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Crime Wave Strikes Campus

Whatever fears the HLS community may have had in the past, safety was probably

By Evette Harrison

not prominent among them. Yet a recent spate of violent crime seems to have changed campus attitudes towards safety.

Nearly three weeks ago, Harvard University police reported that the daughter of a University affiliate was raped by an intruder in her Linnean Street home. Just over two weeks ago, Mary Joe Frug, a feminist legal scholar at Radcliffe's Bunting Institute was fatally stabbed on Sparks Street by an unknown assailant.

Following the slaying, Cambridge Police Lt. Harold Murphy reported three other recent assaults on area women, including a sexual assault in Somerville, a sexual assault near the Alewife subway station on the Arlington-Cambridge border and an assault and attempted kidnapping in the parking lot of the Porter Square Galleria.

In an attempt to allay rising student anxiety, Dean Robert C. Clark '72 outlined new security measures in an open letter to the law school community. These measures include an increased number of guards and police officers to patrol the law school grounds;

a new walking escort service that will operate between the hours of 8 p.m. and 12:30 a.m.; a vehicle escort service available for limited off-campus trips between the hours of 7 p.m. and 3 a.m.; and a supply of whistles available in Langdell 194.

In addition, the administration has established an emergency Somerville Shuttle. As outlined in a proposal by the Law School Council, the service will begin on April 15, and will continue through the end of classes. The school bus leaves the south end of the Hark by Pound Hall every half hour from 8:00 p.m. to 12:30 a.m.

Student reaction to the changes has been generally positive.

"I'm glad the law school is responding with the shuttle service to Somerville and the escort service, especially since they don't generally respond well to students' concerns" said Elizabeth Moreno, 11, co-chair of the Women's Law Association. She noted that "women are more likely to be assaulted by people they know rather than strangers jumping out of the bushes. Everyone should be careful at all times."

Clark also urged caution for students who travel to and from campus at night. His letter advised that people walk in well-travelled and well-lit areas, and not walk alone after dark.

Watkins To Appeal Rape Conviction

Former Harvard Law student Kevin Watkins has asked the state Appeals Court to

By Staff

overturn his conviction for the 1988 rape of a Harvard undergraduate.

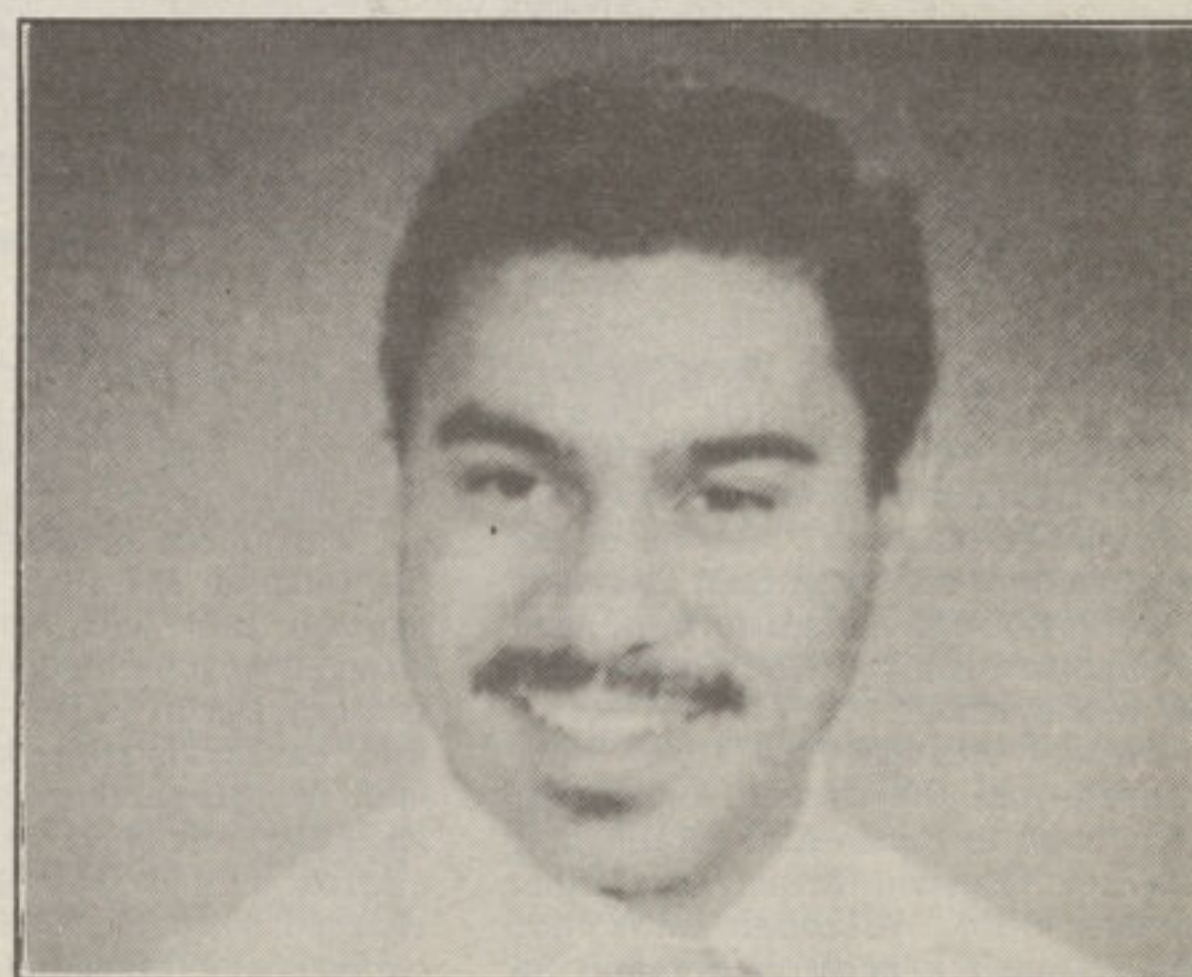
Watkins was accused of raping the victim twice in his Peabody Terrace apartment. The victim, who he had dated for six months, went to the apartment in order to retrieve a videotape of the two having sex.

Watkins, one-time president of the Society for Black Professional Entrepreneurs (SPBE), produced nude videos featuring himself, the victim, and a Harvard Divinity School student. Allegations against Watkins included claims that the nude performances were coercive requirements for becoming an officer in the SPBE.

The victim, a former SPBE officer, reported to police that she had been raped by Watkins at his apartment over a three hour period. An all-white Middlesex jury convicted Watkins on one charge of rape, but acquitted him of a second charge after two days of deliberations.

In papers filed with the appeals court, Watkins' court-appointed attorney, Willie Davis, claims that Watkins' constitutional rights were violated because testimony about Watkins' statements was introduced.

Davis contends that the statements were made only after Watkins was threatened with expulsion from school. If



Former Harvard Law student Kevin Watkins protests use of coerced confessions in sensational rape trial.

the statements were coerced, Davis contends, they could not be used in court.

Davis has also complained that it is not clear which crime Watkins was convicted of. The victim charged that Watkins first forced her to perform oral sex on him and then forced oral sex again before forcing vaginal penetration. The indictments for both charges were identical.

Davis argued that the jury "could not know which type of rape had not been committed and which type had been committed."

Some legal scholars have speculated that the verdict was the result of a compromise between jurors who felt Watkins

was guilty and those believing the evidence was not sufficient for a conviction.

Other scholars have pointed out the convoluted manner in which the decision came about suggesting the jury may have misinterpreted the jury instructions or perhaps even been biased.

Twice, the jury foreman notified Judge Paul Chernoff that the jury was at an impasse. Both times, Chernoff told the jury to continue. Shortly after the judge's second reply, the jury returned with the split verdict.

