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February 15, 1991



Former U.S. Attorney for the Southern District of New York, Rudolph Giuliani, speaks of his successes in fighting white collar crime in New York City at Harvard Law Forum Wed. Feb. 6.

CCR Versus Harvard Law Court Weighs Motion To Dismiss Today

On the eve of the first major showdown between the Coalition for Civil Rights and HLS,

by Sharon Stone

eight professional and student legal organizations from across the nation yesterday filed friend of the court briefs in support of CCR students who have filed a discrimination suit against the Law School.

The court is expected to hear several motions today including Harvard's motion to dismiss. If the suit survives the motion, made by the university, the students will be able to depose Dean Clark '72 and other law school officials in preparation for a jury trial.

As the deadline approached, seven professional groups and a student group filed two sepa-

rate documents in Massachusetts Superior Court in Middlesex County on Mon., Feb. 11.

The amicus briefs, were intended to demonstrate that the student plaintiffs have proper legal standing to file the suit, according to members of the intervening legal organizations.

"Through their suit, Harvard law students have brought a serious issue of discrimination in our nation's law schools to the attention of the courts," said Ozell Hudson, executive director of the Lawyers' Committee for Civil Rights Under Law, organizer of the coalition of support for CCR.

"In filing this brief, we intend to demonstrate that the civil rights community in this country stands firmly behind the students in this crucial case for full enforcement of equal

employment opportunity of Harvard Law School's faculty," Hudson added in a statement.

Campus reaction to the motions was split.

CCR member Pat Gulbis, 2L, said, "It is clear that Harvard does not want to get into a contest on the merits and hopes to dismiss this suit on technical issues like standing."

She added that the motions would bring light to this. The motions represent, she said, "professional civil rights attorneys using their expertise in civil rights law to show how we have standing to bring this suit."

On the other hand, Students for Constructive Diversity spokesman Mike Guzman, 3L, said the pair of motions, "dramatizes our contention that the

CCR page 8

Students Charge Dean With Stalling On Pro Bono

Members of the Emergency Public Interest Coalition (EPIC) have charged Dean Robert Clark '72 with "stalling" a faculty vote on key curricular changes to broaden clinical offerings and public interest courses.

By George Paul
and Henry Kerner

Clark denied the charges, calling the accusation "hogwash" and said he was doing his best to juggle the many demands on faculty time, including appointments and other matters.

The EPIC accusations come in the wake of three faculty meetings that have either delayed or postponed discussion of the public interest issue, which includes a recommended course-clinical sequence that would supplant some first-year electives.

The recommendation came out of the year-long work of the Public Interest Advisory Committee (PIAC), which was created in the wake of student protests last year.

The PIAC recommendation, which EPIC supports,

stops short of recommending a pro bono or clinical requirement.

"One delay we can understand. Maybe even two delays we can understand. But three delays with no end in sight crosses the line. It's ridiculous. If we are serious about this issue we have to get moving on it, now," said Jason Adkins, 3L, a member of the PIAC committee.

Clark explained that the matter was put off for valid reasons.

"We postponed the discussion at the first two meetings, because the chair of the [PIAC] committee [Professor Christopher Edley] could not attend the meeting. He had good reasons for not attending, but the faculty felt that we should wait for his return before discussing the issue. At the last meeting we had urgent appointments issues that needed to be addressed immediately, because the person had an offer from another school," Clark said.

The Dean also dismissed suggestions that he call more faculty meetings, citing lack of attendance of faculty members at non-scheduled meetings. "It's not

so easy to get people to attend non-scheduled meetings. They have other commitments, such as workshops," the Dean said.

In addition to regarding the charges as unjustified the Dean also said he felt hurt by the latest attack by EPIC. "I was surprised by this [the EPIC attack] and I felt disappointed after having done so much on this issue, particularly obtaining greater funding for LIPP," he added.

EPIC leaders said they are pleased with the progress the Dean has made on the public interest issue this year, including his fundraising for LIPP. But they they said the felt the urgency of the legal services crisis in the United States should motivate the faculty to give this curricular matter special attention.

In a related matter, EPIC leaders this week sent a lengthy letter to the law faculty to again appeal for the adoption of a mandatory pro bono or clinical requirement as a "de minimis" step to ensure that all HLS graduates have the practical training to fulfill their pro bono obligation as practitioners.

Pro Bono page 3

New Review Board Named

Newly elected Law Review President David Ellen, 2L, announced the results of the remaining masthead and office

by Malcolm Harrison

chair elections for the Harvard Law Review held Wednesday, Feb. 6 and Thursday, Feb. 7.

Ellen looks forward to the upcoming year. "I am very excited. It's a set of extraordinarily able and diverse people. I have every confidence we will be able to continue the Law Review's mission."

Although members were reluctant to discuss the matter, the masthead seems to be one of the more diverse in recent years including several women and conservatives.

Two of the eight persons selected for the masthead are women, while three women

were elected office chairs.

Carol Platt, an officer in the Federalist Society, was elected to managing editor. Her duties will include overseeing the various other offices and coordinating their efforts.

Simone Francis, Patrick Philbin, and Robert Niewyk were selected executive editors. These officers are in charge of stylistic editing, line editing and technical and bluebook work.

This year's supervising editors are Mark Harris, Craig Coben, and Sean Lev. Bruce Spiva is the newly elected treasurer.

The Office Chairs are divided into four sections: articles, books, notes, and Supreme Court. Each office has two co-chairs.

Daniel Meron and Jonathan Molot were elected articles

Review page 3

Obama Opens Up Looks Back On Historic Year

When Barack Obama was elected President of the Harvard Law Review last year, he instantaneously became a national celebrity. Not only

by Bob Arnold

because of the prestige associated with that position, but also because of the fact that he was the first black chosen to lead that renowned journal in its 104 year history.

The 29-year-old Obama was born in Hawaii. His late father was an economist in the Kenyan government and his mother is an anthropologist. He was raised in Indonesia, Los Angeles, and Hawaii.

He graduated from Columbia

College in 1983 with a degree in political science. After working for a year in New York as a business journalist, he moved to the South Side of Chicago to become executive director of a grass-roots activist organization called Developing Communities Project.

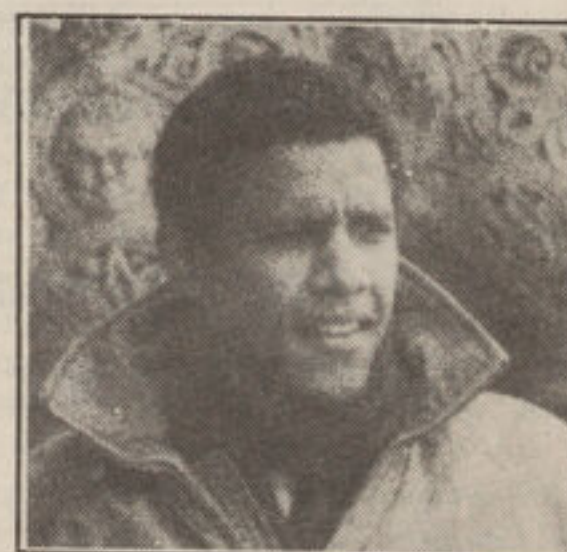
The organization worked with churches, unions, and neighborhood groups on issues ranging from job training to parental control of public schools. Obama spends a good deal of his vacation time in Chicago training community organizers.

