discussion is a far healthier way to help nurture a loving family than is discipline with no rational explanation to back it up. Such a breakdown in communication might also encourage the kid to simply sneak the offending article into the home and hide it.

More generally, Dead Kennedys have always used their art as political speech. One element of the band has always been journalism. Through our songs we have exposed issues around us that our audience might never even have heard of otherwise, since many people their

age who listen to our records were brought up on television and hardly ever read books and newspapers.

If we are successful in defending ourselves on this charge, we hope a dismissal will help slam the door on prosecutions of rock musicians for what they say with their records, and artists and journalists for what they say with their work. And perhaps ultimately we would be able to send a message to public officials who think they need to hop on the censorship bandwagon in order to avoid attacks from wealthy far right wing fringe groups or attract funding from the same right wing political action committees, by saying that perhaps this is not such a lu-

*"History has shown us
that any compromise
with cultural vigilantes
just encourages more
of them to go further."*

crative issue after all since it makes the person doing the harrassing out to be the pompous jerk he or she really is.

Censorship is like that certain brand of potato chips. Nobody can stop with just one. Well-organized and financed pressure from the far right has already dealt a serious blow to what we see, read, hear — and ultimately think. People once viewed as dangerous right wing extremists have succeeded in casting themselves as spokespeople of the American mainstream. In their world music and literature can be judged harmful, yet Star Wars is considered perfectly safe. And genocide squads like the Nicaraguan

contras are "the moral equivalent of our founding fathers."

Libraries and textbooks are under new attacks in schools. Many gifted artists now face possible McCarthy-era blackballing. Urinalysis and lie detector tests at work are being actively promoted by the Reagan administration under the continuing guise of a drug scare. Attorney-General Edwin Meese has used a wildly-contrived "study" of "pornography" as the first step in a crusade to widen the crackdown on free speech. His commission threatens magazine retailers through extralegal maneuvers such as threat letters, while he strives to pack the federal court system with avowed enemies of Constitutional liberties.

A fresh PMRC media blitz again has them in the news, with new censorship via warning label proposals. Their tone is more conciliatory now, with their more volatile edges temporarily masked. They compare the rock music they deem "objectionable" to the violence on television many of the rest of us have problems with, yet they still concentrate their attack on one form of music — rock — and barely address the issue of television at all. What about all the families bombarded every night by the violence seen on the six o'clock news?

History has shown us that any compromise with cultural vigilantes just encourages more of them to go further. The hysteria sparked by the PMRC husbands' Senate hearings is what gave Jimmy Swaggart's views front page respectability in the first place.

The rationale behind freedom of speech has always been that truth

(Continued on Page 16)

Published ten times each semester by the Harvard Law School Record Corporation, 23 Everett St., Cambridge, Mass. 02138-9984. Telephone (617) 495-4418. Subscription price: \$8.00 year mailed; \$10.00 year mailed outside U.S.; students \$4.00 year distributed at the Law School. Individual copies including back issues: 50 cents at the Law School, \$1.00 mailed. Second-class postage paid at Boston, Mass.

Copyright 1986 by the Harvard Law School Record Corporation and by the contributors.