Oral arguments on the appeal could be heard as soon as June.



HLS delegation met with U.S. Ambassador to France, Walter J. P. Curley in his Paris residence. See related story on page 2.

Law Student Investigated In Frug Murder Case

Police continue to search for a motive or suspect in their ongoing investigation into the

By George Paul

tragic death of legal scholar Mary Joe Frug, according to Jill Reilly, spokesperson for the Middlesex District Attorney.

Reilly said police have interviewed over two hundred people during the course of the investigation. She denied a rumor that investigators were focusing their efforts on a third-year Harvard Law Student known to be a close friend of Professor Gerry Frug.

The Boston Globe reported the disclosure of a source close to the investigation, that police had searched the student's room but found no evidence of criminality. The room was

searched with the permission of the student, who was reportedly the first person Frug contacted after the death of his wife. Reilly, however, reiterated that police were not narrowing their investigation.

Investigators continue to interview individuals at both Harvard and the New England School of Law as well as examine transcripts of former students. Police are also reportedly exploring Frug's work in feminist theory to see if it might have provoked a man to attack her, according to the Globe.

Laboratory analysis reports of an alleged murder weapon and other evidence from the scene have not been released yet. Police continue to look for a white male about six feet tall in his twenties.

"I Don't Sit Around All Day Thinking About Diversity"

A Conversation With Professor Anita L. Allen

The student protests in the past few weeks, combined with Professor Derrick Bell's continued absence from the campus, have heightened the

By Robert Arnold

already intense discussions about the lack of women of color, among other things, on the Harvard Law School faculty. Thus, all potential candidates to fill these voids receive added attention.

Anita L. Allen is a woman of color, and has spent the year as a visiting professor here at HLS. She has both an M.A. and a Ph.D. from the University of Michigan in Philosophy, and graduated from the Harvard Law School in 1984 with a J.D. She has taught at three law schools and is presently a tenured member of the Georgetown University Law Center faculty.

The Record interviewed her

recently to learn of her experience this year at HLS.

RECORD: How has your year been?

ALLEN: Well, of course, I miss my husband and I miss my brother. He is a first-year student at Georgetown Law School and we are very close. So, it's been hard at times. However, on the other hand, I have gotten a lot of work done.

I have spent most of my life in school, and this has probably been one of the most productive, scholarly years of my academic career. I didn't expect it to be that way. I expected it to be filled with very few occasions of quietness. So, on top of the tremendous support the students have shown and on top of the tremendous support the faculty has shown, I've also gotten a lot of work done. That has been rather pleasantly surprising.

RECORD: How has your

return to HLS been as a professor compared to when you were a student?

ALLEN: It's actually been easier to be a professor here than it was to be a student. As a student here, you often feel as if you're being herded through, whereas, as a professor, you have an identity. I feel very comfortable interacting in the small groups that I interact in as a professor. When I was a

Allen page 6



Professor Allen says the year has been surprisingly productive.

ILS Delegation Explores Unified Germany

A delegation of eight Harvard Law students travelled to Germany over Spring Break to study the legal and

**By Dean George-Falvy
Special To The RECORD**

political effects of unification. The trip was organized by the Harvard International Law Society and sponsored by German law firms.

The ILS delegation visited Cologne, Bonn, Dusseldorf, Munich, and Berlin, meeting with government officials, judges, members of parliament, business leaders, law students, and U.S. diplomats, in addition to lawyers from both East and West.

Officials at the ministries of Justice and Foreign Affairs in Bonn briefed the delegation on legal questions arising out of the unification treaty. In particular, a vast number of property claims in the former East Germany must be resolved to clear the way for investment, at the same time that the judiciary must be rebuilt along western lines virtually from scratch. "It's a bit unusual for an American law student to hear talk about a shortage of lawyers," said Henry Mazurek, 1L, one of the organizers of trip, "but East Germany had only 600 practicing attorneys, most of whom are unlikely to be restrained in the new system."

Many western law firms have jumped into the breach, expanding operations in Berlin and establishing offices in Dresden, Leipzig, and other eastern cities. Although unification has released a pent-up demand for legal services in the East, law firms reported difficulties ranging from an archaic telephone system to a reluctance

among western German attorneys to resettle there for lack of comfortable housing and cultural diversion. As for eastern attorneys, "the westerners are pretty open about disparaging their training," said DeAnn Fairfield, 1L. "Even the few who have found work don't seem to be treated as equals."

While reacting to events in the East, German law firms continue what one lawyer called a "frenzy" of mergers and joint ventures in response to European Community integration.

"The legal profession in Germany seems to be at a crossroads," said Tim Wilkins, 1L. "They are extremely proud of their tradition of small firms and personalized service, but at the same time they realize that they must grow to compete in a liberalized post-1992 market."

"The most fascinating part of the trip was Berlin," said Hyun Chung, 1L, another trip organizer.

"The sheer physical difficulties of putting a divided city back together looked overwhelming enough—subways, roads, sewers, telephone systems, and the like—but there is an even more important gap in mutual comprehension which needs to be bridged."

Through a program organized by the German Marshall Fund, the delegation met with several officials charged with tackling these problems: western Berlin judges who had seen their caseloads triple with the expansion of jurisdiction, with no corresponding increase in resources; a young elected official from eastern Berlin charged with rehabilitating and allocating crumbling housing; and a panel of eastern German activists and politicians, who expressed alarm at the disintegration of the eastern economy but,

characteristically, "could agree on nothing else," according to Susan Erickson, 1L.

"The most striking thing I heard said during the trip was: 'The Wall has fallen, but the barriers in people's hearts and minds remain,'" said Dina Taylor, 2L, noting that the initial wave of euphoria over unification has given way to a more sober assessment of the difficulties ahead.

"Both sides have legitimate complaints," said Martin Elling 2L, and president of ILS. "Many Westerners feel that people in the East have unrealistic expectations—they think they deserve the same living standard that it took the West forty years of hard work to achieve. But the Easterners really feel cheated by history—they suffered forty years under a repressive system, but when they finally threw it off, they lost control of their own destiny again by agreeing to what is really a 'leveraged buyout' on the West's terms. Unification is only a polite euphemism." The danger, according to Taylor, "is that these impressions will harden into stereotypes: the 'Wessies' will say that the 'Ossies' are lazy or incapable, while the 'Ossies' will think their western cousins are arrogant and tight-fisted." Several delegations noted that a lack of personal interaction between Easterners and Westerners might already be having this effect.

Delegates noted that even the most basic political terminology has been thrown into turmoil by unification. "East Germany" has not only been erased from the map, but also from the language. Otherwise smooth-tongued German lawyers now trip over euphemisms like "the former DDR [German

Democratic Republic]" or, preferably, "the five new federal states." Erickson remarked, "We learned to make fine distinctions between the capital [Berlin] and the seat of government [still Bonn] and between 'unification' and 'reunification,' if only because any error was instantly corrected."

Delegation members found the trip an exhilarating experience. "When you consider the amazing breadth of issues under discussion—how to save the eastern economy, where to put the seat of government, what to do about the Stasi [secret state police] and former communists, whether to change the military clauses of the constitution—you realize that this is a pretty exciting place to be," said Wilkins.

"Although we certainly heard some generous doses of German pessimism about unification, the fact of the matter is that they are determined to tackle these problems and will likely complain their way to success, just as they did in the post-war period," said Elling. "When you compare that attitude to the political paralysis on our side of the Atlantic, the Germans aren't in such bad shape."

