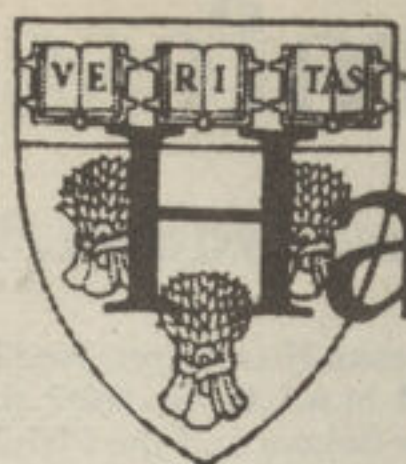




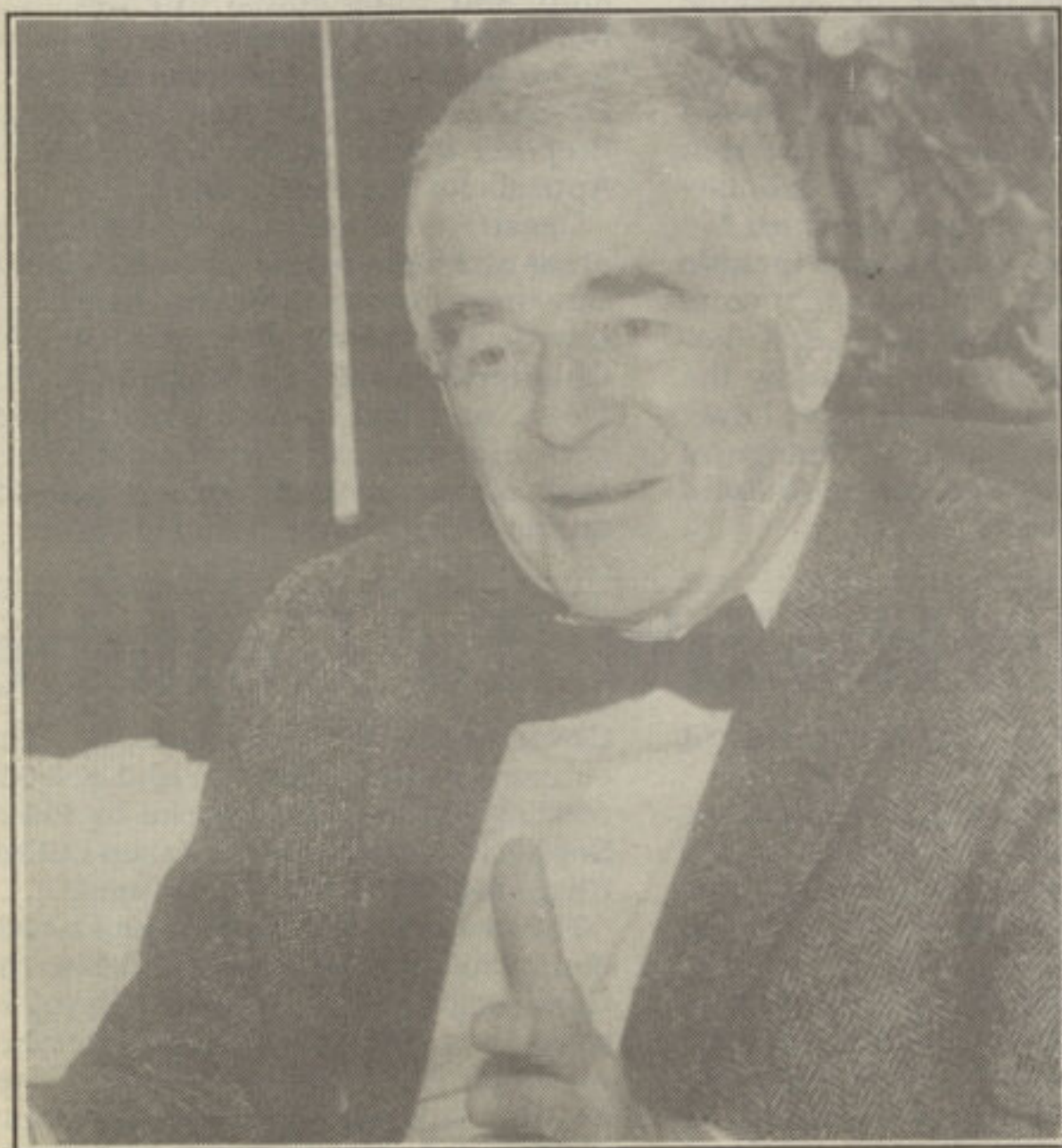
Harvard Law Record

Volume 93, No. 2

America's Oldest Law School Newspaper

September 20, 1991

Cox Inducted To Honorary Legal Order



Professor Cox, best known for his role in Watergate, received an honorary membership in the Order of the Coif on September 6.

Leob University Professor Emeritus Archibald Cox '37 was made an honorary member of

From The Crimson

the Order of the Coif Friday night at Langdell Library.

More than 100 observers, among them deans, senators, faculty, and friends, filled the Treasure room of the Library during the ceremony. The event also marked the 45th anniversary of Cox's appointment to the Law School's faculty and the opening of a retrospective exhibition on his life.

The Order of the Coif is an ancient legal order dating back to 1902 in America, and several hundred years earlier in England. It honors those who have made significant contributions to the legal profession.

Bernard Wolfman, national president of the Order of the Coif, presented the award, saying that Cox "brings honor to the award...encouraging achievement in the practice and teaching of law."

Cox is best known for his direction of the Watergate Special Prosecution Force, the committee that worked to uncover President Nixon's actions in the Watergate affair. Cox garnered National attention when he was fired for failing to follow instructions limiting the scope of his investigation.

"Archie symbolizes the best of legal aspirations and the best of Harvard," said Law School Dean Robert C. Clark.

"[During Watergate], he was a special presence in the Supreme Court - a walking, breathing presumption that the government would win," said Ames Professor of Law Philip B. Heymann.

"He used his status as a public symbol to become a teacher of integrity, of something better than cheating or half-truths," Heymann said. "He has taught us all to bring honor to the positions we occupy rather than seek positions of honor."

The exhibit is a collection of photographs, newspaper clippings, official documents, personal letters and other historical arti-

facts donated by Professor Cox.

Erika S. Chadbourn, the Law School's curator of manuscripts emerita, said she began research for the exhibit three years ago, scouring Cox's home and office, as well as Law School archives and federal repositories for material.

Included in the collection is the subpoena calling Nixon to testify in the Senate hearings, a letter from Nixon to then Solicitor General Robert H. Bork asking him to discharge Cox and a letter from a young child telling Cox that he had named his Hamster Archie in his honor.

"We view Archie as a long and close friend, and we thank him for all he has done for teaching and all he has done for the law," said Richard W. Southgate, managing partner of the law firm, Ropes and Gray, where Cox practiced from 1938 to 1941.

"[The exhibition] stirs up a lot of nostalgia," Cox said, "but when my thoughts do come to focus, it is on the great teachers and professors at the Harvard Law School."

Public Interest Summer Grant Funds Depleted

Public interest summer funding has dried up. Several sources of grant money — most importantly, the Andres Grants — were designated for a limited time

By Sharon Stone

only and due to rising student demands have been completely used up.

Currently there exists no HLS source of grant funds for students who may wish to do public interest work in the summer of '92. The only existing potential source for HLS students to fund summer interest work is through the work study program and through Student Funded Fellowships.

"Obviously this situation cannot continue until the summer arrives. Otherwise huge numbers of students interested in doing public interest work will not be reached by any funding source."

The situation is particularly saddening in light of the fact that the school is now in the midst of a \$150M funding drive. "Couldn't some of that amount could be targeted for public interest work," enquired Julia Gordon, 3L.

From all indications, the Dean has yet to act to find replacement sources of funding. "The Dean has made a verbal commitment to make it a priority to seek funding for '92 and succeeding summers, and he has stated that he is interested in involving students in lobbying potential donors, but I have not seen him involve students," stated Louisa Smith 3L.

"The Office of the Public Interest Advisor has been trying to remind the Dean of the situation but so far there has been no action. All I know is we're starting the year without any money," said Susan Craighead 2L.

According to Stacy DeBroff, the Director of Public Interest Placement Advising, the office had been aware of the impending crisis since last spring and had been scrambling ever since to find alternative sources of funds.

"The Office is currently working with the staff of Baker House [HLS' fundraising office] to identify donors, and to draft a foundation proposal to create a summer grants program. We've also alerted the Dean to the urgency and importance of funding. But, in the final analysis, what we really need is an increase in a funding source like the Andres Grant to accommodate student needs."

Indeed, for the first time last year, HLS was unable to meet student levels of interest in doing public interest work. Last spring out of 311 applicants for public interest summer funding, only 99 applicants received Andres grants. Over the past few years the number of applicants has been steadily increasing but due to the limitations on the funds, approximately the same number of grants have been awarded every year.