Obama shared his thoughts on his publicity-filled year and many other subjects in a recent conversation with RECORD columnist Robert Arnold.

RECORD: Do you have any personal reflections on the year?

OBAMA: It's been a good year. I'm glad I did it, and I'm proud of what we've accomplished. At times it has been a bumpy road, but a good test of success for an institution like the Review is not just what you accomplish

Obama page 8



Former Law Review President, Barack Obama, looks forward to a career combining public service, writing and private practice.

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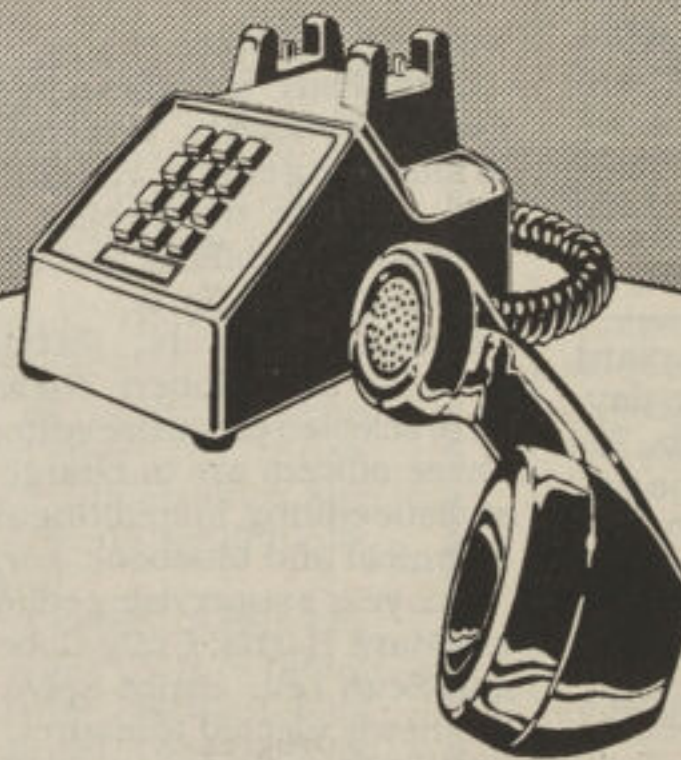
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Technicality Topples Team At Jessup International Moot Court

For only the second time in the past six years, HLS took part in the regional championship of the Jessup International Moot Court Competition held at

By Carol A. Umhoefer

the University of Maine, February 8-10. This year's team, fielded by the International Law Society, included Sharon Bowden, Martin Elling, Dean George-Falvy, Andrea Kupfer (who managed the team), Anita Ramasastry, all 2Ls.

After only three weeks of preparation, Harvard racked up a 4-0 record in the qualification rounds at the 12-school regional. Led by oralists Bowden (who received an award for excellence in oral advocacy) and Ramasastry, the HLS team edged out 12 schools, including Cornell and Fletcher, to score second after Boston College. Penalty points levied for a late brief and a minor infraction of the school identification rule allowed Boston University to qualify ahead of Harvard for the championship round. Kupfer noted that because of the rule's ambiguity regarding school symbols Jessup authorities have decided to redraft it before next year's competition. In the finals, BC beat out BU to go on to the nationals in April.

This year's case involved a trade dispute between the imaginary nations of Mercuria and Nicchia. The "imaginary" dispute bore an uncanny resemblance to the legal issues raised by Japan's auto exports to the United States and the protectionist counter-measures the U.S. has taken or has threatened to take. George-Falvy stated, "the competition is one of the few ways of identifying the actual practical importance of international law in daily business transactions." The case revolved around the provisions of the GATT, the U.N. Code on Restrictive Business Practices, the enforceability of voluntary export agreements, and the proper extraterritorial reach of national legislative ju-

risdiction. Elling stated, "because of the virtual collapse of the Uruguay Round this was a particularly timely case."

As part of Harvard's efforts to internationalize the law school, the new Assistant Dean for International Legal Studies and Graduate Program, asked ILS in late December to field a team for this prestigious international competition, which culminates each year in a 35-nation final in Washington, D.C. Harvard was one of the founders of the International Law Students Association, which sponsors the annual competition, but interest dropped off several years ago when Jessup was stripped of its status as first year Ames alternative. HLS may again become a leader in this competition, with several schools expressing support for Harvard's offer to host the regionals in the near future.



The Harvard Jessup International Moot Court Team: Martin Elling (left), Sharon Bowden, Anita Ramasastry, Dean George-Falvy, Andrea Kupfer.

New Public Interest Placement Head

Stacy DeBroff has been named Public Interest Placement Advisor at Harvard Law School, and charged with advising

by The Staff

students and alumni seeking public interest and public sector work. DeBroff had been serving in that role on a temporary basis since last February before her appointment.

"With the creation of a separate public interest office, Dean Robert Clark has gone beyond the steps taken by his predecessors to allow Harvard Law School to assume a leadership role in facilitating public service work as an alternative to corporate practice," she said. Demand for such assistance has been high this year. The Office of Public Interest saw as many as 40 students a

day during the fall. A second career advisor has been hired to help deal with the increased demand, she said.

DeBroff will manage information programs, workshops, job fairs and on-campus interviews for public interest and public sector law positions; coordinate the Wasserstein and the Kaufman public interest fellowship programs; and publish the annual job search guide and other pertinent publications. She will work with the Faculty Director of Public Interest Programs, Professor Christopher Edley, and will report to the Dean of Students, Sarah Wald.

DeBroff received her B.A. in 1983 from Brown University and her J.D. *magna cum laude* in 1988 from Georgetown University Law Center.

Review

continued from page 1

Janis Kestenbaum will serve as books office chairs. The notes chairs are Lori Christina Webb and Kenneth Fenyo. Andy Fish and Paul Clement hold the Supreme Court office chairs.

Those elected immediately assumed their respective responsibilities in preparation for their first volume, which is due out in April.

Members of the masthead and office chairs are elected by a majority of 2L Law Review members. The President has limited discretion to appoint members in certain situations. Members would not comment on the amount of discretion except to say that it was very limited.

Indian Ambassador Describes Times Of Change

Shri Abid Hussain, Indian Ambassador to the United States, described to students on Mon. Feb. 11 the tremendous economic progress that has

By Evette Harrison

changed the face of India since its gaining independence from Britain in 1942.

The ambassador said India has transformed from a poverty ridden state into an industrial giant, "India is not the India it was when it got its independence. Once we were known as the poorest country in the world. That state no longer exists."