Sponsors of the trip included Boden Oppenhoff Rasor Raue; Deringer, Tessin, Herrmann & Sedemund; Hoffman, Liebs & Partner; Krieger, Gentz, Henkels, Mes & Graf v. der Groeben; Mannesman AG; Schwarz, Sniewind, Kelwing, Khadjavi; Noerr, Stiefenhofer & Lutz; Droste, Killius, Tribel; Raedler Raupach Bezenberg; Ackermann & Schultze-Zeu; and Gaedertz, Vieregge, and Quack. Complimentary suites were provided by the Hotel Intercontinental in Cologne, the City Hilton in Munich, and the Berlin Excelsior.

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The Forum also would like to express special thanks to Mr. Jerome Lyle Rappaport, founder of the Forum, for his continuous support throughout the years.

Crimes Spur New Shuttle Service

In response to the recent spate of violence near the law school, the administration has agreed with a Law School Council proposal to operate a

By Malcolm E. Harrison

shuttle service between HLS and Somerville.

The shuttle service, which began April 15, leaves the law school every half hour between 8 p.m. and 12:30 a.m. Monday through Thursday. The shuttle offers services to Kirkland Street, Dane Street, Somerville Avenue, Quincy Street, Summer Street, Cedar Street, and Beacon Street. The only thing that riders need to do to catch the bus is to flag it down at any corner along its route and present Harvard University identification.

The shuttle service is currently slated to continue until May 14; however, depending on how many people use it, it may continue beyond the end of classes. During this initial period the shuttle service will be offered to members of the law school community free of charge.

The future of the Somerville shuttle is in question. Frank Lamentea, the director of building operations, could only say that the service was "under consideration" for next year. Whether or not it is extended, Lamentea said, depends on student response to it and

how much students would be willing to pay in the future to keep the service operating.

The law school has contracted with Vocell Bus Company to provide the shuttle service for around \$150 per night. Even though riders won't be charged for the bus this year, Lamentea said that there would probably be a charge in the upcoming academic year.

The shuttle service functioned for a one-month trial period in the fall of 1989. Lamentea said that the service then had only limited acceptance. Between the hours of 5 p.m. and 12:30 p.m. the bus averaged 50 people per night. The largest numbers of riders that it carried during this initial trial period was 127, and the lowest number was 35.

This test period indicated a lukewarm response to the shuttle so it was canceled. Within a week of the most recent tragedies at the law school, though, under the leadership of the Law School Council President Tom Samuelian, Lamentea, and Dean of Students Sarah Wald the shuttle was resurrected and available for students.

The route for the shuttle service was chosen on the basis of the density of HLS off-campus student residences, the traffic laws governing bus routes, and the availability of public transportation.

Law School To Cut Personnel

Anticipating a large operating deficit over the next five years, the Law School has announced that it will

From the Harvard Crimson

eliminate the equivalent of 13 full-time administrative and staff positions next semester.

The school plans to do away with seven administrative and six support staff positions, but will need to actually lay off only three workers. Administrative Dean Sandra S. Coleman said yesterday. The remaining 10 spots are either currently unfilled or will be eliminated through attrition and staff reform, she said.

"We simply reallocated the budget based on program performance," Coleman said. "We had to cut."

Coleman declined to specify which positions will be eliminated, but said that all law school staff and administration members have been aware of possible cuts since the beginning of the current academic year.

According to a memo Dean Robert C. Clark sent to staff earlier this week, the cuts will trim \$433,000 from the school's annual operating budget. In

the statement, Clark said he regretted making the cuts but added that the school's enrollment limit and "pressure" to keep tuition costs down made the reductions unavoidable.

"Devising the staff reduction plan has been a painful task, and has forced me to make hard decisions that I would rather not have made," Clark wrote in the memo.

Coleman said law school administrators pursued "all sorts of other things to trim the fat" before turning to staff cutbacks.

Deborah W. Little, a spokesperson for the Law School, said that the upcoming elimination of staff positions will most likely prevent the need for any further staff or service cuts. "We're always looking to save money, but nothing major," Little said. "These reductions will take care of it for the foreseeable future."

Mary G. Opperman, director of staff relations in the Office of Human Resources, said the three employees who will be laid off in the fall will receive severance pay based on length of service and assistance in finding new work inside or outside the University.



Former Princeton provost, Neil Rudinstine, will be Harvard's new president.

University Orb And Scepter Passes To Rudinstine

Harvard University has named former Princeton University provost Neil Rudinstine as its 26th president.

By George Paul

Rudinstine the executive and vice president of the Andrew W. Mellon Foundation in New York, will succeed Derek C. Bok '54, who will step down in June after serving 20 years as president.

Bok's successor was chosen after an intensive 10-month search. Rudinstine, a Rhodes Scholar, was the consensus candidate of a search committee considering Harvard economist Martin Feldstein, Harvard Medical School geneticist Philip Leder and Univer-

sity of Chicago provost Gerhard Casper.

"I could not be more delighted with the choice of Neil Rudinstine as the next president of Harvard," Derek Bok commented. "Neil has been a good friend for almost thirty years. I cannot think of a candidate so well endowed with the knowledge, experience, temperaent, and character needed to serve as Harvard's president."

Of note was the fact that Rudinstine was not the "Harvard man" that his predecessors have been. He went to Princeton as an undergraduate but obtained his doctorate from Harvard and taught English here in the '60s; past presidents have had closer rela-

Rudinstine page 8

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AALSA/BLSA Forum To Discuss Korean Grocer Boycott

A forum, entitled "People of Color in Conflict: The Boycott of New York City Korean Grocers," is being jointly

By Staff

sponsored by the Asian American Law Students' Association, the Black Law Students' Association and the Korean Association of Harvard Law Students, on April 23, 1991. The forum will take place at Harvard Law School's Griswold Hall, Room 110, 1525 Massachusetts Ave., beginning at 7:00 p.m. Visiting HLS Professor Gerald Torres will moderate the roundtable discussion comprised of community activists, lawyers and academics.

The African American boycott of Korean grocers in New York City will serve as the focus to study the cultural and political fragmentation between the

two minority groups. The anger and resentment on both sides not only destabilizes the New York community but, on a national scale, exacerbates the stereotypes that each group has of the other. Among the forum's several objectives are (1) to analyze the boycotts using the tools of law, economics, politics and sociology to understand the conflict in a larger coherence; and (2) to glean from research and participants intellectual insights and constructive mechanisms to decrease racial tension and misunderstanding between the two groups.

Additional sponsors of this forum include the Harvard Law School Council, the Dean of Students Office, the Massachusetts Bar Association, the Asian American Bar Association, and the Shilla Restaurant.

Harvard Law Record

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Daniel J. Greaney
Editor-In-Chief

Double Standards For Student Dissidents

As interesting as the uproar at the Georgetown University Law Center over the publication by a student newspaper of statistics reportedly demonstrating a wide disparity in the qualifications of admitted white and black students is the absence of an uproar at the Harvard Law School over the arrogant and intimidating tactics of the so-called coalition for Civil Rights.

It seems to me that the situations are quite similar. Both incidents involve acts of protest committed in the hope of winning adherents to a position in the struggle over the role of race in law school decision-making. Both cases involve weighing freedom of speech against competing concerns—the confidentiality of admissions information at Georgetown, the right of professors and students to go about their business free from harassment at Harvard. And in both cases ambiguity lingers as to whether or not the acts in question actually violated any rules or laws. Yet one of these incidents sparked a wave of protests on campus and has become a national cause celebre while the other prompted just a single letter to the editor and dropped from sight in a week.

Is it really a surprise to anyone that the publicized Georgetown incident—the incident which provoked the mass meetings and the calls for expulsion—grew out of a conservative challenge to the orthodoxes of liberal academe? Or that the forgotten incident was essentially an overzealous assertion of that same “politically correct” ideology? Are there still people naive enough to expect that the principal of freedom of speech—as interpreted by university officials who are alternatively cowardly or casuistical—means more than the freedom to agree with the radical left?