In 1989 out of 170 applicants, 93 grants were given. In '90 out of 233 applicants, 100 grants were given. Of particular note, however, is the fact that in past years students who were unable to get Andres grants were able to get funding for summer work through other sources either through one-time grants, Human Rights Fellowships, or Student Funded Fellowships. This year for the first time 49 students on the waitlist received no HLS funding whatsoever. Of that 49, 20 went into public interest work unfunded, others found limited employer-funding or took private sector positions.

"Of those graduates who took public interest jobs, all had spent at least one summer doing public interest work. The value of the summer is that it exposes

Grants page 11

Building Improvements Make for Easy Access

Harvard Law School Building Operations, the department responsible for physically

By Robert Arnold

maintaining and administering the Law School's twenty buildings, has been very busy over the summer. The department has made noticeable improvements throughout the campus towards increasing access to the facilities for physically-challenged students.

Responding to requests made by the Harvard Law Students for Disability Rights and the Law School Council, the Building Operations department renovated the basement of Austin Hall and the restroom on the first floor of Pound Hall. Also, as you have probably

noticed on your way to the Hark boxes, automatic door openers were installed at both entrances to the Hark.

Frank Lamentea, head of the Building Operations department was pleased with the improvements made thus far but not overly optimistic about the future.

"I'm kind of proud of what we have accomplished," he said in a recent interview. "Hopefully this is the first step and we can go on from here."

"We have done a lot and I wish we could do more," he continued. "But some of these buildings are almost impossible to work with."

Other improvements the department made include building a ramp outside of the Pound

Access page 11

Five Receive Skadden, Arps Public Service Fellowships

Two third-year students and three members of the Class of 1990 have received the 1991

From the Harvard Law Bulletin

Skadden, Arps, Slate, Meagher & Flom fellowships for public interest work. Since the program was established in 1989, 12 of the 75 fellowships have been awarded to Harvard students, the highest number given to students of any single law school.

Each Fellow will provide civil legal assistance to the economically disadvantaged through community and nonprofit agencies and receive an annual salary of \$32,500 for two years.

"We continue to be enormously impressed with the quality of our candidates," says Peter Mullen,

Skadden's executive partner.

Barry Fisher '90 will work for the Southern Prisoners' Defense Committee in Atlanta, assisting with litigation on behalf of defendants charged with capital offenses.

Suzanne Goldberg '90 will join LAMBDA Legal Defense and Education Fund in New York. She will work on class-action suits involving discrimination against indigent gay men and lesbians in social security entitlement and public-housing-distribution programs.

Margarita Prieto '91 will work for AYUDA in Washington, D.C., representing indigent immigrants in legal services matters involving visas, political asylum, and employment.

Elizabeth Singer '90 joins the Washington Lawyers' commit-

tee for Civil Rights Under Law, representing victims of employment discrimination on the basis of race, gender, and disability.

David Singleton '91 will assist the Legal Action Center for the Homeless in New York, directing legal services in clinics held at soup kitchens and shelters.



Elizabeth Anne Singer '90

Harvard Names Two More Professors

Procedure and Regulatory Law Specialist Bruce L. Hay Named Assistant Professor

Dean Robert Clark, '72, has announced the appointment of Bruce L. Hay, '88, a specialist in civil procedure and regulatory policy, as assistant professor of law. He will join the faculty in September 1992.

"We're pleased to have Bruce Hay as a member of the faculty," said Dean Clark. "His expertise in economic regulation will greatly benefit our teaching and scholarship in this developing area of law."

"I am grateful to the faculty for this opportunity," said Hay. "The law school is a very exciting place, and I hope my contribution to it will help advance the interdisciplinary study of legal institutions."

Hay's research includes the use of interest group theory and political economy to analyze developments in regulatory policy and environmental law. He is also examining the ways in which rules of judicial procedure, such as *res judicata* and choice of law, influence the development of sub-

stantive legal standards. His article "Conflicts of Law and State Competition in the Product Liability System" will appear in a forthcoming symposium in the *Georgetown Law Journal*. Plans for a movie are also reported to be in the works.

Hay has been practicing with Sidley & Austin in Washington D.C., since 1990. Prior to his work with the firm, he was law clerk to U.S. Supreme Court Justice Antonin Scalia, '60, and to Judge William Norris of the U.S. Court of Appeals for the Ninth Circuit.

Hay received a B.A. in Political Science in 1985 from the University of Wisconsin, Madison. He received a J.D. in 1988 from the Law School and was awarded the Fay Diploma for having the highest combined three-year average. He also received the Sears Prize in 1987 and was an editor of the *Harvard Law Review*.

Christine Desan Husson Named Assistant Professor

Christine Desan Husson has been appointed assistant professor. She will join the faculty in fall 1992. Dean

By Staff

Robert Clark '72 made the announcement this week. Desan Husson comes to the Law School after a term in the U.S. Department of Justice where, as an assistant to the solicitor general, she represented the United States in a number of cases before the Supreme Court.

"It is wonderful to have the opportunity to come to Harvard," said Desan Husson. "I look forward to the rich environment for teaching and scholarship that the Law School provides."

Desan Husson's publications include "Perfect Violence," *Journal of Law and Religion*; "Expanding the Legal Vocabulary: The Challenge Posed by the Deconstruction and Defense of Law," *Yale Law Journal*; and "A Change of Faith for Hmong Refugees," *Cultural Survival Quarterly*.

Desan Husson received both her J.D. and M.A.L.D. in 1987 from the Yale Law School and the Fletcher School of Law and Diplomacy at Tufts University, respectively, with concentrations in comparative legal and political development and in development economics. She was an editor of the *Yale Law Journal*. She received an A.B. in Religion *magna cum laude* from Princeton in 1981. Her scholastic honors include Phi Beta Kappa, Presidential Scholarship, and Soroptimist International, North Atlantic Region Fellowship. Prior to joining the Solicitor General's office, Desan Husson clerked for Judge Stephen Breyer at the U.S. Court of Appeals for the First Circuit.

Desan Husson has also worked in the areas of refugee relief and resettlement. She spent a year directing a community development project for Save the Children Federation in Mogadishu, Somalia, and has tutored Hmong refugees in language and resettlement skills both abroad in Ban Vinai, Thailand, and in Philadelphia, Pennsylvania.



Former Sears Prize recipient Bruce L. Hay says he is grateful for his appointment to assistant professor.

Horwitz Teaches Crit Law To College

Legal history and thought are becoming increasingly popular subjects for undergraduates to explore. In line with

By Staff

this trend, two new law-oriented courses are being offered by the College Core program this fall. The Core program is designed to assure exposure of undergraduates to the widest possible breadth of subject matter before they go on to more specialized major requirements.

Morton J. Horwitz '67, Warren Professor of American Legal History, is offering

"The Emergence of a Critical Movement in Law, 1880-1940."

Horwitz, an intellectual favorite among law students who has taught at the Law School for the last 21 years, says the course is "an attempt to show the political dimension in law."

Each session will include a 25 minute lecture followed by question and answer sections. The reading list is long, and there will be two required papers, as well as the standard section, midterm, and final requirements.

The other course, "What is Law?," is being offered by Assistant Professor of

Government Peter Berkowitz. The course features a diverse and eclectic reading list including works by Plato, Sophocles, Maimonides, Martin Luther King, and Oliver Wendell Holmes.

The two new legal courses join a total of nine new courses being added to the Core program this semester, many of which have components of contemporary interest, including "Chinese Family, Marriage, and Kinship: A Century of Change," "The Stalinist Experience in the Soviet Union, 1924-1953," "From DNA to Brain," and "Jerusalem-The Holy City."

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The RECORD Staff

To A Mixer

On Wednesday, September 25

At 7:00pm In Pound 335.

Mixed Appetizer and Drinks Are Planned.

SEE YA THERE

A Thought For Food: The Chicken Do Plaza Is A Gem

Cafe of India, 52 Brattle Street, Cambridge. 661-0683.

Food:



Service: ☺☺

Price: \$\$\$

Walking distance from Hark: 8.5 minutes.

It was a hot and muggy September night in Cambridge, the kind of night when you feel like you're developing

By Dean George-Falvy

gills and the Square pulsates like one giant clogged pore. Overripe, slightly belligerent vegetation crowds out the starless sky. Discarded umbrellas litter the streets, while local merchants report a run on mops and sponges.

Having spent the day in a football-soaked, air-conditioned stupor, this reviewer and an equally intrepid friend vowed to set forth into the gloom in search of the elusive pearls of Cambridge cuisine. Inspired by the gentle lapping of the eternal Charles, so reminiscent of the Ganges, the two embarked for Cafe of India, a Harvard Square dining tradition stretching back over nine months.

Cambridge is far from a backwater with respect to Indian cuisine, but with most of the action swirling around Central and Porter squares, Cafe of India has been a monopolistic purveyor in Harvard Square throughout its brief existence. Thus the establishment was operating at full capacity in spite of the insidious omnidrizzle outside and somewhat inflated prices on the menu.

Fortunately, the restaurant was equipped with serviceable air-conditioning, and the reviewers were obliged to check any metaphoric nods to monsoon season at the door. The decor did not quite equal the restaurant's attractive exterior appearance; it struck this writer's companion as "tacky." However, the merits of the numerous wall hangings, depicting trade, seduction, and

famous landmarks such as the Taj Mahal, were not lost on this reviewer.