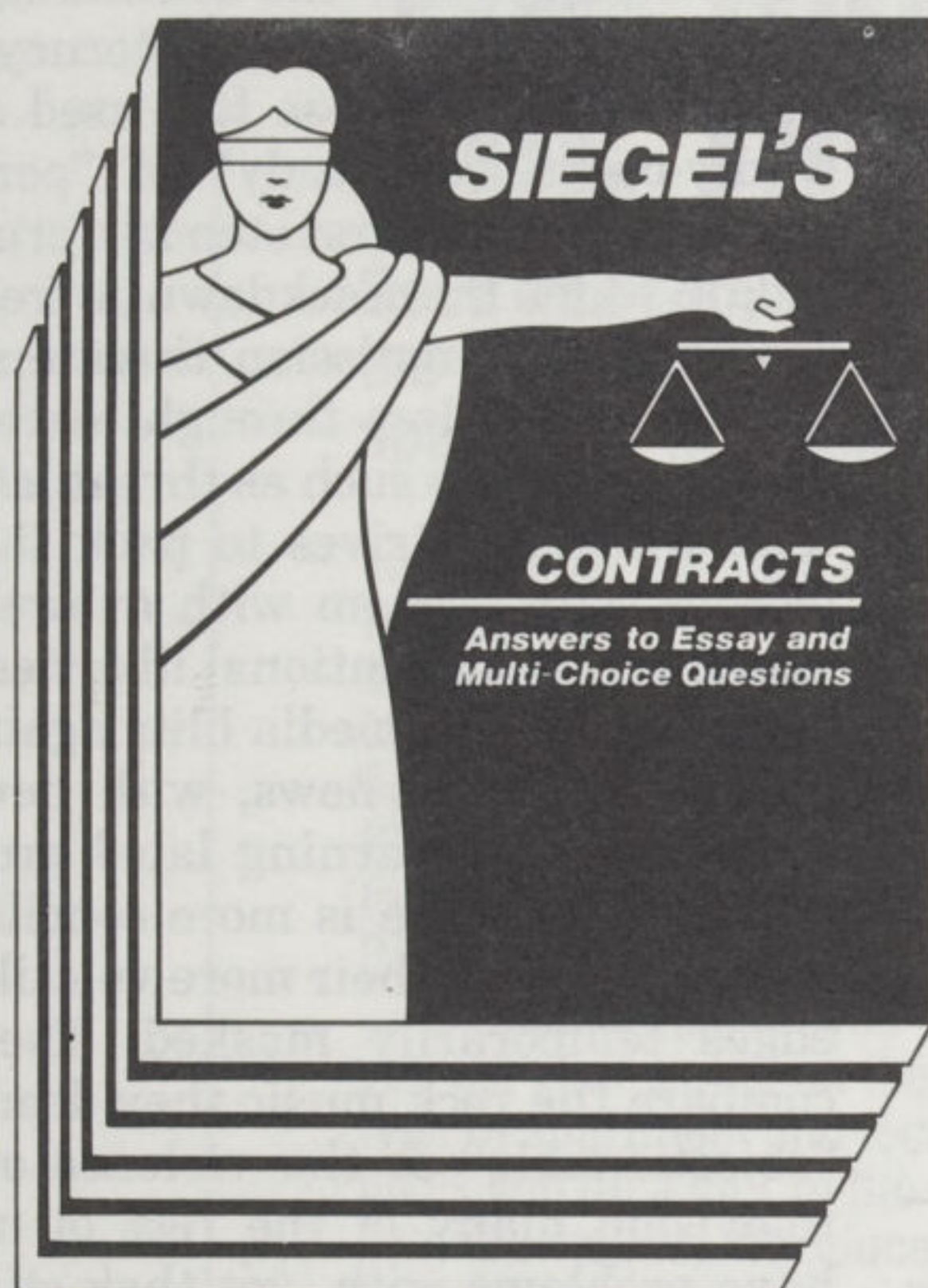
POSTMASTER: Send address changes to Harvard Law School Association, Harvard Law School, Cambridge, Mass. 02138.

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

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

Knowing the Law Is Half the Battle...

*... Successfully applying it to
your exams is the other half!*



- **CONTRACTS**
- **TORTS**
- **CRIMINAL LAW**
- **REAL PROPERTY**
- **CIVIL PROCEDURE**
- **EVIDENCE**

Siegel's *Answers to Essay and Multi-Choice Questions* series will demonstrate how to write superior answers and correctly answer multiple-choice questions. Each work contains:

- ▶ A detailed description of how to avoid the exam-writing errors which consistently plague first-year students
- ▶ 25 hypothetical essay problems and model answers
- ▶ 100 multiple-choice questions and detailed explanations for the correct and incorrect choices
- ▶ A special Issue-Index which allows you to verify your understanding of each topic as soon as it is covered in class

AVAILABLE AT YOUR LOCAL BOOKSTORE

Address changes for Alumni subscribers (all subscribers with computer-printed address labels) should be sent directly to the Harvard Law School Association, Cambridge, MA 02138. Prompt notification will save the RECORD the postage which is charged for returning incorrectly addressed issues. Thank you.

SECOND-CLASS POSTAGE
PAID AT BOSTON, MA
AND ADDITIONAL OFFICES

RETURN ADDRESS
(EXCEPT FOR ADDRESS CHANGES):
HARVARD LAW RECORD
(ISSN 0017-8101)
HARVARD LAW SCHOOL
CAMBRIDGE, MA 02138-9984

Off the Record Continued

(Continued from Page 15)

emerges out of open debate. Democracy assumes a variety of voices, each trying to persuade the other. Dissent is healthy, even when presented in a manner which may seem abhorrent or obscene to those who fear direct confrontation with the reality that surrounds us. Only an informed population can make responsible choices.

For more information on this case, please address all correspondence or contributions to:

*No More Censorship Defense Fund
P.O. Box 11458
San Francisco, CA 94101*

**Next
RECORD:
April 24**

**Koby
Antupit**
PHOTOGRAPHERS

Creative Portraits
Resume & Publicity
Photographs
Instant Color Passports
Harvard Square
8 John F. Kennedy St.,
(formerly Boylston St.)
Cambridge
547-7552

**\$1,250 WEEKLY
HOME-MAILING
PROGRAM!**

Guaranteed earnings. Start immediately. FREE DETAILS, Rush stamped, self-addressed envelope to: Rosemary, 804 Old Thorsby Road, Clanton, Alabama 35045