Certainly any thought that the civil rights championed by the so-called Coalition for Civil Rights might include the right of professors to teach their classes unmolested by intimidating, intrusive protestors, or the right of students to choose not to participate in the strike for diversity, or the right of the administration to respond to questions asked of it, or the right of the dean to do his job—certainly any such hopes were forcibly expelled by the events of recent weeks.

Most nauseating, of course, was the invasion by CCR protestors of Professor Sullivan's classroom. According to students present, the demonstrators ringed the classroom for approximately the first twenty minutes of class, blocked Professor Sullivan's efforts to use the blackboard, exited in the middle of the class and then returned later on to continue their sanctimonious harassment in final minutes of the class. I, for one, have yet to hear an explanation of why the budding civil libertarians singled out Professor Sullivan for this display. Or an apology to Professor Sullivan and her students.

This incident seems pretty clearly to violate the provisions of the Statement of Rights and Responsibilities, especially its assertion that “...interference with members of the University in performance of their normal duties and activities must be regarded as unacceptable obstruction of the essential processes of the University.” The sit-in in Dean Clark's office also clearly falls within the provision. But where are the demonstrators demanding—as many participants in a forum at Georgetown recently demanded—that the rules be enforced against the overzealous student activists?

While one might argue that the sit-in was a traditionally tolerated form of dissent, the intrusion into Professor Sullivan's class represents a new and ominous disregard for the rules and for the rights of others. As such, it represents an act at least as objectionable as Timothy Maguire's use of arguably confidential admissions data at Georgetown. Yet, this incident has apparently prompted no official action. Indeed, Harvard's only response so far to the excesses of the protestors seems to have been an oral warning delivered by Vice Dean Smith on the day of sit-in in the Langdell Hall. And this warning arose out of the occupation of the dean's office, not the more troubling invasion of Professor Sullivan's class.

Admittedly, it would be unfair to hold Dean Clark responsible for the actions of Georgetown's Dean Judith Areen—who has said that expulsion is among the range of disciplinary actions under consideration—but the juxtaposition of the two incidents illustrates both the bias in favor of the left in legal academia and the left's ugly predilection for coercion, both in the classroom at Harvard and the student forum at Georgetown.

While I do not believe—as the protestors at Georgetown seem to—that people with whom I disagree should be summarily expelled, I cannot help but regard the dean's apparent inaction as unprincipled. Fear of protests should not shape the dean's policy towards the CCR. The dean should enforce the rules. As for punishment, I would recommend probation—for both the CCR members who entered Professor Sullivan's class and for Timothy Maguire.

D.G.

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Administration Offers Escorts In Response To Crime

To all members of the Law School Community:

Recent incidents of violence in Cambridge have been upsetting to all of us. I want to let you know what security measures the Law School is taking and to remind you about some issues of safety.

escort service between 8 p.m. and 12:30 a.m. for the Law School campus. You may get access to this escort service by calling 495-1216.

The University also has its own security staff. There is a police vehicle escort service available for limited off-campus trips. This operates 7 p.m. to 3 a.m. The telephone number is 495-0400.

We should all continue to use common sense and vigilance in our own behavior. Try not to walk alone after dark. Walk in well-lit and well-traveled areas. Do not leave dormitory doors unlocked or propped open. Stay attentive to your surroundings. Cars should be locked. If you see any suspicious behavior or people, call the Harvard University Police at 495-1212.

Twelve emergency telephones are located around the campus. The phones

Escorts page 8

Letters To The Editor

The Law School currently has a staff of security guards and police officers who are responsible for patrolling inside and outside the Law School buildings. As of today, we are increasing that security staff. We are also initiating a new Law School walking

Students Should Contribute To Hiring Decisions

Dean Clark:

My name is Wendy Minick and my student number is 603 6990 90 and you already have my picture. I was at the student sit-in today and I'll be joining my voice with those in protest again. And as undeniably “successful” as this day has been, the fact remains that there are nonew faculty being hired, there is no diversity to speak of, N.Y.U. has gained at our expense and students, those who make the school what it is, have not yet been thought responsible enough to have a say in the processes that make Harvard Harvard.

Well, every school is not like this

one. And while Harvard's aloofness may be a source of pride, it doesn't have to remain in the ultimately self-defeating blindness it now is. We don't have to spend 3 years being grateful we got in—we deserve to be here and we have the obligation to drag this school, kicking and screaming if we have to, into the 1990's.

Other institutions have made a commitment to move ahead with the educational process and not rest on laurels that may be as archaic as they are isolating. Where I went to undergraduate school, students were not only highly involved—they were a

Clark page 8

Student Activist Disappointed With Moderates

To the editor:

This letter is in response to Jon Garcia's remarks in last week's *Record*. Mr. Garcia calls himself a “moderate” and cautions the CCR to employ the strategies of Mahatma Gandhi and Dr. Martin Luther King, Jr.

I would like to publicly share with Garcia and the rest of the readership of the *Record* some passages from Dr. King's “Letter from a Birmingham Jail.”

On preserving order:

First, I must confess that over the past few years I have been gravely disappointed with the white moderate. I have almost reached the regrettable conclusion that the Negro's greatest

stumbling block in his stride toward freedom is not the White Citizens' Council or the Ku Klux Klanner, but the white moderate, who is more devoted to “order” than to justice . . . Luke-warm acceptance is much more bewildering than outright rejection.

On direct action tactics:

You may well ask: “Why direct action? Why sit-ins, marches and so forth? Isn't negotiation a better path?” You are quite right in calling for negotiation. Indeed, this is the very purpose of direct action. Nonviolent direct action seeks to create such a crisis and foster such a tension that a community which has constantly refused to negotiate is forced to confront the issue . . .

Moderates page 8

Support Derrick Bell Or Risk Losing Him

To the editor:

Prof. Bell will visit the NYU School of Law next year. His departure is the result of Harvard's failure to diversify the law faculty. This difficult decision comes at the end of a difficult year which began with his taking an unpaid leave of absence and the passing of his wife, Hairston Jewell Bell, who succumbed to cancer last August.

Most of us are aware of Prof. Bell's decision to leave. Many students are concerned that Prof. Bell may not return and that Harvard may lose one of its finest scholars and one of its most popular professors. Only a few of us have actively expressed our support for

Prof. Bell. We must not assume that Prof. Bell will return to this law school if he is not made to feel wanted. Many students at NYU have already expressed their excitement about Prof. Bell's decision to teach at their school. Dean Clark has said that the door is always open for his return, but unless students create a welcoming environment, we will lose him.

Prof. Bell has taken a stand on behalf of all of us. As individuals we can show our support directly by sending Prof. Bell our best wishes. We encourage you to take a moment to write a letter and give it to his secretary, Michelle Degree, in L368.

—Harvard BLSA

Corrections

A caption on page 6 of the April 12 RECORD identifying the police suspect in the rape of a women residing on Linnean Street was inadvertently omitted.

A guest cartoon by Suzan Charlton was mislabelled as Agenda Neutral by Eli Clark.

The RECORD regrets the errors.

God Is Great, But Does He Have Tenure?

The statement "As God once said—and, I believe, correctly..." was spoken by a current member of the Harvard

By Robert Arnold
RECORD Columnist

Law School Professoriate who will remain unidentified for this writing.

Although uttered in jest, those words embody the supreme confidence, and even arrogance, that some HLS professors tend to have in their own, innate and superior intellect. Beyond that of even the Supreme Being, as if a being greater than themselves could actually exist, (a notion many profs inherently regard as highly speculative at best), many HLS professors subconsciously and secretly see themselves as clairvoyant, omniscient deities, and not without reason I might add.