In the process of ordering beverages, it became dismayingly apparent that Cafe of India could offer no alcoholic beverages to slake the reviewers' thirst. Rather than following his companion's lead in resorting to Sharp's (\$2.25), this reviewer confidently ordered a Lassi (\$1.75), which he vaguely understood to be a form of liquid yogurt popular among Indian census-takers after a hot and muggy day of work. It was served at nearly room temperature, prompting some dismay on the part of this reviewer and paroxysms of despair from his companion, who required assurances that she had not imbibed a sip of goat's milk before proceeding with the meal.

Such assurances were given, though with no great conviction, and calm was restored to greet the arrival of a few wafers of papadum. These had apparently wilted slightly in the oppressive heat, but were nevertheless devoured instantly. The papadum was followed by a Vegetable Tikka appetizer (\$2.50). The writer's friend later referred to this tasty fried concoction of potatoes, peas, and attendant sauces as "a sort of vegetarian hamburger," apparently intending none but favorable connotations.

As main courses, the reviewers chose Lamb Korma (\$9.45) and Chicken Do Plaza (\$9.45), the former for its general reliability and the latter because it sounded like an evocative Italian place name. Asked to specify a degree of spiciness, this reviewer's companion requested that the dishes be prepared "mild, you know, but kind of spicy. Not medium!" The waiter absorbed these instructions with admirable equanimity, and betrayed only a hint of physical disorientation while returning to the kitchen.

Dinner conversation flowed naturally from Indian cuisine to the British Commonwealth and the symbolic implications of monarchy, however constitutional, in the modern age. Specifically, this writer took exception to the present queen's address to a joint session of Congress and former President Reagan's acceptance of honorary knighthood as treasonous betrayals of

American independence. His companion disputed whether the queen continues to symbolize tyranny in any meaningful way, and suggested that the American Congress was interested simply in her views as a private citizen.

The entrees emerged in the midst of this heated discussion, accompanied by a slightly inadequate supply of rice and an order of Tandoor Roti bread (\$1.95). The Korma featured lamb chunks, raisins, and almonds in a mild cream sauce, which one reviewer felt was a tad watery, although both agreed that the dish was quite tasty.

The highlight of the meal was clearly the Chicken Do Plaza. Both reviewers, as hardened and cynical as any veterans of Harvard Square's varied but predictable culinary scene, emitted audible gasps upon sampling this delicately seasoned dish. In hue and texture the chicken was "almost salmonesque," as one stunned reviewer put it. The salsa-like, coriander-tinged sauce evoked a pleasant pluralism of cuisines. "It was like your taste buds doing The Wave," one reviewer later reflected. The Do Plaza's unique texture and visual attractiveness also recommend it as a contrast to the soupy appearance of many Indian dishes.

Both reviewers agreed that Cafe of India provided fare of generally good quality. The presence of such a gem as the Chicken Do Plaza on the menu suggests that further exploration is warranted. On the other hand, portions were unambiguously small. Service was polite but slower than desirable and perhaps overworked. The final tab (including tip) for a satisfying but by no means overabundant dinner for two was \$35.00, well above average for an ethnic restaurant in the Square and somewhat higher than the Indian competition in Central Square. Cafe of India does offer a very affordable lunch menu (\$5-7), however, and an all-you-can-eat Sunday brunch.

One wishes to conclude that a cool,

crisp autumn evening awaited the two reviewers upon leaving Cafe of India's climate-controlled subcontinental sanctuary, but alas, the relentless humidity hit like a tidal wave of untreated sweat. With no relief in sight, the two reviewers vowed to press on in their search for culinary excellence, whatever the cost in treasure or bodily fluids.

QUOTE OF THE WEEK

"The only difference between the work-week and the weekend is that you have more time to work on the weekend."

Karen Hunter, 2L

Ford Foundation Funds Additional Poverty Research

The Ford Foundation has given the Interuniversity Consortium on Poverty Law, a project of the Law School's Program on the Legal Profession (PLP), a \$250,000 two-year continuation grant for its work at Harvard and 12 other American law schools.

Founded in 1989 and coordinated by PLP director and lecturer Gerry Singen, the consortium encourages teaching and scholarship on the relationship between law and the poor, and links academic work to advocacy.

Among projects funded by the grant is *CONSORTING*, a quarterly newsletter published at the Law School that describes research and projects concerning poverty and connections between scholars and advocates.

LSC Report: Somerville Shuttle is a High Priority

By Marie-Louise Ramsdale,
Chairperson of the LSC Facilities and
Services Committee

As was mentioned in last week's *Record*, one project on which Law School Council is currently working is the reestablishment of the Somerville shuttle service. Although a shuttle service was run by the administration temporarily last spring, it was not restored to service this fall, ostensibly because of low ridership. Numerous students have expressed their concern, however, that the shuttle has discontinued operation, and law school council members are currently looking into the financial and operational logistics of restoring a shuttle service, with the ultimate goal of reestablishing a shuttle route before the winter and its darker evenings are upon us.

In order for us to demonstrate to the administration the importance of reestablishing the shuttle service, we need your help. A petition drive will be held in the Hark on September 24-26 from 10 to 2 p.m. daily. Please stop by the Law School Council table and sign the petition to show your support for the restoration of the Somerville Shuttle. While the shuttle last spring may have been in response to a rash of violent crime in the vicinity of the law school, it is better that we take pro-active measures now rather than be forced to take reactive ones at a later date.

Another law school council committee also gearing up to address student

concerns is the Facilities and Services Committee. In a few weeks you will be receiving a survey in your Hark box that asks you for your comments on the law school facilities and suggestions for improvement. Last year in response to the request of this committee, the law school made several changes that have improved overall campus security, from changing the lock combination in the tunnel bathrooms to changing dormitory locks over the summer to improving the lighting in front of Langdell.

The committee also worked with Gardner-Merchant (aka Creative Gourmet) to enhance the quality and selection of food in our dining facilities. While there is still room for improvement, the Hark began to offer bagels all day, and added kosher and more low-fat items to its menu, among other changes. While all of these improvements may not appear mind-shattering, it's a start and the committee is always willing to listen to your suggestions. If you can't wait until the survey comes out, please feel free to drop a note with your thoughts and comments in Marie-Louise Ramsdale's 2L Hark box or call her at 493-9003.

One final note, the deadline for filing to run for law school council offices is this Sunday at 5 p.m. If you're willing to get involved and make a difference, please put a resume and a one page statement of intent in Michael Twomey's 2L Hark box.

Consider Public Interest

For most of us law school has opened up a window to society both exciting and mystifying. For the handful of

By Jason Adkins

people who know why they came to law school or who still know what they want to do with the law, graduation is the light at the end of the tunnel. But for the vast majority of us considering a law career, looking for a summer of full-time job can be confusing, frustrating, and often haphazard.

Patience is a virtue you need when considering public interest work. Potential public interest employers hire up to six months later than law firms. It's not uncommon for people to get offers as late as May, or even after graduation. As a consequence, once immersed in the law school experience the easiest thing to do is follow the path of least resistance by joining a law firm which woos you with their expense accounts and high salaries. Soon, however, the patina of these "legitimate" jobs wear thin as it becomes clear that the serious problems facing society are not tackled by the firms.

The worsening problems in health care, poverty, minority opportunity, environmental degradation, tax inequity, corporate lawlessness, government unaccountability, and citizen powerlessness all bear witness to the vast areas of societal need. Firms work on these issues, but how often is it that the interest of their wealthy clients align with those of the vast majority of the people, or with the well being of our fragile planet? The answer is all too painfully clear.

Of course, many lawyers boast that their practices did not contribute negatively to any of these crisis areas. Such striving for "irrelevancy" is hardly what is called for during times of crisis.

The social and legal reforms of the past few decades alone - from the Civil Rights Act of 1964 to the due process rights recognized in *Gideon v. Wain-*

wright to the Clean Air and Clean Water Acts - exist because pioneers working in the public interest fought for their creation. Like all reforms, these were the culmination of legal and political struggle, and they had vigorous opposition. Not surprisingly, perhaps, challengers of such reforms still exist as corporate employers and polluters flout the law with limited chance of prosecution or fight for roll backs of hard won reforms.

Lawyers are at the forefront of these battles and they line up as adversaries on both sides of every issue. When General Motors successfully blocked life saving air bag regulations for nearly ten years, the lines were drawn. When Eastern Airlines was indicted for intentionally falsifying safety and maintenance records, lawyers worked on both sides of the issue. When the Exxon Valdez ravaged the world's ecology, lawyers represented the respective interests. The same was true when the world largest coal company, Peabody Coal, falsified coal dust samples taken to protect miners from crippling respiratory diseases. Likewise, when the Beech-nut Nutrition Corporation was convicted of intentionally selling millions of jars of fake apple juice for babies, lawyers worked on both sides of the adversarial system. In choosing a career, we can choose which side we wish to be on.