India, Hussain contended, has developed three critical spheres of its economy, which demonstrate the face lift India has had since independence. Growth in the areas of food production, industrial production, and education have lessened India's dependence on foreign countries and allowed India to become a player in the international economy.

Hussain announced that India has converted from starvation debtor to food exporter. "Once India ate ship to lip. Today, India exports foods to our neighbors," he said. The result, Hussain noted, changed the country from a burden on the West to a significant contributor to the world arena.

Similarly, India has built a strong industrial base over the last fifty years. According to Hussain, "Once India was described as an industrial desert. Today, we are the tenth largest industrial nation." The industries are concen-

trated in four or five areas, Hussain admitted, but he added that the government is attempting to duplicate the success in these areas throughout the nation.

Describing educational progress, Hussain said that in 1942 India was illiterate but that "today, one-third of the world's technical manpower is in India." The growth of a professional class has helped change the structure of India's society. In 1942, no significant middle class existed in India. In 1991, over 120 million people are in the middle class, said Hussain.

Despite pride over these breakthroughs, Hussain said that the success must be put in perspective. "We are not satisfied. India has progressed so far but has not arrived," the ambassador said. "We are happy these changes have taken place but, compared to others, we have not done enough. We must move these improvements [throughout] the country to all the people."

The challenge now facing India is the shift from a state controlled economy to one regulated by the private sector in order to prevent stagnation from becoming a stumbling block to continued progress.

Hussain noted that this change in India's economic design is the cornerstone of future success. "We began to get diminished returns. Industries protected by the government eventually became a burden on India. It became clear India had to liberalize its economy," said Hussain.

Next RECORD: March 1

Pro Bono

continued from page 1

"We have made the argument countless times and we will make it again," said Adkins. "In the real world of Boston, nine out of ten legal needs of low-income persons are not met, yet less than two out of ten lawyers do free legal work for the poor — despite their obligation as members of the bar. What are our educational institutions doing to prepare us to ameliorate this outrageous situation? At Harvard Law School, obviously not enough."

Dean Clark reiterated that he considered the issue very important, calling it the first non-appointments matter the faculty will discuss. "This issue is not as time-dependant as appointments," he said. Instead he called this process a continuing affair which will be dealt with for a long time.

This controversy arises somewhat suddenly. After a contentious and controversial student vote regarding a mandatory pro bono requirement for all Harvard Law students last spring, which passed by a 54-46 majority, this year had been rather quiet.

The Dean's Advisory Committee has made a number of recommendations that do not include a pro bono requirement, but that do propose a clinical option as a 1L elective, and expanded opportunities for clinicals for all students.

In the letter, 19 students — among them the student representatives of PIAC — have urged the faculty to adopt a mandatory pro bono requirement for

all students, because, according to the letter 80% of the legal needs of the poor go unmet, and because they believe that "the good for our own education, and . . . good for society" outweigh the slight liberty interests involved.

The students also said a failure to adopt a requirement will put HLS at "serious risk" of abdicating its role as national leader in legal education.

Opponents of a pro bono requirement are concerned about how to define what constitutes pro bono. Some people asserted that in a climate like HLS, a mandatory pro bono program might quickly amount to free legal talent for liberal special interest groups and causes.

EPIC leaders claim that public interest should be defined broadly, and not be limited to groups traditionally associated with "liberal" causes.

At the moment, the mandatory pro bono issue is not before the faculty. Nonetheless, Hauser said she hoped the faculty would consider it anyway.

"The issue before the faculty right now is the PIAC report which does not recommend mandatory pro bono, but the faculty can take up this issue anyway," she said.

Dean Clark, however, sees little chance for that. "I don't suspect the faculty will favor mandatory pro bono," he said.

Adkins said EPIC members still hoped to convince the faculty to adopt a pro bono requirement, which has been adopted by seven law schools.

Harvard Law Record

Volume 92, No. 2

Daniel J. Greaney
Editor-In-Chief

The Radical Fringe Must Be Stopped

Today's issue of the *Record*, sadly, is dominated by news of the suit against the Law School brought by the Coalition for Civil Rights and with the latest developments in the ill advised crusade for mandatory "pro bono" and clinical requirements. Sadly, I believe, because both of these stories reflect the continuing domination of campus debate by the dogmatic left and embody that group's predilection for coercion. Ambivalence about the impulses underlying these events, however, does not end the discussion. Considered on its merits, I believe the CCR suit to be unjustified. The case for reform of the clinical portions of the curriculum, however, seems far stronger, especially in the non-mandatory form recommended to the faculty by the Public Interest Advisory Committee.

First, the CCR lawsuit against the school for its allegedly unfair and discriminatory faculty hiring process.

Like many students, I attended the panel discussion on Harvard faculty hiring held last year in the Ames courtroom. I entered the room uneasy with the tactics of the student activists—which often seem to be a thin excuse for playing hooky or a marching through the library and razzing the grinds who won't come out and play hooky—but with an open mind as to their claims of deliberate under-representation of minorities on the faculty. For me, the decisive moment in the discussion came when a student asked Professor Louis Kaplow what percentage of offers of tenure in the last five years had been extended to either women or minorities. Professor Kaplow responded by asking the student what percentage would she find sufficient to prove that the school was attempting in good faith to guild a truly diverse faculty. With a defiant voice, she threw down the gauntlet: "Fifty percent."

A murmur of agreement ran through the crowd, and I found myself agreeing that such a figure would be fairly convincing evidence of good faith. After a dramatic pause, Professor Kaplow answered that approximately 50 percent of offers of tenure in last eight to ten years had been made to women and minorities, and that approximately 45 percent of additions to the faculty in those years had been minorities and women.

Strangely, the argument did not end then. The students had already made their commitment—but the commitment appears to be to opposing the faculty, whatever its actions, rather than simply achieving a more integrated faculty. If we accept the student's "behind the veil" benchmark of good faith, the suit is simply superfluous.

The suit's other troubling aspects—the incoherence of its argument that neither objective nor subjective hiring criteria are acceptable; its implied inability to imagine a role model relationship based upon other than racial grounds—simply add to my conviction that the CCR deserves to lose.

The issue of expanded clinical courses and "mandatory pro bono" is more problematic.

The report of the Public Interest Advisory Committee to the faculty recommends a voluntary sequence of course work and clinics in several areas of public interest law. In itself, this recommendation is unobjectionable. As one who ascribes to the liberal ideal of education as an open-ended search for knowledge, I am inclined to believe that the more areas of law that are studied and taught at Harvard, the better. And the more options that students have about which avenue towards knowledge to pursue, the better.