Being a Harvard Law School professor is a big deal. It is an accomplishment worthy of esteem, constant celebration, and even occasional envy. HLS professors are generally regarded, throughout the world, as masters of their craft. They are consulted by and as the highest of authorities, they are treated with the utmost dignity and respect in all circles of life, and the words spoken and written by them carry a tremendous amount of weight throughout humanity.

But, as French philosopher Montaigne once said, "On even the

"On even the most exalted throne, we are still seated squarely on our arse." Harvard Law School professors are, though marginally, human beings and they should act the part.

most exalted throne, we are still seated squarely on our arse." HLS profs are, though marginally, human beings and they should act the part.

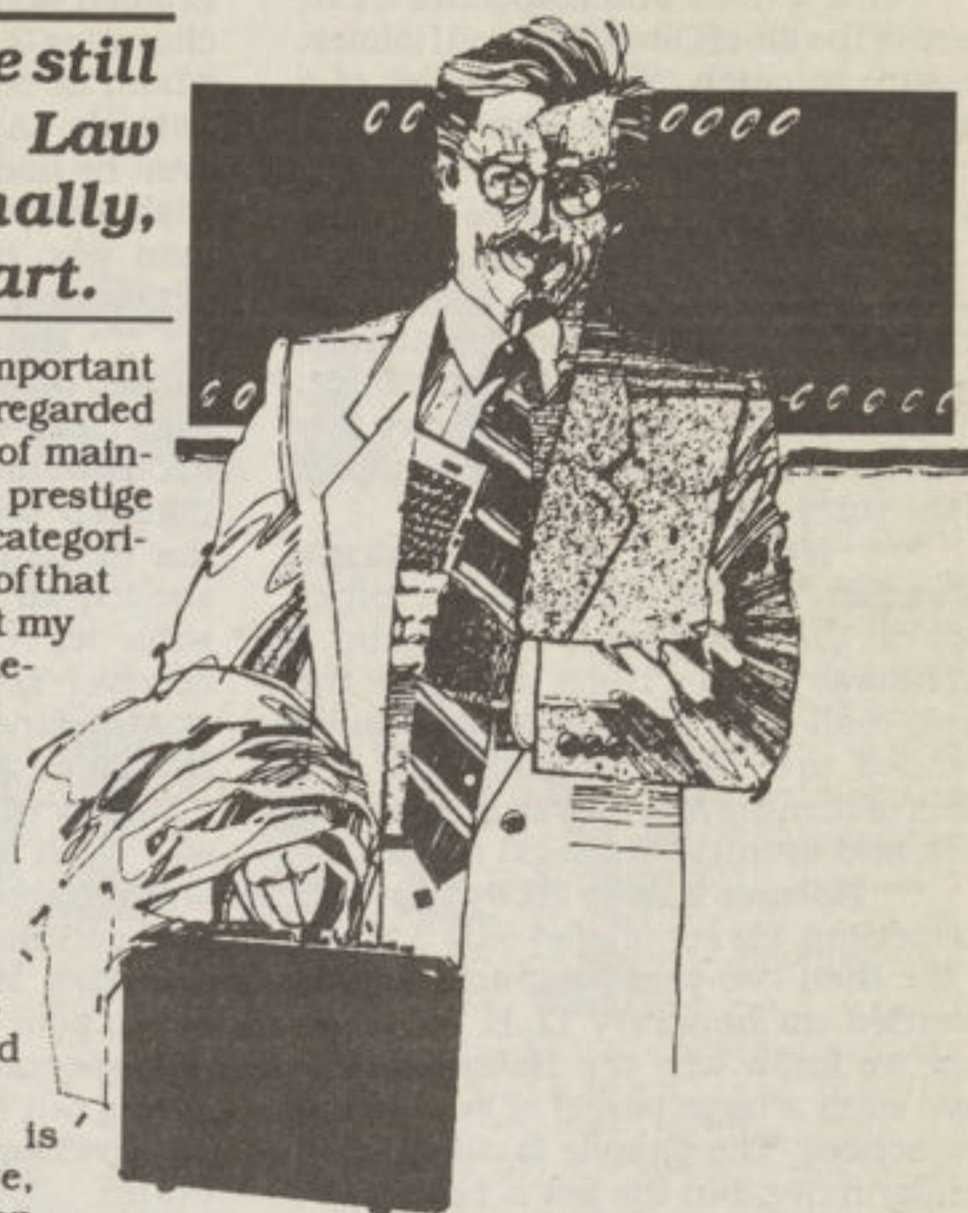
The tradition and prestige of the Harvard Law School has been formed mainly out of the legacy and contributions that the great Harvard scholars have lopsidedly bestowed upon the development of American Law. Also, nowadays, their influence is spreading beyond the law and into pop culture and other facets of American life. For many past and present profs, being a member of the Harvard Law School faculty is the ultimate in self-actualization, and they take every opportunity to make sure we are all aware of that.

Presently much attention is being paid as to who is and isn't on the faculty here. Much deliberation is being made about how those who are here got here and get here. But, unfortunately, from a student perspective, far too little is being made of what should be one of the most important, if not the most important, selection criteria: how well, or, presently, in most cases, how poorly they teach.

Though it is infinitely important for Harvard professors to be regarded as "scholarly" for the sake of maintaining the "excellence" and prestige of this institution, (and I categorically agree with the wisdom of that notion—I too selfishly want my HLS degree to mean something for years to come), a substantial amount of weight in selecting future Harvard professors should also be given to their interpersonal skills, their human interaction, and their concern for the people who pass through these hallowed halls as students.

Although scholarship is undeniably an imperative, teaching should also be given significant consideration.

When I look around in my classes and notice many of my fellow classmates nodding off, playing Nintendo "Game-boys," and generally lost in other worlds, it is apparent, and, again, unfortunate, that not much has been made of this idea in the past.

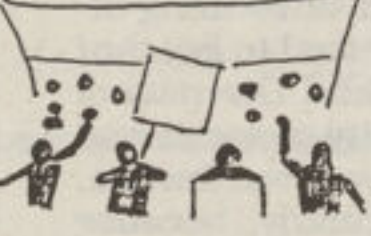


As I registered for my second-year classes last week, I realized that good teachers are rare and much desired on the present, esteemed Harvard faculty.