Moreover, the criminal legal system for citizens is dysfunctional. New York State Chief Judge Sol Wachtler conceded recently that the criminal courts are "bankrupt." Only 15 to 20 percent of the civil legal needs of the poor are being met nationally. Millions of people are forced to rely on starving legal aid societies and understaffed public defenders for protection of their fundamental rights. When 90% of the landlords and 10% of the tenants are represented, as is typical, the adversarial system is onesided. No work is more challenging than helping

Public Interest page 11

Harvard Law Record

Volume 93, No. 2

Robert C. Arnold
Editor-In-Chief

Career Placement Office Suffers From Myopia

In a recently published article in a national magazine, Derek Bok '54, outgoing president of Harvard University and former Dean of the Law School, said that the law has become "the refuge of able, ambitious college seniors who can't think of anything else they want to do...The law may seem enlightened and humane, but its constant stream of rules will leave a wake strewn with the disappointed hopes of those who find the legal system too complicated to understand, too quixotic to command respect and too expensive to be of much practical use..."

In that sweeping, succinct, and poignant statement, Mr. Bok has easily described many of the people who come to Harvard Law School.

Many of us didn't come to Harvard Law School to be lawyers. We didn't come here to march-off to be the one in a million (only slightly exaggerated) to make partner in a huge firm. The lawyer option is the option that we hope we only have to pursue in the worst of scenarios.

What we had hoped in choosing to come to HLS, after looking around in the world and seeing the many and various non-law related positions that HLS graduates hold, was that Harvard would give us the requisite "stamp of approval," and then we would go out into the world and do something much more satisfying, enjoyable, interesting, and important than practicing law. We had hoped that HLS would provide us with an advanced, liberal education that would better prepare us to be real people.

Unfortunately, the Career Placement Office here seems to be doing its level best to ensure that the graduates of this institution march-off upon graduation to the hugest law firms they can find.

On page 37 of the Career Services Handbook, under the heading entitled "Non-Legal Careers," the caption reads: "As you might imagine, this being a law school, there is limited information on other professions."

That statement is not only grossly myopic, but it is simply downright unjustified.

You don't have to look far to see examples of HLS graduates doing non-legal work. In fact, a poignant example is right here at the Law School. Four of the six members of the Executive Committee of the Campaign for Harvard Law School, Finn M. W. Caspersen '66, Roy L. Furman '63, Reginald F. Lewis '68, and Bruce Wasserstein '70, are all having successful non-law related careers, and more importantly concerning this institution, making and giving a helluva lot of money for the maintenance of this place.

Of course, this is not news. This isn't a discovery that will shock or horrify. It is, at the very least however, unnecessarily disturbing that the Career Placement Office continues to play match-maker with HLS students and law firms. The system cries for adjustment.

Ra

Staff

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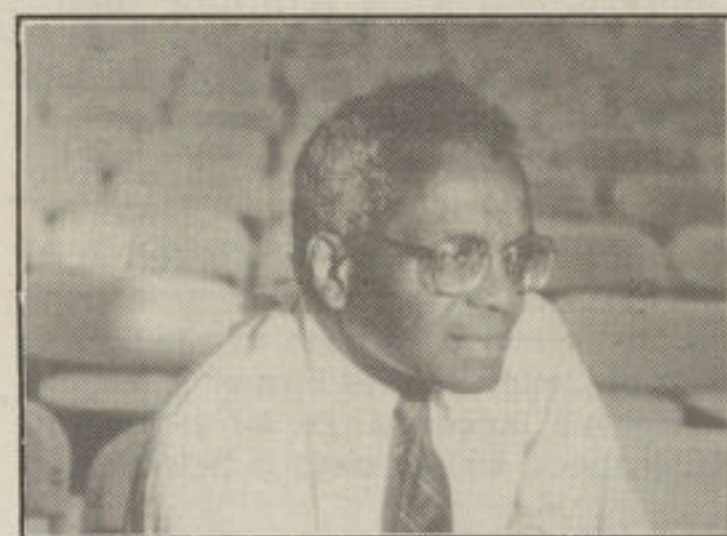
Harvard Law School Faculty 1990-91

Faculty: No Black Women

Although my personal resolution this summer was to be a little less involved during this school year and get on with the business of being a student and graduating and other ostensibly important things like that, upon my return to the Charles River Palace (no slight intended to the Business School) I have already realized that my resolution was in vain. It is entirely against my nature to be passive and uninvolved.

Along those lines, I now feel as if it is time to shirk-off the comforting glow of the summer and *get busy* once again.

In the first two issues of the *Record*, we have covered five stories about faculty announcements with regards to promotions here at HLS. Of those five newly promoted faculty members, one white man received tenure, two white men were placed on tenure track, one black man was placed on tenure track, and one white woman was placed on tenure track. For the members of this community who have fought for increased diversity on our faculty, no matter how one defines the word, that news is especially distressing.



Remember Bell

Out of respect to the new faculty appointments, there is no doubt in my mind that they are all eminently qualified to be members of the faculty and will be excellent additions to our community. And, out of respect to other people's definitions of diversity, they may well indeed add to the diversity of the campus and the excellence of the staff.

However, since Derrick Bell (long since exiled to New York University Law School) has focused the diversity movement on the tenuring of a black woman or at least the placing of a black woman on tenure track, and because this particular position most succinctly captures the diversity issue, my diversity definition too is based is on the tenuring of a black woman professor.

The picture placed at the top of this editorial is at best distasteful, and at worst disgusting. Directly behind Dean Robert C. Clark stands a black woman, Anita Allen, a visiting professor last year from the Georgetown University Law Center.

I find the picture personally disgusting because I wonder if the obvious and intentional placing of Professor Allen directly behind DBC is some kind of a sick joke, a sick kind of taunting gesture as if to say, "Here's what you want but you'll never have it." More disgusting is the fact that there aren't even any black women visiting professors this year.

Looking at that picture causes me great personal anguish. I cannot allow professor Bell's Herculean efforts to be taken lightly. I cannot allow this issue to become trivialized.

It is much too quiet around here. There is no discussion, there is no protest, but most importantly, there is no black woman professor. **Ra**

Liberal Intolerance Self-Defeating

By Julie Pardell

As they do without fail each year, the liberals at HLS will band together again to hiss down politically incorrect comments

Letters To The Editor

in the classroom. Aside from annoying the hell out of the adult students, this simpering hissing serves to underscore one of the many paradoxes within the liberal philosophy: While diversity based upon such superficial factors as race and gender deserves tireless support, diversity of ideas will not be tolerated. So when an individual revered as "diverse" by liberals because he is black or she is a woman decides to open his or her mouth to express a thought not pre-approved by the white liberal establishment, that individual suddenly becomes an object of scorn.

On a national scale, this intolerance manifests itself most clearly in the Clarence Thomas nomination. Reared in rural Georgia by illiterate grandparents while his mother picked crabs for a living, Thomas grew up in a lifestyle which many limousine liberals cannot fathom. Through hard work he was accepted to Yale Law School and led a black students' movement for enrollment of more blacks. He has experienced racism and has fought bigotry. As chairman of the Equal Employment Opportunity Commission, he favored heavy fines and jail terms for whites who discriminate in the workplace.

But Thomas has spurned the paternalistic platforms manufactured by civil rights groups and instead has developed a philosophy of black self-help. By jumping off the treadmill Thomas has been denounced as a non-black by Spike Lee and Professor Bell, among others. Of course, he still is

black, but according to his critics he doesn't think like a black *should* think and thereby has betrayed his race. Hopefully, the Democratic Inquisition in the Senate will be able to suppress its self-imposed duty to do what it thinks is right for minorities and carry out the more credible mission of confirming an individual to the Supreme Court whose intelligence, integrity and desire for justice will serve the nation as commendably as the justice he replaces did. And if some irresponsible, womanizing alcoholic is absent from the confirmation hearings because he is busy testifying on behalf of an irresponsible, womanizing nephew, the wheels of justice will turn that much more smoothly.

Thomas' confirmation should be hailed by civil rights groups for what it achieves symbolically now and for what it will achieve substantively in the future, rather than be feared because they are unfamiliar with his methods of obtaining justice. Similarly, women need to place their womanhood before their politics and respect the conservative women who by means of their political activism generate respect for females just as much as the activities of their liberal counterparts do. The great Republican forefather Abraham Lincoln stated that a house divided against itself cannot stand. When groups like women and blacks battle against entrenched discrimination, factional infighting about the means to achieve common goals can be crippling.

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To the Editor:

I attended the Campaign Kick-Off as a delegate. I was glad to hear that the *Record* is still controversial. Congratulations on your good work.

Charles O. Porter '47,
President of the *Record* '46

Political Correctness, Speech Codes & Diversity

There is now a debate among the pundits over whether the "political correctness" movement on college and

By Alan M. Dershowitz

university campuses constitutes a real threat to intellectual freedom or merely provides conservatives with a highly publicized opportunity to bash the left for the kind of intolerance of which the right has often been accused.

My own sense, as a civil libertarians whose views lean to the left, is that the "P.C." movement is dangerous and that it is also being exploited by hypocritical right wingers.

In addition to being intellectually stifling, the P.C. movement is often internally inconsistent. Among its most basic tenets are 1) the demand for greater "diversity" among students and faculty members; and 2) the need for "speech codes," so that racist, sexist and homophobic ideas, attitudes and language do not "offend" sensitive students.