The danger, however, is that this proposal brings the school one step closer to the imposition of a mandatory pro bono requirement. Clearly, this is how the PIAC proposal is seen by the advocates of mandatory pro bono. The Emergency Public Interest Coalition recently wrote the faculty urging adoption of the PIAC proposal as a "de minimis" step towards mandatory pro bono. They justify their call for mandatory pro bono by pointing to the results of a student poll last year, in which 56 percent of the ballots cast supported the idea of imposing mandatory pro bono requirement on the next generation of law students—as cynical an attempt to exploit Americans' tendency towards fatuous moralizing as I can recall. When a poll asks students whether they would impose the requirement upon themselves, I will be more inclined to take the "popular demand" argument seriously.

And who can doubt that the installation of a mandatory pro bono requirement would be followed by battles to control the list of qualifying activities? Has the fact-resistant demagoguery of the extreme left on the question of faculty hiring instilled confidence that it will behave reasonably and even-handedly in such an accreditation process?

While the current PIAC proposal is entirely acceptable, it should also signal an end to the era of benign indifference to the activities of the campus radical fringe. They want to make you work for them. It's up to you to make sure they don't succeed.

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Inn's Neighbors Prefer Complaining To Cooperation

Dear Editor:

I write this letter to clarify some issues raised in the letter written by Mark Rodwin, Esq., which appeared

Letters To The Editor

in the *Record* on Jan. 18.

Since September, members of the Lincoln's Inn have invested a great deal of time, effort and money to improve relations with our neighbors. Our neighbors' complaints of noise were something that Lincoln's Inn wanted to address very seriously. To this end, the Lincoln's Inn hosted an open house at which members planned to discuss issues of importance with our neighbors. We were rebuffed—only Councilman Duehay came.

Lincoln's Inn has repeatedly stated its willingness to discuss the management plan or other relevant neighborhood-relation issues with our neighbors. We had only two responses. One person rightly complained that our front door slammed loudly. Within days, we called in a carpenter to put a mechanism on the door to make it shut quietly. The other call was from Mr. Rodwin, but was not germane to neighborhood relation issues.

Only one change Lincoln's Inn made

must be specifically addressed. In addition to the Thermapane windows described by Mr. Rodwin, Lincoln's Inn has recently installed storm windows in an effort to diminish noise coming from the Inn. Mr. Rodwin's letter, in discussing the Thermapane windows, imprecisely claims that they were installed only for structural or economic reasons and also ignores the recently-added storm windows.

Mark Rodwin, Esq., next discusses a comment made by a Lincoln's Inn alumnus at a hearing. Chairperson Ken Mehlman explicitly, publicly and immediately stated that no one from the Lincoln's Inn endorsed this alumnus' perhaps facetious notions.

Mark Rodwin, Esq., then implies that the log of noise that the Inn has been maintaining is somehow incredible. Yet we have witnessed many instances of noise and disruptive behavior on the street which were wholly unrelated to the Inn. For example, we witnessed two men urinate in the street in front of Lincoln's Inn and then retire to 50 Follen Street (where Mr. Rodwin resides), entering through a side door which they opened using their 50 Follen Street keys.

We would enjoy meeting with our neighbors. Please call us at 354-0294.

—Robert Kroll, 3L, for Lincoln's Inn.

RECORD Is Illiterate

To The Editor:

Yesterday I visited a hardware store and was told by a sign there that I could now buy a cinder block "in are warehouse" (emphasis added). Upon leaving, I passed a house where the owner suggested that I "Be wear of the dog." Today I was dismayed to see that the disintegration into linguistic chaos has even hit the *RECORD*: The *Law of the*

Jungle cartoon on page 5 of the Nov. 16 1990 issue of the *RECORD* promise to reveal "How the *priveleged* react when their *privelege* is challenged." The only privilege I would like to challenge is that of being illiterate.

David V. Stivison '79

We Didn't Need Jewish "Role Models"

To the editor:

During 1932-35, there were no Jews, except Felix Frankfurter, on the faculty. Our role models were overwhelmingly WASP. Patience, hard work and the growth of the American economy have secured the present representation of this Jewish minority on the tenured faculty of the Law School and in every aspect of legal practice.

A titillating series of lectures by Professor Frankfurter as our "role model" on ethical and legal attributes of the schtetl would have been of dubious value—even though most of this [Jewish] minority was only a generation removed from the pogroms of Poland and Russia.

In all probability a minority student law suit in 1932 would have slowed the successful progress of this minority in all career areas. (I know this is "anecdotal," but an obscure Hawaiian-Chinese classmate, Hiram Fong, became the first Senator from Hawaii, and a tycoon to boot.)

In passing, the complaint has 10 paragraphs ranting about the "Subjective Nature of Defendant's Hiring Practices." Plaintiff's student predecessors spent years campaigning to inaugurate "subjective processes" for membership on the Law Review. Abandonment of examination grades as an objective standard of resourcefulness, writing, reasoning power and sturdy memory has only served to lower the prestige of the Review and its value as a standard for employment.

Finally, since the Complaint is permeated with allegations and matters of equity, a jury trial may not be available. The plaintiffs should also consider possible liability for costs, disbursements, including depositions and court reporters, travel expense, as well as under any Massachusetts equivalent of Federal Civil Rule 11.

—Stanley L. Kaufman '35

To Our Readers:

The RECORD welcomes your letters and columns, however, if possible, please submit on IBM WordPerfect Disk. This facilitates the editing process.

Thank you for your support.

Why Support Israel?

The history of the "modern world" bears unfortunate testament to the continuing need for a place where Jews know they will always be welcomed.

By Eric Tirschwell
Guest Columnist

In the sense that the war against Iraq has dramatically changed the Middle East equation, Iraq's aggression and the Arab-Israeli conflict are already "linked." However, the contention of some that Iraq would never have invaded Kuwait were it not for the Palestinian cause is untrue, a device for blaming Israel for the current hostilities in the region. Saddam used the Palestinians as a "fig-leaf" to provide a justification for his conquest of Kuwait. One unfortunate truth in the Middle East is that by attacking Jews, and their homeland, Saddam Hussein has been able to score political points within the Arab world. Fortunately, his calculations have turned out to be somewhat misguided, thanks to Israeli restraint and the continuing cohesiveness of the U.S.-led coalition.

Palestinians will not win political power through an "Iraqi proxy" opposed by most of the world. Nor will they effect their own empowerment by trying to draw what is at best a specious analogy between their own situation and that of Kuwait. In May of 1967, Egypt's Gamel Abdel Nasser ordered the removal of U.N. forces positioned on the Israel-

Egypt border; he announced a blockade of Israel's port in Eilat (technically, an act of war); he declared that "Israel's existence is in itself an aggression"; he massed troops in the Sinai; and, he signed joint mutual defense pacts with the other Arab nations surrounding Israel. Israel concluded that its own survival was at stake and that war was inevitable, and therefore launched a preemptive strike against its Arab "neighbors." The "Six Day War" ensued. King Hussein's Jordan entered on the side of Egypt and the Arab coalition (despite promises from Israel that he would not be attacked if Jordan remained neutral), and the West Bank and all of Jerusalem came under Israeli control (they had been "occupied" since 1948 by Jordan with little international protest).