Fenno

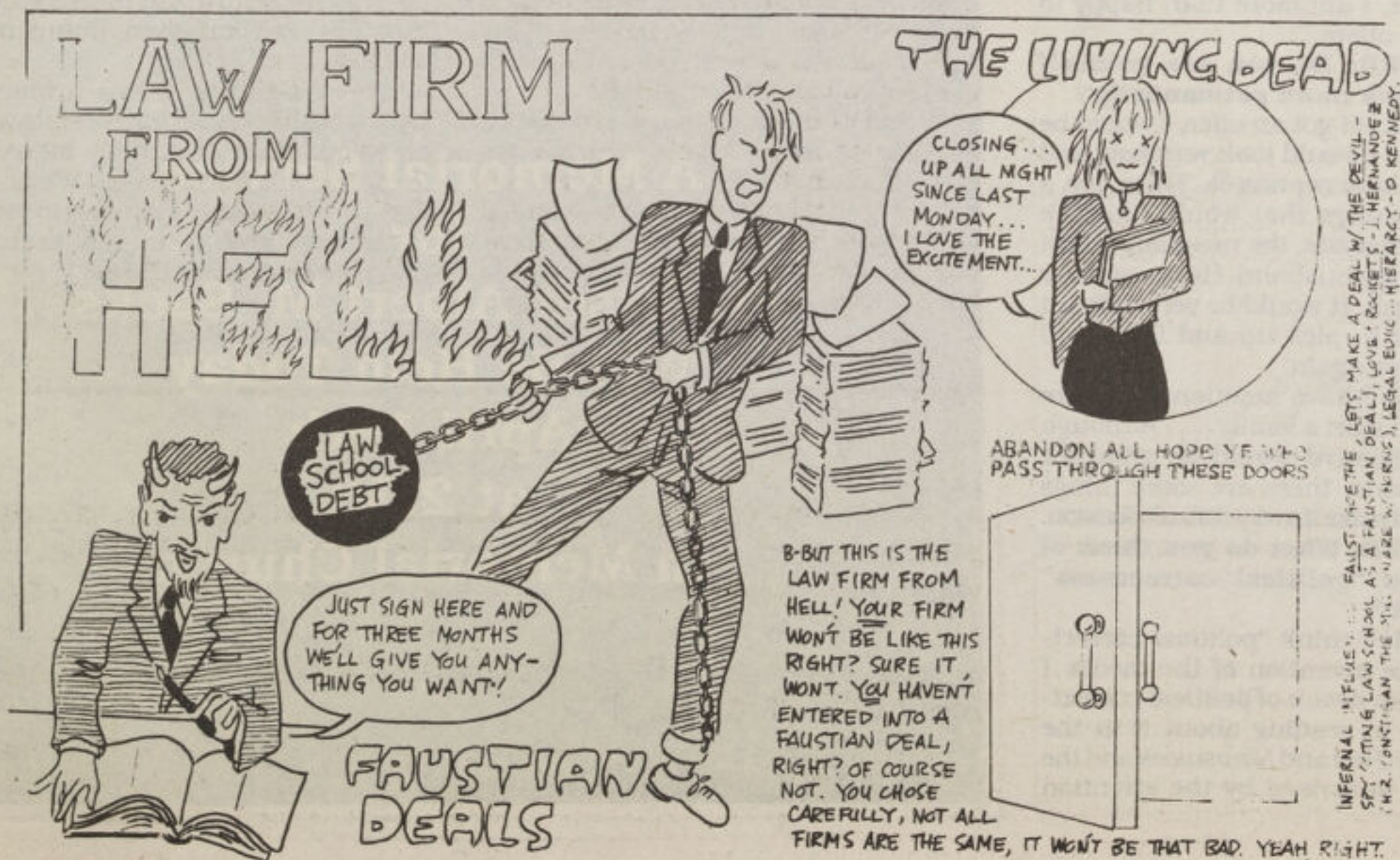
Agenda Neutral

By Eli Clark

SPECIAL INTERNATIONAL LABOR LAW FEATURE:	GEORGIA, USSR	NEW YORK CITY	azerbaijan
	 COALMINERS ARE STRIKING IN THE FACE OF 150% INFLATION, FALLING WAGES, MISERABLE WORKING CONDITIONS AND FEAR OF FAMINE.	 "DAILY NEWS" WORKERS HAVE BEEN PROTESTING BAD FAITH LABOR NEGOTIATIONS AND DROPPING WAGES WITH A CUTBACK IN BENEFITS.	 OILWORKERS ARE CALLING FOR GORBACHEV TO RESIGN, IN PROTEST OF KGB CONTROL, BANKRUPT ECONOMIC POLICIES AND A THREAT OF STARVATION.
A SURVEY OF STRIKES AROUND THE WORLD	EASTERN GERMANY	BELO RUSSIA	CAMBRIDGE, MA
	 WORKERS ARE PROTESTING 30% UNEMPLOYMENT, FACTORY CLOSINGS AND IMMINENT, COUNTRY-WIDE ECONOMIC COLLAPSE.	 FACTORY WORKERS ARE PROTESTING TRIPLE DIGIT INFLATION, LACK OF FOOD IN STORES, AND DECADES OF POLITICAL REPRESSION.	 STUDENTS AT ELITE LAW SCHOOL ARE COMPLAINING THAT THE LACK OF A WOMAN OF COLOR ON THE FACULTY RUINS THEIR LEGAL EDUCATION.

Law of the Jungle

By The Idle Rich



On the first day, my parents sent me a copy of ONE-L with a note attached, "Are you sure you want to go through with it, dear?" I scoffed. I, Fenno Reginald Edward Andrew Kent III, disturbed by a flimsy paperback book? Never.

On the second day, my O-group leader took us to Nick's. I gulped, and munched on.

On the third day, Areeda lit a fire under my rickety wooden chair and my classmates would not permit me to move off of it. I discharged a quart of pure perspiration, and I survived.

On the fourth day, I took my first law school exam. I forgot how to read my mother tongue, and began thinking in a new, all-vowel language previously unknown to me. I learned to translate quickly, and I did well.

On the fifth day, I interviewed with a man who had everything—money, material goods, security, prestige and power, and a very, very bad attitude. I countered his thrusts and ducked his swings, and when all the dust settled, I had the perfect job I'd always wanted.

On the sixth day, I realized ONE-L had been right on the mark after all. What the HELL had I done with my life? What the HELL had ever possessed me to sell my soul for a lifetime membership to the Harvard Club of New York? How the HELL did I think I would ever make it through more than ten lazy weeks at Corporate & Tool without the summer program coordinators to prop me up, feed me lines and petit fours and white wine lunches? No, ol' Scott Turow '78 had been right all along—writing was where it was at! Novels spinning stories of lustful lassess sliced by skulking sadists. Writing was the answer, not Emmanuel's, not LegalLines... Writing dammit!

And on the seventh day, I got a call from Annie Bombard telling me I'd better get writing that instant or I wasn't going to get any lifetime Harvard Club membership. And so it began, my new career in writing. As days grew shorter nights grew longer, blurrier, and the world began to spin in a whirl of "monitor orange" and blinking cursors. My concentration lapsed, my fingers moved at will across a now-worn keyboard. "Only twenty more pages, then I can blue book..." Yikes, only three sources quoted? I turned to my first year legal methods assignment on subpoenae duces tecum, maybe something good in there, huh?

Midnight, June 8th. Still writing. Well folks, looks like we'll be seeing each other again next year.

Wendell: The Playboy, Sexist, Law School Dropout

For a serious and respectful treatment of the life of Oliver Wendell Holmes, be sure to catch "What a Medley of a Man! An Exhibit at the Harvard Law

By Alisse McIntyre
RECORD Columnist

School Honoring the Sesquicentennial of Justice Oliver Wendell Holmes, Jr. (1841-1935) upstairs in the library. For an irreverent and misleading synopsis of the juicy parts, press on.

*** **He went by the name "Wendell."** I can imagine the other kids on the playground teasing him. I bet he was the last to get picked for the basketball team like most kids named Wendell are. This probably had the effect of turning him into an intellectual geek and eventually a legal scholar.

*** **Holmes was an HLS drop-out.** No kidding. He completed only 3 terms of the then two-year program. He was awarded an honorary LL.B. in 1866. Now we know why the Holmes family gave such a large parcel of land to the law school. The Quayle family tried a similar move, but the law school didn't need any more land and thus Danny had to settle on a degree from some Indiana school.

*** **Holmes the Sexist.** No big surprise. After all, what men weren't sexists before 1970? Holmes had a thing for traditional, submissive women. He preferred English women to American women because he considered the

English women to be more consciously charming in their behavior toward men, whom he considered to be "dangerous animals." An egalitarian at heart, however, he had affairs with American and Irish women. You have to respect a man who has a personal Affirmative Action program.