Is it really possible that the bright and well-intentioned students (and faculty) who are pressing the "politically correct" agenda do not realize how inherently self-contradictory these two basic tenets really are? Can they be blind to the obvious reality that true diversity of viewpoints is incompatible with speech codes that limit certain diverse expressions and attitudes?

I wonder if most of those who are pressing for diversity really want it. What many on the extreme left seem to want is simply more of their own: more students and faculty who think like they do, vote like they do and speak like they do. The last thing they want is a truly diverse campus community with views that are broadly reflective of the multiplicity of attitudes in the big, bad world outside of the ivory towers.

How many politically correct students are demanding - in the name of diversity - an increase in the number of Evangelical Christians, National Rifle Association members, and Right to Life

advocates? Where is the call for more anti-communist refugees from the Soviet Union, Afro-Americans who oppose race-specific quotas, and women who are anti-feminist?

Let's be honest: the demand for diversity is at least in part a cover for a political power grab by the left. Most of those who are recruited to provide politically correct diversity - Afro-Americans, women, gays - are thought to be supporters of the left. And historically, the left - like the right - has not been a bastion of diversity.

Now the left - certainly the extreme left that has been pushing hardest for political correctness - is behind the demands for speech codes. And if they were to get their way, these codes would not be limited to racist, sexist, or homophobic

epithets. They would apply as well to politically incorrect ideas that are deemed offensive by those who would enforce the codes. Such ideas would include criticism of affirmative action programs, opposition to rape-shield laws, advocacy of the criminalization of homosexuality and defense of pornography.

I have heard students argue that the expression of such ideas - both in and out of class, both by students and professors - contributes to an atmosphere of bigotry, harassment and intolerance, and that it makes it difficult for them to learn.

The same students who insist that they be treated as adults when it comes to their sexuality, drinking and school work, beg to be treated like children when it comes to politics, speech and controversy. They whine to Big Father and Mother - the president or provost

of the University - to "protect" them from offensive speech, instead of themselves trying to combat it in the marketplace of ideas.

Does this movement for political correctness - this intolerance of verbal and intellectual diversity - really affect college and university students today? Or is it, as some argue, merely a passing fad, exaggerated by the political right and the media?

It has certainly given the political right - not known for its great tolerance of different ideas - a hay day. Many hypocrites of the right, who would gladly impose their own speech codes if they had the power to enforce their way, are selectively wrapping themselves in the same First Amendment they willingly trash when it serves their political interest to do so.

But hypocrisy aside - since there is more than enough on both sides - the media is not exaggerating the problem of political correctness. It is a serious issue on college and university campuses. As a teacher, I can feel a palpable reluctance on the part of many students - particularly those with view in neither extreme and those who are anxious for peer acceptance - to experiment with unorthodox ideas, to make playful comments on serious subjects, to challenge politically correct views and to disagree with minority, feminist or gay perspectives.

I feel this problem quite personally, since I happen to agree - as a matter of substance - with most "politically correct" positions. But I am appalled at the intolerance of many who share my substantive views. And I worry about the impact of politically correct intolerance on the generation of leaders we are currently educating.



Fenno

Time: Day One.

Place: Harkness Commons, next to the nuker so Da Big Cheese, (hereinafter "DBC") can zap his fading Jamaican joe, pearlized with Hood and strangled by sweet Domino necklaces.

Event: Fenno's Confirmation Hearings.

Fenno's Opening Statement: "And I hereby submit to the assembled bewigged ones—duly self-appointed representatives of their parents' g(e)nomes—my quivering corpulency, replete with reverberating renal right o' ways."

[The Griswold Corps of Word Wizards, bent, noses on desks and fannies in air, scratch feverishly and whisper into gate-of-the-art mini micro mikes, "He's gonna piss on his shoes!"]

[Nanoseconds pass and DBC has the scoop straight from his itty bitsy teeny weeny yellow polka dot receiver, Gift of the Class of 1951, cleverly disguised as a gold hoop earring. "Hmmm," thinks his Deanness, "we should lay off brother Fenno, not leave any tread marks, and liberate him unscathed to navigate the tumultuous green faces of envy waiting outside the Groplus complex."]

DBC's Opening Statement: "One more question and we'll break for lunch. Any problem with that, Fenno?"

"Should I get a note from my therapist?"

"Uh oh! That's two already! Due! Lunch time!"

Flashback: Creative Gourmets have been consulting their psychic healer for nearly seven days now, and thanks to gracious channelling assistance, have cavorted with Julio Enfante, that spunky chef we last saw licking James T. Kirk's black Spazoid Space booties in a parallel universe.

"I'd love to share some of my Meals-in-Minutes laminated recipe cards with

The gypsy queen quizzes Julio. "You're not talking Deal-a-Meal are you? You've not formed a joint venture, have you? You're not suggesting that we play card games on our luncheon linen, are you? You're not advocating Movin' to the Moldies or Oozing out the Oldies or Boozin' up the Baldies or —"

"For just scarcely twenty dollars you can match the violet vermin with the magneta maggot and the crimson cockroach and voila! A delightful three course fete! We'll throw in a teakwood cutlery set, ABSOLUTELY FREE! Ben & Jerry don't like it and you can enrage French movie goddesses with our Ivory CAN OPENER!"

The Metaphysical mama mutters, "Oh buzz off bloody bugger we —"

"Yes! Fantastic! Bloody burgers! We'll serve bloody burgers at the Day One of the Fenno Confirmation Hearings!"

Lunch: "Big On Yves reporting to Griswold Quarters. We have a photo misopportunity here, DBC has splatted venal matter on his Egyptian long-fibre cotton button down. There seems to be some collateral damage to the H.M. Rock suit. We could try to pass it off as hardened ear wax but are advising immediate repairation. GG?"

"Hear you BOY loud and clear. Any chance of doctoring? Can we get away with plaid?"

"I love a fresh tartan. But what we're seeing here is dour."

"Let's not cross the channel, n'est-ce pas?"

"Let's try the Black Watch."

"He's already got a black watch."

"No, idiot, Black Watch."

"Oh, Black Watch. Lovely! No one will suspect."

DBC's earring hums. "Just tell them it's Black Watch, sir."

"Fine idea, but will they buy it? More importantly, will it wash out? No traces, nevermore?"

"Say I, nevermore. A splash of cold water, you'll wake up tomorrow, and we're snow-white blizzard blind."

Post Lunch: "Well," announces the DBC, "we'll confirm him!"

Wachtell, Lipton, Rosen & Katz
New York

will be on campus
Wednesday, September 25, 1991

at the

BLSA Job Fair
Ropes & Gray Room from 2:00 to 4:00 p.m.

and

will be interviewing
second and third year law students
for
summer and permanent positions
Wednesday, October 9, 1991

The Harvard Black Law Students Association
invites the Harvard Law School Community to its

Fourth Annual Minority Job Fair

on September 25, 1991

from 2:00p.m. to 4:00p.m.

in the Ropes-Gray Room, Pound Hall

Employers are expected from New York, Washington D.C.,

Los Angeles, Atlanta, Chicago and other cities.

Over 30 national law firms including:

Simpson, Thacher; Wilmer, Cutler; Shaw, Pittman;

Cleary, Gottlieb; Davis, Polk; and Skadden, Arps

will be in attendance,

as well as government agencies including:

The Legal Aid Society

and

The District Attorney, New York County.

For more information please contact either Patrick Thompson (617) 354-1344 or Francis Phillip (617) 493-9318.

RECORD Publication Schedule: Dates and Deadlines for Submissions

Vol. 91 Issues Date

<u>Date.</u>	<u>Ad Deadline.</u>	<u>Letters Deadline</u>
9/13	9/11	9/9
9/20	9/18	9/16
10/4	10/2	9/30
10/11	10/9	10/7
10/25	10/23	10/21
11/1	10/30	10/28
11/15	11/13	11/11
11/29	11/27	11/25
1/17	1/15	1/13

Vol. 91 Issues Date

<u>Date.</u>	<u>Ad Deadline.</u>	<u>Letters Deadline</u>
2/7	2/5	2/3
2/14	2/12	2/10
2/28	2/26	2/24
3/6	3/4	3/2
3/20	3/18	3/16
4/10	4/8	4/6
4/17	4/15	4/13
5/1	4/29	4/27

HARVARD LAW RECORD

The Sensitive Man In The Nineties: Just A Big Cry Baby

It was earlier this year that I realized that we were firmly into The Nineties and I began to ponder what would

By Alysse MacIntyre
RECORD Columnist

become of some of my favorite Eighties Institutions.

I've always had enormous good luck at predicting social trends, but there is one trend I was dead wrong about: the demise of The New Sensitive Male.

I knew something was up when, in the first half of 1991, I saw men shed more tears on TV than were shed in the entire run of *Little House on the Prairie*. And not only the likes of Kevin Costner who sniffled when he received the Best Picture Award, (we all knew he was a sensitive hold-over from the Eighties anyway), but also our Commander-in-Chief himself, George Bush.