The history of the peace process and the Israeli-Palestinian conflict since 1967 is of course terribly complicated. But time alone cannot transform the outcome of what was by all credible accounts a defensive war into the equivalent of Saddam Hussein's unprovoked and wholesale obliteration of the sovereign nation of Kuwait. And it is crucial to understand that most (but not all) of those in Israel who advocate holding on to the West Bank and Gaza are motivated by a far from irrational fear — that the creation of a Palestinian or P.L.O.-controlled state in these territories would be suicidal for Israel — and not by the expansionism that animated Saddam Hussein's

invasion of Kuwait.

Many Israelis believe that retention of the West Bank and Gaza, and continued rule over a hostile people, pose a serious threat to Israel's long-term political and moral survival. Yet even those most sympathetic to Palestinian aspirations for self-determination have recently been handed a sobering dose of reality in the form of widespread Palestinian and P.L.O. celebration of the Scud attacks on Israel, and the P.L.O.'s attempt to open a "second front" in the Gulf War through renewed Katyusha rocket shelling of northern Israel.

Another disturbing development for Middle East peace prospects has been the recent statements of King Hussein. Last week the benign image of Jordan's monarch paying mere "lip-service" to the pro-Saddam mood in his country was shattered. His rhetoric turned into virulent anti-Americanism, eerily reminiscent of Nasser's vitriolic outbursts directed against the United States immediately prior to the outbreak of hostilities between Israel and the surrounding Arab nations in 1967. The King's claims of neutrality — denying responsibility for Iraqi Scud missiles flying across Jordan and asserting that Israeli jets attempting to traverse his airspace to neutralize the missiles would be shot down — were exposed for the doublespeak that they were.

The title of this article was "Why Support Israel." Let us not forget that Israel remains the only democracy in the Middle East: All citizens of Israel (not including Palestinians who live in areas whose status has not yet been worked out), Jew and Arab alike, share equal legal rights — except that Israeli Arabs, unlike Israeli Jews, are not required to serve in the Army. And we should re-

member Israel is also our most reliable and valuable strategic ally in the region.

Rejection of the idea of "linkage" should not be misunderstood as a diversionary tactic. Instead, we must be mindful that only in the context of direct talks leading to a comprehensive settlement of the Arab-Israeli conflict can the Israeli-Palestinian dispute be settled. This in fact is what U.N. Resolutions 242 and 338 outline — "withdrawal of Israeli armed forces from territories occupied" in 1967, "termination of all claims or states of belligerency," and acknowledgment of "the right of every State in the area to live in peace." Without denying that one of Israel's most urgent tasks is to decide on a course for reconciling Palestinian aspirations for self-determination with its own legitimate security needs, we must recognize that Israel's long-term security is also vitally dependent on a cessation of the state of war between it and all its Arab neighbors (except for Egypt).

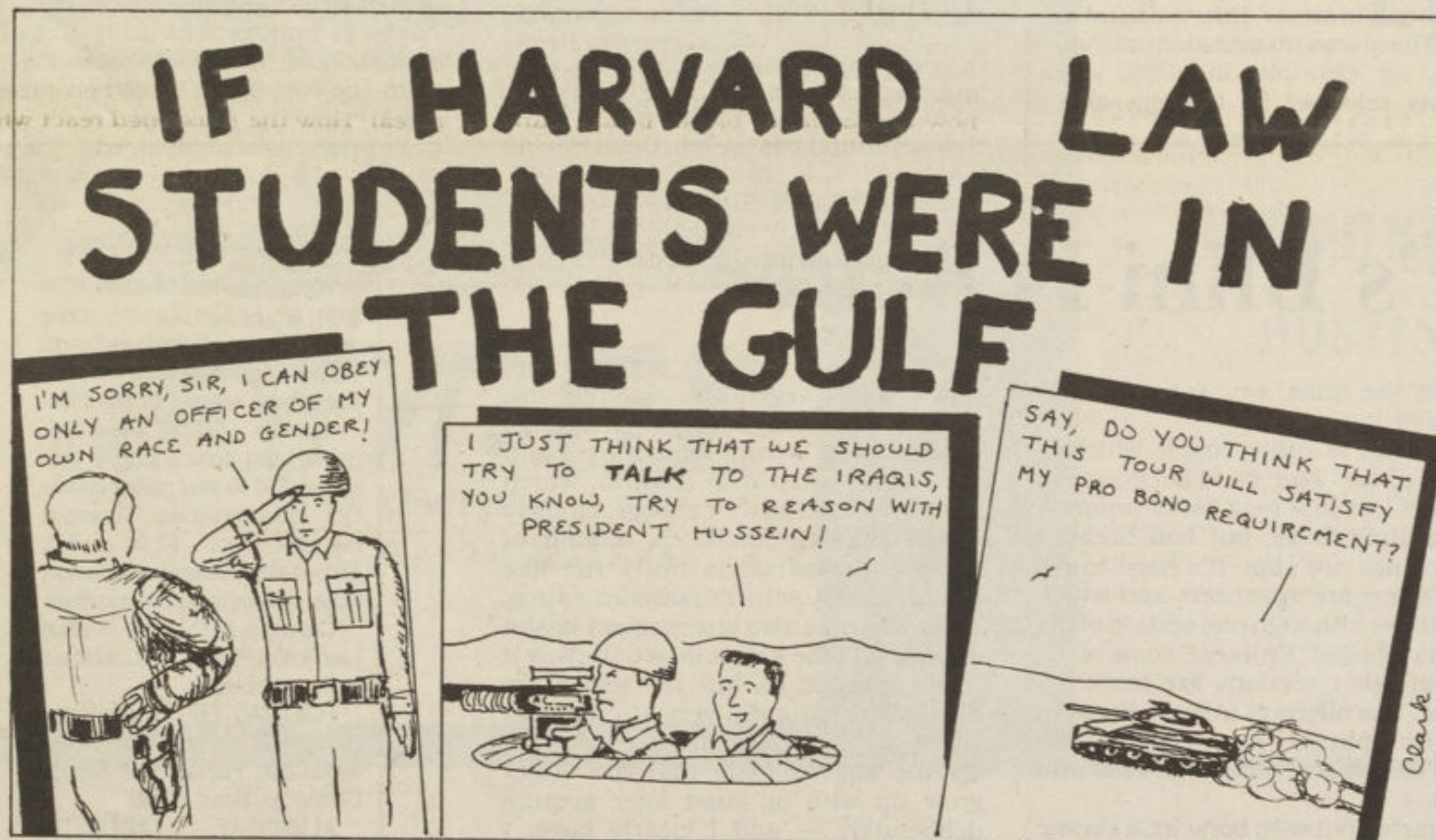
Next week, the Social Action Committee of the J.L.S.A. will have a table in the Hark from Tuesday to Thursday. Our goal is to engage the community in dialogue, to discuss in more depth some of the complicated questions that this article has raised, and to generally express support for, appreciation of, and solidarity with the women and men — soldiers and civilians, adults and children, Americans, Israelis, and Arabs — whose lives are on the line in the Persian Gulf war.