*** **Holmes the Playboy.** Holmes carried on a 40+ year relationship with Nina Gray, wife of John Chipman Gray, a.k.a. "John Cuckold Gray." Their relationship seemed to consist of mostly the exchange of letters. Holmes destroyed all her letters to him for reasons we can only speculate. She however kept all his letters and even went so far as to write comments on the envelopes, including the famous "What a Medley of a Man!" quote. Knowing it was such an intimate confidant who first referred to Holmes in this fervent way certainly makes the imagination run wild. My sympathies certainly go out to poor Mr. Gray. Legal historians now speculate that it was probably in taking out his anger at the world that he developed the Rule Against Perpetuities.

Holmes also carried on an affair with the Irish noble woman Clare, Lady Castledown. He addressed her by his pet name for her, "Hibernia," and on the whole his letters to her were much more sentimental than those to Nina Gray. Was Nina upset that she didn't merit a cute nickname? And when did he have time for poor Mrs. Holmes?

Based on his virility alone, we can see that Holmes was truly a remarkable man.

*** **He put his goldfish in the bathtub at night for exercise.** And this man is revered for his intellectual prowess? If I were on the Senate appointments committee I'd disqualify a candidate for the Supreme Court based on this alone. Frankly, I know lots of reasonable people who have smoked marijuana, but none who have put their goldfish in the tub for exercise.

*** **Holmes the Crossdresser.** Hard to believe that Holmes has something in common with Boy George, but true. Holmes was responsible for reviving the custom of wearing judicial robes. Fetishists can check out an actual Holmes robe in the main room of the library. It's almost as exciting as seeing the actual bustier worn by Tim Curry in *The Rocky Horror Picture Show*.

*** **Holmes: An antisemite, or just in the closet?** Considered thick as thieves with Brandeis while on the Supreme Court (pardon the expression), many distrusted their "closeness." It also apparently disturbed Nina Gray. In a letter to her, he wrote, "I take the innuendo to be that I am under the influence of the Hebs." In a thoughtful move, the curator of the exhibit chose to edit this comment to read "Hebrews," just in case someone wasn't familiar with the slur, I guess. Could Holmes have been attempting to divert Nina's attention from their "closeness?" What



was going on in those chambers, anyway? Were all those letters to Nina Gray and Clare, Lady Castledown like Merv Griffin's attempt to fool us by always appearing publicly with Eva Gabor? Check out the photo of Holmes and Brandeis walking arm in arm and you be the judge.

This is of course just scratching the surface. Imagine what real trash journalists could do if they got hold of the Holmes story. I'd bet we'd discover that Holmes was still alive and hiding out on a remote tropical island with Elvis.

Allen

continued from page 1

student, I often felt intimidated by some of the faculty members here. As a professor I have overcome that intimidation.

RECORD: Do you ever feel as if the only reason you are here is because you are a woman of color?

ALLEN: It might help to answer that question from a historical perspective and the significance of my being here.

Last February, before Professor Bell announced his planned leave of absence, I got a phone call from Dean Clark asking me if I would like to come here as a visiting professor. I had just gotten tenure at Georgetown, and Dean Clark extended me an offer to visit any time within the next three years.

I talked with my husband and with the Georgetown administration, and we decided that the best time for me to visit would be this year. We had just received a grant to work on a really innovative project to restructure the curriculum at the law school [Georgetown], which we will begin implementing next year. My plans were, during the planning phase, I would be here at Harvard and continue to plan, and then next year I would return to launch the project.

Also, my husband and I are planning to start a family. We thought it would be a good idea to get the Harvard thing over with, so that we wouldn't be separated during the beginning of our parenthood. In thinking about Harvard those were the primary considerations.

After I said yes, a few weeks later, Professor Bell announced that he would take a voluntary leave of absence.

RECORD: How did that effect your thinking?

ALLEN: At that point, I had to reassess my decision. Although I had already signed the letter and agreed to come, Dean Clark was willing to let me back-out of the letter because of the obvious political tension.

I received a lot of calls from members of the faculty and students here urging me to come. Those were all very encouraging. And, for personally political reasons, I thought spending a year at Harvard would be beneficial to my career. I thought I could do a lot of things as a woman and as a woman of color here, particularly for the students.

All those things combined led me to decide to come. Despite the obvious political tension, the funny combination of my own political, personal and professional situations, made it all seem like a good idea to do it now if at all.

RECORD: What about the "specialness" of being a black woman at Harvard?

ALLEN: I think that a lot of stuff I have been asked to do is because I am perceived as a sound, intelligent, minority, female voice. I am not ashamed of that, I am glad of it, glad to be of help. So, I am probably doing double duty and even triple duty in some cases. I don't mind that.

I think that any minority professional who takes the attitude that "I only want to be dealt with because of myself" or something like that, is kind of confused because part of myself is that I am a black woman. At the same time, I don't think that you can take any minority woman off the street and invite her to teach the law at Harvard. Others have perceived that there is something about me that makes them confident that I can handle their offer. I am flattered by that.

And so, I don't mind being invited just because someone wants to hear a black woman's perspective. There have been a couple of times where I have felt that I was truly, in every sense of the word, a token, and I have said, "I don't want it." But for organizations which are sincerely trying to offer another perspective, I am more than happy to accept the offers.

RECORD: Do you see yourself coming back more permanently?

ALLEN: If I got an offer, I would be very happy. I would look very long and very hard at accepting it. There are a couple of things that would interfere with that analysis, the most important of which is my husband. He is a partner in a D.C. firm. It would be very difficult to ask him to pick up and leave and start all over again.

Also, as I have mentioned, we are planning to start a family. . . . Although being at Harvard would be great for many reasons, there are some things which would make it a very difficult decision.

RECORD: What do you think of this whole "political correctness" movement?

ALLEN: I think "political correctness" is the invention of the media. I had not been aware of political correctness prior to reading about it in the *Washington Post* and *Newsweek* and the like. I was surprised by the attention

given to this alleged problem in our universities.

I think that students are exhibiting signs of concern for continuing social problems that have been getting less attention recently. I tend to withdraw from the notion that there is an excess of concern for political equality. And, I don't know that there is a "movement" to stridently impose this philosophy on everyone else.

RECORD: More specifically, what about diversity?

ALLEN: I have always been in favor of diversity for a number of reasons. I've spent most of my life in racially diverse communities. I am happiest and I feel life is more normal when there are people around me who are culturally and racially different.

When students are advocating diversity on campuses, I tend to feel that their cause is worthwhile. Diversity of expression and diversity of social and racial perspectives is very worthwhile, on law schools particularly, because law students are being trained to avoid having narrow perspectives. I don't understand how lawyers can be expected to perform the actual functions of their prospective careers without some exposure to some of the unique perspectives presented by our unique culture.

It doesn't take long for law students, particularly Harvard law students, to end up running things. I think

it's imperative for law schools to provide a context for students to be exposed to the widest variety of perspectives that can be put out. So, when students say, "We would like to have more faculty members who are Asian, Hispanic, Black, Gay, etc.," it strikes me as very rational and sensible.

RECORD: What about the way the students are going about it, like protesting and locking the Dean out of his office, etc.?

ALLEN: That's hard. I am personally committed, without reservation, to diversity and affirmative action. I was committed to it when it was called integration. As to the specifics for achieving those goals, I would just like to offer this limited perspective: I would not like to see Harvard law students getting arrested or expelled. I think it would be very problematic for their careers in terms of the bar and things like that. So, while I do think Diversity Day was a fantastic idea, I can't say that I agree with every single protest.

It was agonizing for me to come into work and see my students, especially my black female students, sleeping on the floor outside the Dean's office. That was probably one of the most difficult things I have ever had to witness.

RECORD: Why?