For those of you who missed it, George got misty-eyed and all choked-up while discussing our troops in the Gulf during the State of the Union Address. It was such a hit that he did it again in another speech the next week. Not wanting anyone to doubt his patriotism or allegiance to Bush, Norman Schwarzkopf followed suit shortly thereafter. That's right, *Stormin' Norman*. George then realized that he was really on to something and admitted that he wept and prayed before sending the troops into the Gulf.

I now predict that James Watt will be vindicated by this turn of events. If he had not supported deforestation in the aggressive manner in which he did, there wouldn't be enough Kleenex to go around.

Dan Quayle will have to hire an aid just to carry his Kleenex, and John Sununu will come under intense public scrutiny for his excessive use of White House hankies.

Will this flood of tears in our nation's capital come to an end? Will no one be concerned about whether men are emo-

tionally stable enough to run the country and make important decisions about war and such? If this keeps up, Pat Schroeder may make it into the Oval Office based alone on that fateful crying episode when she announced she would not run for the presidency. Political commentators will note that at least she cried in public. There will be growing skepticism about Bush's sensitivity. How can we really be assured that Bush cried before sending the troops? He could be lying; he's good at it. Take Iran-Contra for an example. Americans will wonder if we want someone running the country who isn't emotionally secure enough to cry in public. Can we trust a man with "The Button" who can't weep in public? In a fit of insecurity he could go off and destroy half the planet.

Hollywood has been quick to catch on to this "Newer Sensitive Male" trend. Who can forget Arnie Becker, symbol of schmuck attorneys everywhere, openly sobbing on L.A. Law? Then the summer

School? Surely you jest. Before even starting my search for a sensitive man in the law school, I gave up and headed to the Bread and Circus, acting on a hot tip that Saturday mornings has a happening singles scene. More sensitive guys than you can shake a non-rainforest wood stick at, I was told. It occurred to me, however, that someone who looks good on a Saturday morning was being boring on Friday night. Still, I tried it out. I exchanged tofu jambalaya recipes with a few guys, but no sparks happened, if you know what I mean.

Then, suddenly, I realized I had a virtual gold mine of Newer Sensitive law school guys all located in one place: the CCR. O.k., not exactly a gold mine, but at least a modest piggy bank of sensitive masculinity. They had a lot to say



I saw men shed more tears on TV than were shed in the entire run of *Little House on the Prairie*. And not only the likes of Kevin Costner who sniffled when he received the Best Picture Award, (we all knew he was a sensitive hold-over from the Eighties anyway), but also our Commander-in-Chief himself, George Bush.

movies really cut loose. Harrison Ford got a puppy and realized the error of his slimey lawyering ways. William Hurt played a doctor who gets *Our Bodies, Ourselves* consciousness. And that sweet Italian boy in *Jungle Fever* who hid in the bathroom and cried. I just about fell out of my seat. Meanwhile, women went out, got guns and had fun for a change. Hallelujah!

So where are all these Newer Sensitive Men in the real world? At Harvard Law

about being sensitive in the Nineties.

"Dean Vorenburg coming out with his cookbook has been really great for us. It's really empowering to see the former dean of the law school is so enlightened," said one. "This really sends a message to Dean Clark," said another.

Many agreed that sensitive men were well represented on the faculty. "There's no shortage of sensitive role models around here," said one. "Fisher, Michelman, Tribe, The Crits...you can't

get this at Yale"

"So any of you want to go out on a date?" I asked. "Oh, no," said one. "The American Dating ritual objectifies women and is demeaning to them," he said. One of them started crying. "Sorry," said his friend, "he just does that when he confronted with difficult decisions. Kinda patriotic, don't you think?"

"Gee, gotta go," I said.

And so Harvard Law School men will be Harvard Law School men. Date-proof to the bitter end.

AMICUS BRIEFS

Bennett Boskey '39, of the Washington D. C. firm Volpe, Boskey, & Lyons, was re-elected Treasurer of the American Law Institute...

Bruce Patton '80 has been appointed the Thaddeus R. Beal Lecturer on Law. He will co-teach the Negotiation Workshop C with Professor Roger Fisher and assist with the Advanced Negotiation B Seminar...

Roswell B. Perkins '49, of the New York firm Debevoise & Plimpton, was re-elected President of The American Law Institute...

Gilda Thomas '84 has been named to the position of Senior Counsel in the Law Department of the North Carolina Company Burroughs Wellcome Company...

Zelig Robinson '57 has been designated by Governor William Donald Schaefer of Maryland as Chairman of the Maryland Public Broadcasting Commission...

Jerrold A. Thrope '80 has been named chairman of the Litigation Department of the Baltimore firm Gordon, Feinblatt, Roghman, Hoffberger & Hollander...

Richard K. Blankstein '63 of the Boston firm Posternak, Blankstein & Lund has been elected president of Jewish Family and Children's Service of Greater Boston...

Jeffrey Toobin '86, federal prosecutor, Brooklyn, has authored *Opening Arguments — A Young Lawyer's First Case* (Viking, 1991). Inside account of the prosecution and trial of Oliver North...

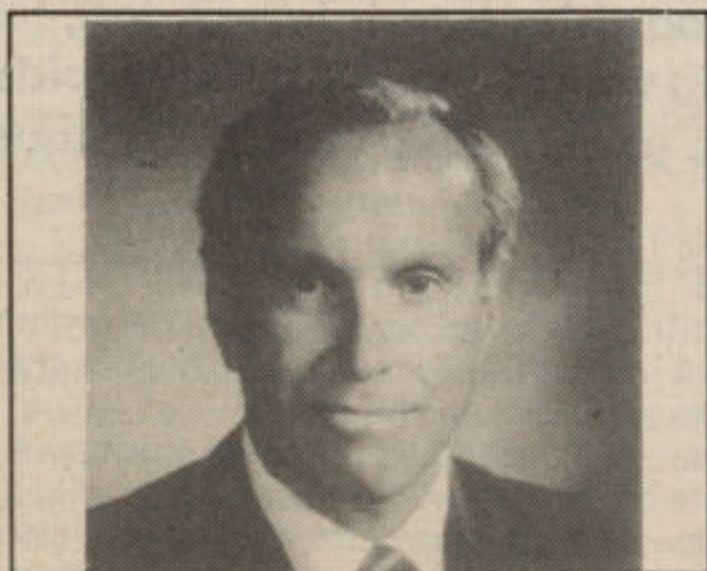
Souter Delivers Opinion On Ogletree's Argument

Assistant Professor Charles Ogletree, Jr. '78 successfully argued *Ford v. Georgia* before the U.S. Supreme Court in February. He challenged the Georgia Supreme Court's refusal to uphold the illegality of peremptory challenges to exclude blacks from juries,

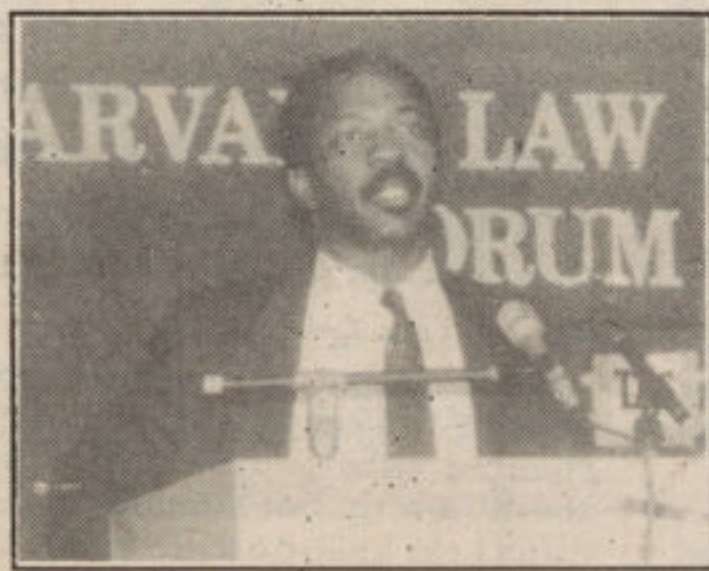
established in *Batson v. Kentucky*. Justice David Souter '66 issued the Court's decision in his first written opinion. The Court ruled unanimously that the Georgia Court was wrong not to allow the defendant, a black man accused of murdering a white woman, to challenge the jury selection, even retroactively.



Gilda Thomas, '84



Richard K. Blankstein, '63



Professor Charles Ogletree, Jr., '78



Justice David Souter, '66

Let The Free Market Work For Street Musicians

The Gratuitous Quote of the Week comes from P.J. O'Rourke's latest book, *Vacations in Hell*: "Is Nicaragua a Bulgaria with mariachi bands, or is it just a misunderstood Massachusetts with Cuban military advisors?"

It's too bad the market for street performers doesn't work better than it does; the honor system we've got doesn't

By Robert K. Niewyk

reward good musicians for their efforts and give bad performers the hint that perhaps they should go back to singing in the shower. As it is, the sidewalks of Harvard Square are often clogged with would-be bards who are not so much artists or entertainers as they are traffic hazards. I've often thought this problem would be solved if everyone were required to give a dollar every time they listened to someone who was good, but could take a dollar from someone who was really bad. (Note to all the former econ majors: The above paragraph can be translated into something more familiar by inserting the following terms: efficient markets; utility; free riders; incentives and disincentives).