Submitted by Eric Tirschwell on behalf of the Committee for Social Action of the Harvard Jewish Law Students Association

Agenda Neutral

By Eli Clark

Fenno



Law of the Jungle

By The Idle Rich



As he gazed across the desert valley listening to his Sony walkman, Fenno remembered the days before his departure...

"Mom, I don't wanna go fight mirages in the desert. I don't wanna die for Big Oil profits."

"Fenno, you're not dying for Big Oil, you're dying for plastic. Plastics are petroleum based products, and without Mideast oil there would be no plastic. Just imagine, Fenno, a world with no Saran Wrap, no cushy Big Mac Styrofoam beds, no 3.5 inch floppys, no penile inserts, no cop-killer bullets. What would life be worth in world like that?"

"Gee I never saw it like that before. Gollllleeeee Mom....."

Fenno had precious few days to pack up his meager material possessions before shipping off to N.C. boot camp. A few hundred law firm rejection letters, a few thousand yellowed, undecipherable class notes.

Fenno gathered together his closest friends, Emmanuel and Gilbert and Blond. "Well guys, I'm leaving you. I've been called to serve God and country, and to protect your right to use disposable forks. Wish me luck."

"Good luck, Fenno."

One Week Later

Fenno was one of the few soldiers to get a sojourn from Saudi Arabia at the end of his first week in the country. Since it was soon to be Valentine's day, he decided to return to the place where he had last left his heart, HLS.

Uninhibited to mingle, Fenno hoped that he would find his soul mate here.

Fenno needed love, at least for an hour or two.

As nearly a last resort, he conducted vehicular sorties on Wellesly. However, this was Fenno's lucky week. Not only was he spared the sweltering heat of the Saudi desert, but also the women of Wellesly College came to him via the 144th annual Joseph Story Birthday Party.

Fenno knew that this was an oppor-

Fenno back page

Amnesty Head Questions Bush Statement On Iraq

Healy Accuses President of Exploiting Human Rights Abuses To Justify Gulf War

Editor's note: The following is Amnesty International USA's response to President Bush's letter to prepare American students for war.

Special to the Review by John G. Healy, Amnesty International Executive Director

Clear facts. Black and white. Unambiguous choice. These are the terms President Bush used in the letter that he sent to over 450 colleges and university newspapers last week. The

portions of Amnesty's findings into their political agendas, and government authorities undoubtedly will continue to do so in the future. But the United States public should not tolerate selective indignation by its own government. We can teach our political leaders that people's human rights are not convenient issues for rhetorical arsenals.

When taken at face value, President Bush's condemnation of torture and political killings by Iraqi authorities appears laudable. Violations of basic human rights should arouse indignation and inspire action to stop them. The matter becomes less "clear" and "unambiguous," however, in the light of two questions: Why was our President mute on the subject of the Iraqi Government's pattern of severe human rights abuses prior to August 1990?

the torture of Iraqi children. And just a few weeks before the invasion of Kuwait, the Bush Administration refused to conclude that Iraq had engaged in a consistent pattern of gross human rights violations.

If United States policies before August 1990 had reflected concern about the Iraqi Government's human rights record, our country might not be digging in for war today. Tomorrow's tensions in the region may well be mapped by the human rights records of our long-term "friends," such as the Saudi Arabian Government, and new-found "friends," such as the Syrian Government. We've heard little from the United States Government in recent years about the appalling tactics of repression used in both of those countries.

Torture is reportedly a common prac-

"disappearances" with secrecy and silence. Our government fails to act with determination against the torture suffered by tens of thousands of prisoners held in Turkish jails.

The Egyptian Government has subjected many thousands of political prisoners to detention without charge or trial. The torture of political prisoners, especially supporters of Islamic groups opposing the government, is reportedly common in Egypt. In the Israeli Occupied Territories, thousands of Palestinians have been detained without charge or trial. Many of the detainees committed the "offense" of peacefully exercising their rights to free expression and association. Israeli troops, often engaging in excessive use of force, have killed hundreds of Palestinian civilians.

President Bush's selective indignation over Iraq's abuses in Kuwait undermines the norms of "human decency" he touts in his letter to campus newspapers. All people in all countries are entitled to human rights protection: international humanitarian standards rest upon this principle. The standards are unequivocally practical, because human rights protection establishes a foundation for a just, peaceful, stable world order. Exploiting human rights to justify violent confrontation is itself indecent.

Amnesty International takes no position on the territorial disputes now raging in the Persian Gulf. But we do support international coalition building to prevent all egregious human rights violators from conducting business as usual. If President Bush is sincere about "desperately want[ing] peace" and if he wishes to remove ambiguity from his invocation of "moral obligation," then let him be consistent in his concern for human rights.

subject was Iraqi occupation of Kuwait. The object was to prepare young people for military confrontation in the Persian Gulf.

The letter cited Amnesty International's recent report on Iraq as evidence to support the administration's position. Perhaps presidential advisers know that Amnesty volunteer groups are now active on more than 2,600 campuses in this country. I hope the administration will soon learn that Amnesty members and other student activists cannot be misled by opportunistic manipulation of the international human rights movement.

Amnesty published its report on the Iraqi Government's gross human rights violations for one purpose: to advance the protection of human rights. By publicizing such abuses, the movement generates public pressure and international protest. Governments over the years have channeled particular

Why was our President mute on the subject of the Iraqi Government's pattern of severe human rights abuses prior to August 1990? Why does he remain mute about abuses committed by other governments, our so-called coalition partners in the region?

Why does he remain mute about abuses committed by other governments, our so-called coalition partners in the region?

The behavior of Iraqi soldiers in Kuwait does not constitute a sudden shift to the brutal side. Iraqi civilians have suffered such cruel and degrading treatment by government personnel for more than a decade, as detailed in numerous Amnesty International reports. There was no presidential indignation, for example, in 1989, when Amnesty released its findings about

tice in Saudi Arabia, and political detainees have been jailed there for prolonged periods without charge or trial. Syrian prisoners are routinely tortured. A majority of the thousands of political prisoners held in Syria have been denied their right to trial.

Relentless and ruthless abuses by the Iranian Government continue. More than 5,000 Iranians have been executed during the last three years. Incommunicado detention and torture are routine in Morocco, and that country's government persists in responding to

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On a scale of one to four

I'm not really sure why, but I've always been a bit hesitant about going

By Lucy Braun

into Troyka, the tiny Russian restaurant wedged between Massachusetts Avenue and Arrow Street. Maybe it's because the place is hard to get a feel for from the outside; maybe it's because one doesn't know quite what to expect in Russian dining; or maybe it's just because I don't know anyone who's ever eaten there. But recently some friends and I mustered up our courage and gave the place a try. Though I wouldn't put it on the top of my list, Troyka is worth one visit for its culinary change of pace.