ALLEN: Well, because I see these incredibly bright young women whom I have taught in my classes, who are clearly not rabble rousing types — they

A Memorial Service
for
Professor Albert M. Sacks
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April 19th
at 2:30
in Memorial Church

Once Again The Majority Chose California BAR/BRI

As has been the case for nearly three decades, the majority of bar review students sitting for the 1990 California bar examination chose California BAR/BRI to prepare them. From the student evaluations received at the end of the course, this choice was uniformly regarded by them as a sound one. And year in and year out the exam results prove the wisdom of this decision - BAR/BRI students consistently outperform the non-BAR/BRI students.



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Clark

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respected, critical aspect of the hiring, firing, promoting and curriculum processes. Allowing students to take an active role in the community does not mean that mayhem is around the corner. We have an investment in this school and allowing us to participate means that Harvard thinks at least half as highly of its student body as it wants everyone else to.

My "previous" college was divided into four schools (Social Science, etc.), each of which had a board made up of 12 to 18 students and every professor within that school. The boards had meetings every 2 weeks, most of which were open to the community. Each board had about 3 students and members of the faculty that would meet in a central group with members of the administration (president, dean, etc.) regularly. This central group would allocate financial resources, appointments, etc., to bring back to each school.

For instance, if the central board decided that the school of Social Science was to be allo-

cated one additional full professor and one assistant professor in the coming year, that decision would be brought back to the respective school boards. Here WE would decide in what areas the faculty was most needed, WE would advertise, and WE would interview.

Each appointment had a small "team" that would review each applicant in-depth and make recommendations to the board as a whole which would then debate it and make the decision. Each member had an equal voice and campus-wide comments were solicited. The same basic process was followed for promotions and re-appointments and curriculum decisions, and with these processes members of the small group focusing on the issue would solicit comments from every student who had taken upper-level classes with that instructor.

It's a revolutionary process, and it had its problems. But it was timely and it was co-operative and we had a sense of community and commitment to scholarship. Observers thought this was too much responsibility to give students and many felt very protective of the

conventional power structure they had so much invested in. But it's been working well for twenty years.

It's a wonderful thing to have a say in the school one puts so much time, energy, and money into. Students and faculty developed a relationship of respect that Harvard has not come close to. The administration became sensitized to many of the concerns Harvard is just now beginning to deal with. And unlike Harvard, the avenues of dissent were well used — those who had something to say contrary to majority opinion did not feel the fear many here, on every side, suffer from.

It may not have been utopia, but compared to the bureaucratic, unresponsive and strong-arm tactics this school has chosen to embrace it came pretty close. And the bottom line is that with a participatory structure (and it is a structure) everyone feels a part of the process, the result of which is to bring all aspects of the community together in working for a common goal — the education of the whole person in the finest law school in the country.

— Wendy Minick, 3L

Moderates

continued from page 4

We have not made a single gain in civil rights without determined legal and nonviolent pressure. Lamentably, it is an historical fact that privileged groups seldom give up their privileges voluntarily. . . . We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed.

Why we can't wait:

Frankly, I have yet to engage in a direct-action campaign that was "well-timed" in the view of those who have not suffered unduly from the disease of segregation. For years now I have heard the word "Wait!" It rings in the ear of every Negro with piercing familiarity. This "Wait" has almost always meant "Never."

Mr. Garcia, you are the same type of "moderate" who would've stood idly by as the Nazis carted the Jews off to the concentration camps during the

Holocaust. And you would probably, with ostensibly noble heart, have been thanking your god that it was not you they were after. "None are free until all are free."

You are only a 1L and thus deserving of some compassion. But, I say to you, don't believe the Dean's propaganda.

—Anonymous, because I have already been threatened with expulsion

Escorts

continued from page 4

are located in red boxes under blue lights.

Whistles provided by the Law School are available in Langdell 194 in the tunnel.

If you have special security concerns, please speak with Dean of Students Sarah Wald (ILS 308), Vice-Dean David Smith (G200), or Frank Lamentea, Director of Building Operations in Langdell 194.

Safety issues are of primary concern to all of us. We will continue to keep you informed. —Robert C. Clark

Rudenstine

continued from page 2

tions with Harvard. Rudenstine whose late father was Jewish, is the first non-Anglo-Saxon Harvard president.

"I feel very privileged and very honored to be asked to take this post," Rudenstine said at a press conference. "It's not an easy time for higher education," Rudenstine said, noting the high cost of going to college, the growing financial pressures on institutions, the shortage of women and minorities and ten-

sions between teaching and research.

The selection of Rudenstine breaks some new ground for Harvard. For instance, past Harvard presidents have had more ties with the university; until Bok, all presidents attended Harvard as undergraduates.

Bok, who attended Stanford University, obtained his law degree from Harvard and served as the school's dean when he was tapped for the presidency in 1971. Rudenstine's affiliation with Harvard ended more than two decades ago.

The search committee would have made a very different statement with the selection of Leder, a scientist, or Feldstein, an economist, who served as chairman of the Council of Economic Advisers under President Reagan.

According to the *Globe*, Casper was regarded as a possible compromise, but had no affiliation with Harvard whatsoever. For a time, the committee reportedly considered breaking the deadlock by naming Henry Rosovsky, acting dean of the Faculty of Arts and Sciences.

But in the end, the consensus was for Rudenstine, whose background in the humanities and administrative experience made him attractive.

Also important was Rudenstine's association with the Mellon Foundation with its huge endowment and his work during Princeton's most recent \$400 million fundraising campaign.

Rudenstine faces serious challenges, among them budget deficits and a planned \$2.5 billion fund-raising drive; junior faculty unruly and angry about not being granted tenure; and concerns about the quality of Harvard's undergraduate education in the applied sciences.

Rudenstine was the first member of the family to complete high school. His father, Harry, was a Jewish immigrant from Kiev in Russia, and his mother, a first-generation Italian whose family fled a life of poverty in the village of Campobasso, near Naples, Italy, at the turn of the century, also could not afford the luxury of an education.

Determined that their son would have formal schooling, the Rudenstines enrolled Neil in the Danbury public schools. There, the headmaster of the private Wooster School chose the young man for a full scholarship to the Episcopal boarding school. From there followed undergraduate work at Princeton, a Rhodes scholarship to Oxford, a doctorate in English from Harvard—and now the Harvard presidency.

Allen

continued from page 6

are the "Cosby kids" so to speak — they're bright, they're wholesome, etc., who are driven, forced, compelled out of their own politics and sense of frustration to sleep on the floor in grubby old T-shirts in a cold stairwell.

It made me think that maybe I have fallen short in some way. It made me feel that maybe my sacrifice was not equal to theirs. Why were these people willing to sacrifice their studying, their comfort for this cause? It was very difficult for me to see them going so far for what they believed in, and yet to feel so helpless to help them immediately achieve their goal.

RECORD: Of course, I wasn't here during the Claire Dalton years, but I have heard that her scholarship was impeccable and her politics were arguably the only things that kept the administration from extending her an offer. I have heard that the administration went out of their way to discredit her. The way they handled her situation was just ugly. Are you at all worried about the possible repercussions of being outspoken on controversial issues?

ALLEN: Well, the administration already knows how I feel on a lot of controversial issues. They know my position on abortion, they know my position on the death penalty, and they know my position on diversity. I don't think there are any surprises about me on these issues. I was invited to visit in full view of where I stand on these issues. I would be surprised if, in the future, my political views were the cause of some new tension or if I were deemed too controversial to be on the Harvard faculty.

While I was making my decision to come here, I remember Regina Austin, just one person, being the focus of a lot of debate and national media attention. During that time, her ability to contribute became a lost issue.

RECORD: Any final message you want to relay to the readership?

ALLEN: Yes, I don't want people to think that I sit around in my office all day thinking

about diversity. I am involved in a lot of interesting research and projects in the areas of jurisprudence, women's issues, and law school curriculum. I am a legal scholar in addition to being a woman of color.

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