Fortunately, there are some good performers out there. I ran across my first one, and still best that I've seen,

when I was living in New York City in 1987. Almost every time I walked across Astor Place on my way to or from the Village, there would be this guy with an acoustic guitar and a surprisingly large crowd around him. It quickly became clear that he was not your average street musician: he had not only the guitar and the crowd, but a pair of Bose concert speakers, dual miking for his guitar, an effects board, and tapes of his own work for sale. People would request that he play the typical things by songwriters like Paul Simon, Cat Stevens, and Bob Dylan, but they would also request his own songs, by name. This guy was good, and people knew it.

Over time, I learned that his name was Ned Landin; I bought one of his tapes and learned also that his recordings of his songs were as good as his performances. Soon when I would stop at Astor Place, I would be the one requesting Ned's own songs. On days when the pressure and ugliness of NYC was getting me down, a dose of Ned would help me remember all the good things about the city. I saw Ned play the night before I moved out of New York, and I told him I would miss his music.

One day last year, though, I was walking through Harvard Square, and there was Ned, playing in front of Store 24. I asked him if he was going to stay in Cambridge (at least for a while). He said yes; he left New York because he "got a little tired of being arrested all the time. You need a permit to use an amplifier on the street, and they're not giving out permits to anyone. That's their way of dealing with the problem." Oh well — New York's loss is our gain.

Ned is still here, and he's still playing in front of Store 24 almost every weekend night. Now he's got a dog with him named Potato. If you like the guitar and you like to be sentimental now and then (that's the kind of music Ned plays), I urge you to go listen to him. Don't just pause on your way to Bertucci's; spend 30 minutes or an hour. If you like what you

hear, buy one of his tapes (he's got three now; the newest one even has a song for the Square, called "Listening (Store 24 Song)"). And for goodness sake, strike a blow for market efficiency — and help keep Ned able to improve the days of people like you — by piling his guitar case full of dollar bills.

Ned told me, "If I had a nickel for every smile I've caused, I'd be a billionaire." Alas, he never will be. Too many people are given something by Ned yet give nothing in return. But he knows that. Someone as talented as him could obviously be doing much better financially by pursuing a more "normal" music career (Tracy Chapman's got nothing on him). Ned chooses not to do so, and he has followed that choice for a long time now. Ned will tell you if you ask, "I'm sure not doing this for the money."

So why is he doing it? If you watch him play, you'll know. Like he says, "You can see the happiness, you can feel the interaction, the connection with people. It's like something that's homemade instead of something that came out of Store 24." (There's that place again...). More of an explanation appears on the liner of one of his tapes: "Having played street music so fanatically for so long has probably given me a very strange perspective on things. . . . I finally figured out the good spots to play and putting on my 'Here I am' jacket, I would let 'em have it while the getting was good. Get those little ladies dancing, those businessmen's jaws dropping, those borderliners converting, those culters consulting."

Perhaps the best way to understand what he does, though, is to listen to a song on his first tape called "Tassahara." I'll print part of it here, but like I said — go down to the Square and listen to it!

"Well you know I dream of grandeur
sometimes almost every day
I can't let those dreams
get too much in my way.

Cause the road is mighty twisted
right where I sit
and it's such a joyous time
to see where I fit
People say, Look boy
you better do things our way

You ain't gonna get no where
you could be a big boy someday

But if I just sit here strumming
and thinking of a tune,
well I ain't got time for nothing else
on a summer afternoon."

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Against The Odds: A Success Story From The Projects

A good friend of mine started college a couple of weeks ago. He's a bright, hard-working kid who is good to his

By Rich Wareing 2L
Record Columnist

parents, helps watch his baby sister, coaches little-league, and generally keeps his nose clean. He's also a pretty talented artist and poet and has won a few awards for his work.

He wants to be a social worker or teacher so that he can help kids who've had it tougher than he has. Despite the fact that this country is fast headed down the toilet, it shouldn't be surprising that there are kids like Kenny (not his real name) still around.

For all the crap we expose our kids to, a few still have ambition. And, for all the stupidity and selfishness which seems to permeate adult America, there are still a few parents who care.

What should surprise you, however, is the fact that Kenny grew up in a public housing project, without his father, and with the stigma of being a black kid in a white man's world. Kenny's dad took the rap for 2nd degree murder while his wife was still pregnant with Kenny.

It seems Kenny's old man and uncle, two young punks all of about 18 with Black Panther berets and Saturday Night Specials, got into a fight with a drug dealer outside a bar.

Though the world was minus one scumbag when it was over, the Man

wouldn't accept anything less than murder two and a life sentence.

Kenny, however, was luckier than most kids in his position, because, in the few times he saw his father before he was paroled, his dad always told him what he had done was wrong, he was only getting what he deserved, and that Kenny should behave, stay in school, stay out of trouble, and amount to more than his old man had.

By the time his dad got paroled a couple years ago, Kenny was taking pre-college courses and was ranked in

the enforcer. Despite the fact that she was an unemployed welfare expecting mother, with no skills and not much education, she refused to fold. She kept strict control of her kids while putting herself through a local public university. She eventually got a job as a teacher's aid and got her family off welfare.

Being black didn't help Kenny much either. Despite the fact that it is fashionable to think that all blacks are lazy bums who sit around and scoff up multitudes of federal aid while getting

Kenny did have one thing going for him that a lot of blacks never see — an integrated education with some of the best white students in town. It was at a magnet school, in the heart of a poor black neighborhood, where Kenny first met white kids with real futures, kids for whom college was a given, and Harvard or M.I.T. was not an unrealistic dream.

the top 10% of his class.

The fact that Kenny grew up in a housing project didn't do much for his chances either. He used to tell me about how on hot summer nights, he could hear kids; no more than 13 years old, outside, starting out on the road to nowhere — drinking, stealing, fighting, and getting involved with drugs.

If Kenny's dad was the one with sage advice, it was Kenny's mom who was

high, nobody ever gave Kenny much of anything, except crap, for being a black kid from the ghetto.

Called nigger, darkie, and spook more times than he cared to talk about, Kenny never seemed to get those giveaways which annoy Newt Gingrich, or those thousands of jobs, professed of by Jesse Helms and David Duke, taken away from whites and given to unqualified blacks.

When he did get work, it was shit-work. And even there, he was treated worse than the white kids with whom he worked.

Kenny never complained and tried to make the best of it. But all the while, you could see the pain this kid suffered for being treated as something less than a human being.

Kenny did have one thing going for him that a lot of blacks never see — an integrated education with some of the best white students in town. It was at a magnet school, in the heart of a poor black neighborhood, where Kenny first met white kids with real futures, kids for whom college was a given, and Harvard or M.I.T. was not an unrealistic dream.

For once, however, the breaks fell Kenny's way and he got friendly with kids who showed him bright possibilities, and kids to whom he could show his dark reality. They became pals, and took from each other fears and dreams they could not learn from any book. I think this helped Kenny, more than anything else, because it showed him a world he had never seen, and gave him hope beyond his previous expectations.

I wish there were more Kenny's around, because I think we'd all be the better for it. I wish we had the good sense to help create more Kenny's, instead of turning our backs on the slums. What I really wish, however, is that there would be so many kids like

The New Right Motto: Risk-free Capitalism

We have a free-market, and with that freedom comes risk. Communism provides guarantees; capitalism provides

By Jim Datri, 3L
Managing Editor

opportunity, with risk as the arbiter that keeps the playing field even. It is something *everyone* must live with. Or is it? If we're keeping a running tab of risk, there are some definite ways to reduce it:

For starters, keep your money in a big, well-known mega-bank (preferably one where at least one member of Congress has a large deposit). If the bank goes bust, you can expect no interruption in service. In fact, the federal government will step right in and run the thing while they search for another mega-bank to take it over. And don't worry about going over the FDIC asset protection limits. The government will protect your deposits whatever the amount. The sky's the limit. Forget that all you had to do is limit each account to 100,000 big ones; forget about diversifying your funds. The government will cover your losses. There is no risk. Remember: mega-banks.

Local banks and savings and loans, on the other hand, with no influential depositors, are bad news. Very bad news. Here, if the bank goes under, you can expect to go with it. The bank will be closed for months, years, or quite possibly forever, and you will need to fill out long forms (in quadruplicate) to get your money back. You might want to think of your money as a retirement account, since it will probably be that long until you get it back. After all, the government is short of funds. It costs a lot to cover all those \$1,000,000+ depositors at the mega-banks. The motto: If you choose a small bank, be sure you are the patient type.

If you are planning to run a business,

make sure it is big business, a mega-business. A car company is a good idea. The salary is excellent and so are the benefits. It is true that Detroit shopping is the pits. But don't fret. The company will supply you with a jet for company-paid sojourns to Fifth Avenue and Rodeo Drive and the National Stamp and Coin Collectors Convention. (I hear the White House has a similar arrangement for some of its employees.) But what if while you are out shopping, the company goes under? Isn't that a risk? No problem. If you begin to experience some cash-flow setbacks, the government will find the funds to bail you out. You may even get a raise. You may even be touted as a Presidential candidate. In fact, your company's losses may well be the best thing that ever happened to you.