With just eight tables, Troyka is incredibly cozy—more like someone's country home than a commercial dining establishment. The walls filled with black-and-white photographs of Russian writers and personalities, the homey wooden furniture and the beautiful buffet adorned with rare-looking china all add to the ambiance.

as does the quiet, non-intrusive service.

The menu is quite small, which is both good and bad: good because you won't get lost in a long list of unfamiliar-sounding foods, but bad because the pickings are slim. It's hard to tell which items are appetizers and which are entrees: although one section of the menu is labelled "Entrees," some of the foods in other sections are more expensive. The offerings include Russian pies, dumplings, pancakes (blini), crepes (blinchi), soups, entrees and salads.

We started out with borscht, a classic Russian beet soup served hot or cold. The hot borscht was deliciously tangy yet a bit sweet, topped with a generous dollop of sour cream. Blini, small savory pancakes rolled up with various fillings, are served with a choice of honey or

and assorted vegetables, covered with a sweetish tomato sauce. The large portion was accompanied by plain beans garnished with cilantro, which made a nice foil for the cabbage. Lindsay chose Peasant Kasha, a mound of cooked buckwheat (a nutty rice-like grain) served with mushroom sauce. Luis, who was also our resident kasha expert, said the kasha tasted the way it was supposed to, but the rest of us disliked it. I found it very strongly flavored, and not a pleasant flavor. Maybe it's the kind of taste that you either grow up with or must later acquire deliberately — and I clearly haven't acquired it yet.

The other entrees include stuffed peppers and Guriev Kasha with "sweet rice and raisins." All entrees are served with a basket of light and dark rye bread.

Dessert was perhaps the highlight of dinner. Along with some good coffee, we treated ourselves to Versachio Cake, a layered chocolate confection, and Margarita Cake. We weren't sure what was in these mystery foods — they had a complex and wonderful flavor, light and not too sweet. The chocolate waffle tort also beckoned, though we resisted. For the less adventurous there's cherry cake, cheesecake, carrot cake and frozen yogurt.

All in all we had a decent meal, with high points (ambiance and dessert) as well as low (Peasant Kasha). While Troyka is a fun departure from the more common ethnic fare in Harvard Square, the limited menu limits the appeal of the restaurant. Unless you're crazy about a particular dish or two, you probably won't make Troyka a regular stomping ground, but it's worth one visit when you're in the mood to be daring and different.

While Troyka is a fun departure from the more common ethnic fare in Harvard Square, the limited menu lessens the appeal of the restaurant.

jam, lox, several kinds of caviar or a combination of lox and caviar. Luis, the blini connoisseur of our group, tried the caviar blini and thought they were quite good, though "not as good as my grandmother's." The menu also offers blinchi, which our waitresses explained are simply "heartier" blini, served with a choice of meat, farm cheese and raisins, or eggs and scallions. We tried the latter and found them flavorful and unusual.

For my entree, I feasted on stuffed cabbage, a tasty dish of cooked cabbage leaves wrapped around ground meat

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WEDNESDAY, OCTOBER 31, 1990

HARVARD LAW SCHOOL

AUSTIN HALL NORTH

6PM - 10PM

Beefcake Is Objectionable!

The following is lexicon of terms deemed unacceptable by the self-appointed arbiters of politically correct thought. The definitions are taken from the *Dictionary of Cautionary Words and Phrases*, which was excerpted in *The New Republic* for February 18, 1991. According to *The New Republic*, the dictionary was the creation of the 1989 Multicultural Management Program Fellows, a group of journalists. As the editors of *The New Republic* point out, this is not a parody.

Articulate: Can be considered offensive when referring to a minority, particularly a black

person, and his or her ability handle the English language. The usage suggests that "those people" are not considered well-educated, articulate, and the like.

Beauty: Avoid descriptive terms of beauty when not absolutely necessary. For instance, do not use "blond and blue-eyed" unless you would also use "brown-haired and brown-eyed" as a natural measure of attractiveness.

Beefcake: Objectionable when referring to male physical attractiveness.

Buxom: Offensive reference to a woman's chest. Do not use. See "Woman."

Codger: Offensive reference to a senior citizen. See "Senior Citizens."

Coot: Offensive reference to senior citizen. See "Senior Citizens."

Dear: A term of endearment objectionable to some. Usage such as "He was a dear man" or "She is a dear" should be avoided.

Dutch treat: To share the cost, as in a date. Implies that Dutch people are cheap.

Fried chicken: A loaded phrase when used carelessly and as a stereotype, referring to the cuisine of black people. Also applies to watermelon.

Geezer: An objectionable reference to a senior citizen. Avoid using. See "Senior Citizens."

Ivan: A common and offensive substitute for a Soviet

person.

Man, The: A reference to the establishment, mainly white. Could be offensive.

"The Myth": Avoid any word description, or phrase that contributes to the stereotype of black males as strictly athletic, well proportioned, or having high sexual drives and exaggerated sex organs.

Peg leg: Use prosthesis or artificial limb. Also avoid hook.

Rubbing noses: Allegedly an Eskimo kiss. However, Eskimos don't rub noses and object to the characterization. Do not use.

Stunning: Avoid physical description. See "Woman."

Watermelon: See "Fried chicken."

White bread: A term denoting blandness. Could have racial connotation.

Without rhythm: A stereotype about whites. Implies that others have rhythm, also a stereotype.

Woman: The preferred term for a female adult. Girl is appropriate only for those 17 years old and under. Avoid gal and lady. Also avoid derogatory terms for women, such as skirt, broad, chick, bimbo, bumbo, babe, ball and chain, and little woman. Also avoid adjectives describing female physical attributes or mannerisms such as pert, petite, foxy, buxom, fragile, feminine, stunning, gorgeous, statuesque, or full-figured.

Obama

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while you're there, but what kind of shape you leave it in for the next person. What I feel good about is that the Law Review is in good shape for David [Ellen] next year and for the future generally. I anticipate him doing a terrific job.

RECORD: The new masthead of the Review is probably the most diverse collection of people in the journal's history. What do you attribute that to?

OBAMA: I think that I was part of a trend. I don't think that I was, necessarily, so exceptional. I happened to be there when the Law Review was already going through some changes. The year before, we had already seen the first Black woman on the masthead, and we had seen the first Asian-American president. We had seen an ongoing trend to make the Law Review more inclusive, and to bring about more diversity in terms of views and backgrounds. I was an expression of that trend and the elections this year prove that the trend continues. I'm heartened by how well minorities did in this year's election, and how well women did particularly considering that there has been some controversy recently about the fact that we had a relatively small group of women editors in the 2L class coming in during my year. Nonetheless, the elections show that women and minorities are afforded a great deal of respect, that their voices are listened to, that people recognize that they can do a good job, and that they are deserving of leadership positions. That is very encouraging.

RECORD: The Law Review selection process seems to be an area of perennial criticism. How do you feel about the process, and did you do anything to change it?

OBAMA: I think our selection process works. The proof is the quality of the editors that we have. They're terrific. I don't think that there is anybody at the Review, whether they are pro-affirmative action, or anti-affirmative action, who would question the fact that the editors this year were top-notch, and that the end product of the selection process is good. I tend to be very much a pragmatist, and believe "If it ain't broke, don't fix it." Given the fact that we have had a very strong group of editors over the last several years — ever since affirmative

action was put into place — I would think we should stick with the current process. But, there is certainly room for reasonable differences of opinion on this issue. The 2Ls can make changes if they want. It's up to them, it's going to be their volume.

RECORD: Has this past year changed you? And if so, how?

OBAMA: Certainly, I have changed. It has been a terrific learning experience for me. The sheer volume of work, editorial and otherwise, that you have to do forces you to be a better writer, provides you with the opportunities to grow intellectually, and it forces you to learn actively rather than passively. It is not a matter of sitting down and reading books, it's a matter of taking arguments, thinking them through, reworking them, and arguing with your professors and fellow editors. That is a terrific way to learn the law... The publicity has been instructive in that it forced me to articulate publicly things that I had been thinking about for a long time... I like to think that I haven't become more cautious in my opinions.

RECORD: How, if at all, have you changed the Review?

OBAMA: I wouldn't want to take too much personal credit for any major changes at the Review. We haven't had major shifts in policy during the past year. If you open up this year's Review, it looks pretty similar to what it looked like last year and the year before that and the year before that. We are students and thus our ambitions with something like the Review, which has a long tradition, tend to be very modest. If I have contributed to any changes, and again, I don't think it has been me personally, but more so our class generally, it has been in a shift in tone at the Review.

RECORD: What does that mean, a shift in tone?

OBAMA: It means taking an interest in not just trying to diversify the viewpoints on the Review and confer leadership on a wide range of students, but it also means taking an interest in democratizing the place, making the Review a little less hierarchical, pulling in a larger group of editors into the decision making process, making it a little less frightening, a little less intimidating, taking ourselves a little less seriously than I think editors may have taken themselves in the past. The Law Review is an

interesting student organization that gives you a good opportunity to learn, but I am skeptical of the idea that it is somehow superior to other activities or the idea that it is somehow superior to other activities or other student organizations.

RECORD: If you had one thing in the past year to do over again what would it be?

OBAMA: The problem with being president of the Law Review is that the Review has a very short institutional memory. Very little information about the day to day operations of the Review is passed on. Because of the tremendous time commitments, you don't have the time to be strategic about changing the institution. I don't know that it was possible to do it any other way than I did it, but I would have liked to have had the luxury of being more strategic about my tenure. I would like to have been able to implement some management changes so that each new president doesn't have to reinvent the wheel.

RECORD: If given a change, what would you change about legal education?

OBAMA: I hate to use cliches, but I see a need to make legal education much more relevant. We should be building bridges between what we learn in the classroom and what's going on in the "real world:" for example, how the law participates in our economy, in education, in restructuring Europe with the collapse of the Iron Curtain, empowerment in students. It obligations and responsibilities to leave this world in better shape than they found it in.

RECORD: Where do you see yourself in 5 years? 10 years? 20 years?

OBAMA: Of course, I can't project 20 years out. I can, however, say that I will be spending next year writing a book on issues of race, politics, and race relations in this country. It will be a series of

reflections on where we are in terms of race relations in this country, drawing on my experiences as an organizer in Chicago, the experiences of my family in Africa, as well as some of the work that I've done here at the law school. After that, I

will work for three or four years as a lawyer. Eventually, I will return to the public sector, either in government or as an organizer. I'd like to address ways to re-develop inner cities, and how to get corporations to locate in low income areas.

CCR

continued from page 1

dispute over the appropriate means of diversity should be handled on campus. It is not in anyone's interest to have a national group working with the judge on the legal restructuring of the Harvard Law School faculty."

At Monday's press conference, members of the various organizations who signed the brief argued in favor of the CCR lawsuit. They cited a 1989 Massachusetts civil rights statute which broadened the definition of standing in civil rights cases in a move to counter Harvard's claim that the students do not have legal standing to file the suit.

"It is necessary for the court to give a broad interpretation of students' rights to bring this case to trial," Hudson said.

Coalition members stressed that their involvement in this particular suit is geared towards helping solve a larger problem of discrimination that exists throughout the nation's law schools.

"We're concerned not only with the harm that [has been done to Harvard law students] but also with the larger effects of discrimination in the legal community," said Kevin Baker, a member of the Massachusetts Chapter of the National Lawyers' Guild. Baker added that the students' lawsuit is "a vital tool for reworking the legal system in this country."

Gulbis added, "I think if the suit is successful it is a strong statement that [across the nation] educational organizations are not exempt from civil rights laws. Students are entitled to

an education free from discrimination."

Civil rights and lawyer groups signing onto the documents in support of the student plaintiffs include the Center for Constitutional Rights, Lambda Legal Defense, the Massachusetts Chapter of the National Conference of Black Lawyers, the Massachusetts Chapter for the National Lawyers Guild, and the Mexican-American Legal Defense Fund.

In November, 11 members of the Coalition for Civil Rights filed a lawsuit against the Law School, charging that it uses unofficial standards in judging prospective faculty members which work to the detriment of women and minorities. The complaint alleged that law school hiring practices have had a disparate impact on women and minority candidates. The Law School currently has five women and five blacks among its 66 member faculty.

In January, law school attorneys filed a motion to dismiss the case, arguing that the students do not have proper legal standing to bring the suit because they are not victims of any discrimination that may be taking place.

Just last week, Students for Constructive Diversity, a group of fifty law students, moved to intervene in the suit on behalf of the Law School. The group alleges that CCR is not representation of the law school body.

Eds. note: Information from the press conference was drawn from a HARVARD CRIMSON article by Toyia R. Battle and Erica L. Werner.

Fenno

Continued from page 5

Fenno knew that this was an opportunity to find at least a reasonable facsimile of real love.

He knew that it was real love when he lifted his head after doing his sixth Margarita. He took one look and all Fenno could think was, "what a babe!" He wiped the vomit off his freshly starched polo shirt and introduced himself, as Colin Pancreas.

Her name was Trudy, or Judy,

he couldn't remember. He did however know for sure that it rhymed with booty, of which hers happened to be round and shapely, and devoid of unsightly bulges. She was soft in all of the right places. Fenno knew it was love when she ordered a double Tequila shooter.

She was impressed with the fact that Fenno was Dean and RECORD war correspondent. Fenno was in love and it looked like a *Wild Orchid* night.

Fenno awoke exhausted after one helluva long night.

In his face was not his buxom

love muffin. It was Sgt. Billy Bobby Jean Bob. BJB was screaming. Fenno had fallen asleep at his post. It had all been a dream, a dream of a better America, an America Joe Story would be proud of.

Happy
Verires
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