On the other hand, stay away from those Mom and Pop businesses. Not much chance the government will bail you out here. But if you find yourself in this situation, there should be some forms you can fill out. Probably. But don't expect help too quickly; the government has its hands filled with car companies as it is. Just be patient.

Finally, if you choose to become a criminal, go for the big bucks. The mega-bucks. I'm talking five, ten million. Why hold back? Think of all the money you could make (and remember to stick it in a mega-bank). What if you

get caught? Isn't that pretty risky? You'd better weigh those consequences. You could end up getting 60 hours of community service at the local golf course. Worse, you could be stuck at a jail with no golf course (only tennis and pinball). Think twice about a life of high-society, high-finance crime.

But don't even think once about petty theft. You know, the five, ten dollar crimes. This is bad news. You might end up in the slammer for fifteen years. Thirty to life if you're black or Hispanic. You had better be very patient if you choose this foolish route.

So you want to be kept up-to-date on these and other ways to avoid risk? You might consider joining the 'low-or-no-risk club'. You would be in fine company. Current members include the Congress, the President, the CEO's of all the major car companies and banks, and many of their best friends. Sign up today! I may have forgotten to mention the matter of weekly dues. For information simply call or write your Senator and ask about the appropriate contribution.

If, after inquiry, you find you cannot gain admission, take solace in the fact that you have as your company the 99% of the American population who *must* take risks, who continue to spark new ideas and inventions, who strive towards excellence and improvement, and who do honor to the work ethic; that even

without the mega-bucks you are and will continue to be among the *true* participants in the capitalist system. And in that honorable role, you may want to work towards the day when the car czars and their low-or-no-risk buddies go the way of the Soviet Communists.

Jim Datri is a former lobbyist and currently heads the Law Students National Network for Children.

Access

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Hall classrooms 106, 107, and 108, to provide improved access, and installing mirrors at the turns in the tunnels to provide for better visibility.

Sarah Wald, Dean of Students at HLS, said the improvements were a Law School priority. She also was pleased with the work so far, stating that "Access for our students with disabilities is an important concern." She added that she wished the school had the resources to do more.

Student reaction to the changes has been generally positive, yet tinged with concern that the Law School will now rest on its laurels.

Ki Hong, board member of the Harvard Law Students For Disability Rights organization, was surprised by how quickly the school responded to his organization's requests, but added that "A fast response like this one should not be impressive, but merely the norm. Hopefully the school will respond to our future requests as enthusiastically."

He continued, "What we are afraid of, and what we hope doesn't happen is that the school uses this as an excuse to not make anymore improvements because there are still a lot of other things that need to be done."



Public Interest

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to right these imbalances, and none is more critically needed.

The bottom line is that lawyers have two choices. They can hope that their work will align with the real needs of our human community as a byproduct of their work, or they can work directly for those ends through the kind of groups, organization and governmental agencies listed in The Public Interest Job Search Guide. Working in public interest law means not entering the profession as an overpaid tax driver

waiting to deliver your next cargo where ever it wants to go. Rather, it means purposefully focusing one's legal ideals and talents toward constructive and meaningful ends worthy of the praise of future generations.

For those who perceive the crises of the world as someone else's problem, consider how reliant we all are on others. We rely on the work of public interest lawyers for ensuring the safety of our foods and drinking water, the quality of our family's medical, dental and day care, the safety of our cars and the quality of the air. The list of blind dependency goes on infinitely, as do the legal opportunities for working in the public interest.

Grants

continued from page 1

students who may never truly be interested in doing public interest to try it. They may later be leaders in doing pro bono in their law firms, which is just as important," stated DeBroff.

The harsh reality is that public interest employers target their resources for full time staff and lack funds to pay for summer interns. The only real means then for students to get public interest experience is through law school funds. "Also, given the economy, where more and more students, especially first years, are struggling to find paying positions, the need for public interest funds is more urgent," continued DeBroff.

The grants average about \$1,800 for the summer. "The money is not sufficient to fund the full cost of the summer, but it is as important as a sign of the school's commitment to public interest and to alternative career choices and allows students to explore options they may not otherwise explore," stated Louisa Smith 2L.

In fact, the \$1800 is way below the the \$4000 summer living allowance recommended by the Financial Aid office and much below the \$3,250 - \$4,000 in aid

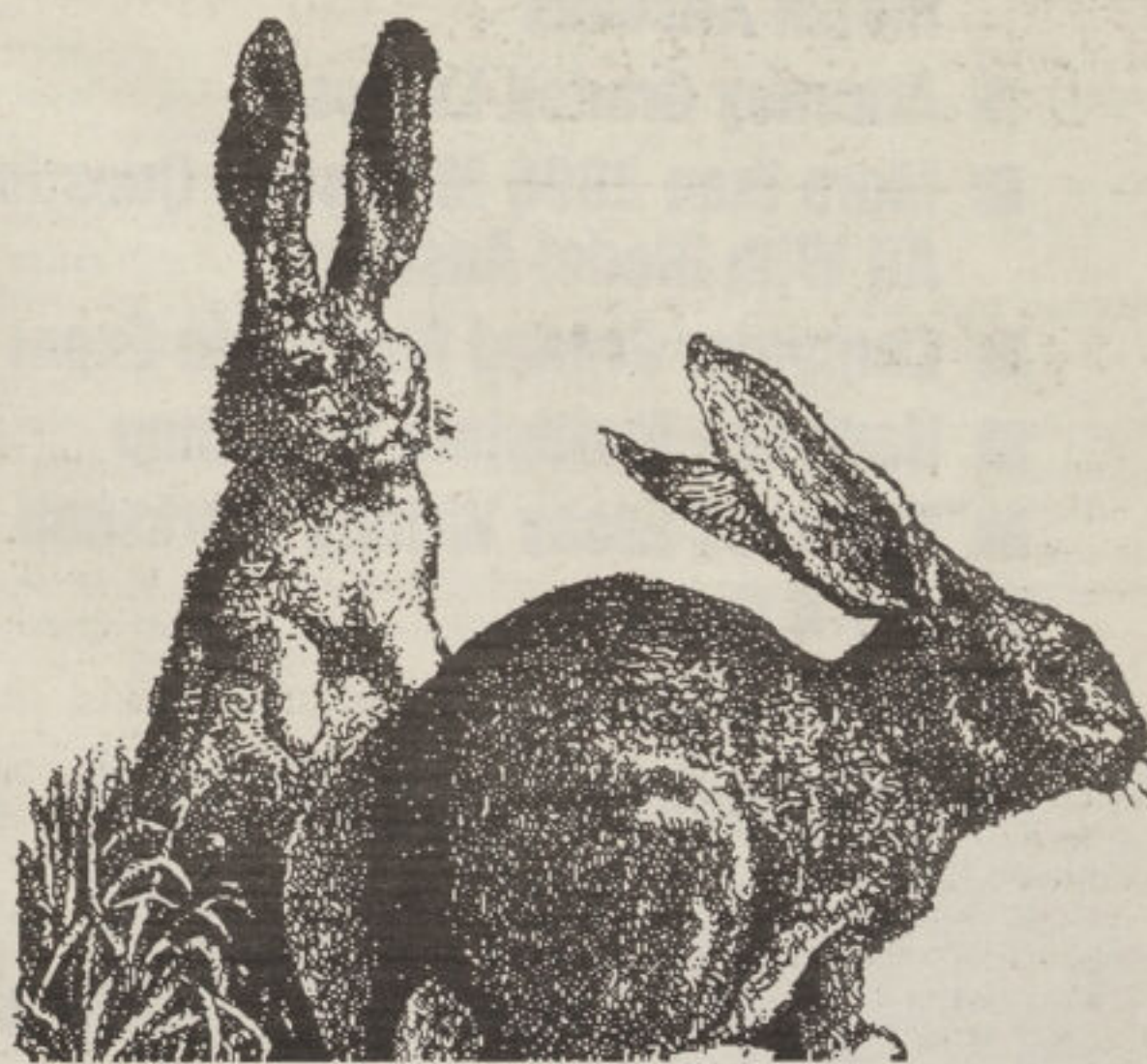
awarded by schools like NYU for their public interest grants. Harvard's funding is therefore not only inferior to that of other law schools, but it appears that what little funding there was last year will not be available for the coming year.

"The school has put a priority on LIPP, but the problem is that LIPP will never be used if students do not have access to summer public interest jobs. It is highly unlikely that graduates will go into public interest work full-time if they did not have the opportunity to do it over at least one summer", said DeBroff.

"Students have expressed enormous concerns to our office, and we've been working to identify sources to replenish the much needed funds. But what is needed is for HLS to target the public interest budget as an urgent area of need," DeBroff continued.

Ultimately, the discretion to do that rests with the Dean but he will not be without some student agitation. Julia Gordon, 3L, member of the Alliance for Public Interest Alternatives (APIA) stated, "APIA plans to pressure the Dean to make this a priority. This is not a whole lot of money in the grand scheme of things, but we have to make it a priority because the sooner we get the funding, the sooner people can apply and start to make their summer plans."

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