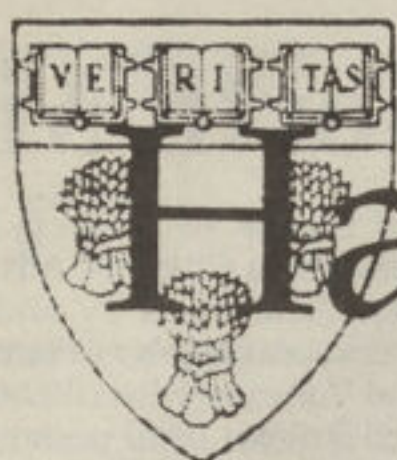




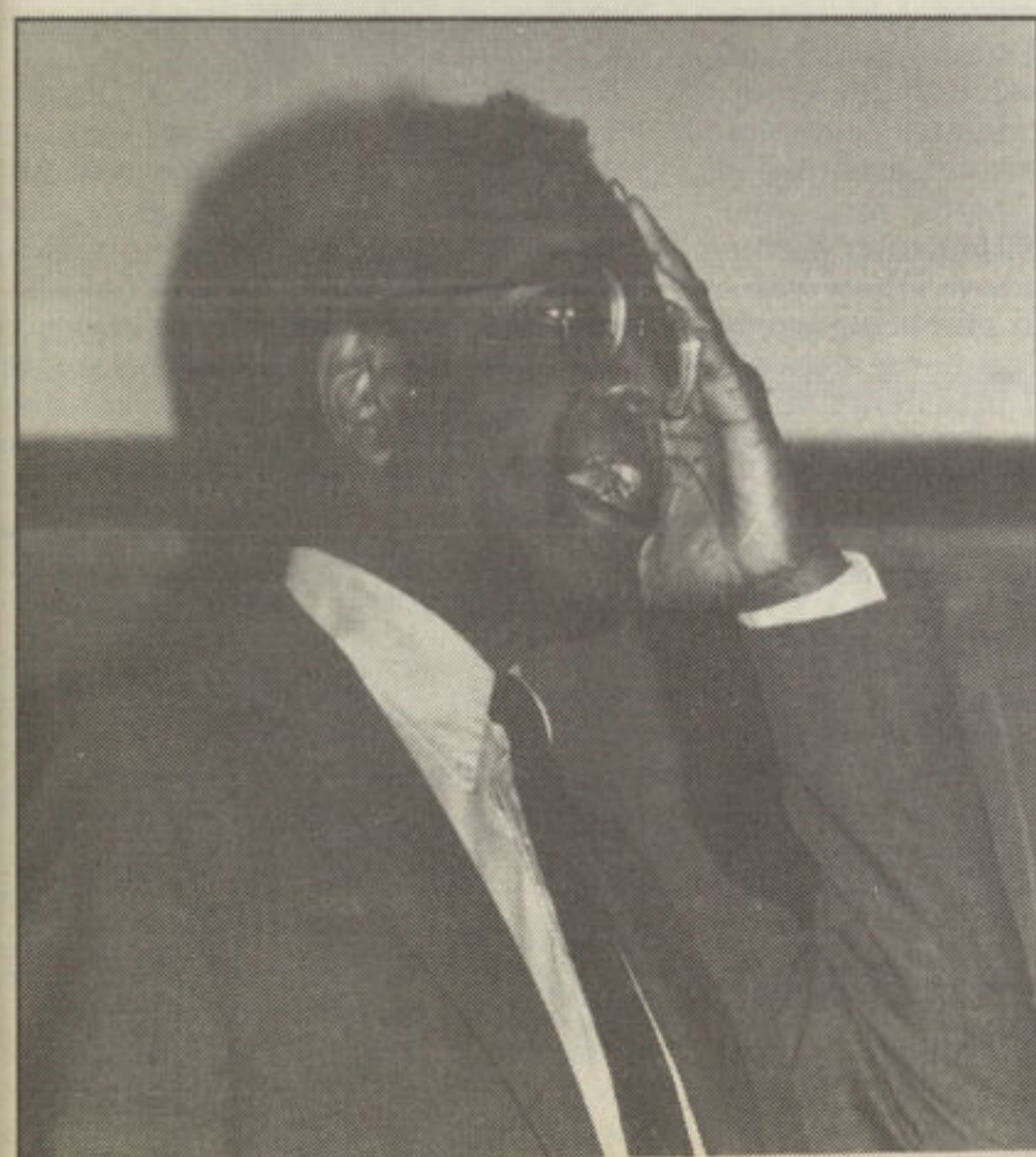
Harvard Law Record

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October 11, 1991

Derrick Bell Addresses a Packed House in Austin Hall Agitating Professor Speaks on 'Racial Realism'



Derrick A. Bell Jr., Weld Professor of Law, who took a leave of absence from Harvard Law

By Francis Phillip
Special to the RECORD

School last year to protest the lack of women of color on the faculty, returned to Austin Hall on October 3, to give a speech entitled "Racism is Here to Stay. Now What?"

A standing-room-only audience of over 200 people packed into Austin East to hear Bell, who is currently a visiting professor at New York University Law School, tell the audience of students and faculty that since blacks will never reach equality in this country because of its entrenched racism, their fight should be for personal dignity rather than racial equality.

Bell stated that, "We need to face a harsh reality: black people will never gain full equality in this country. Even those Herculean efforts which are

hailed as successful will produce no more than temporary peaks of progress." Recounting the Civil Rights struggles of the 1950's and 60's, he asserted that even apparent civil rights victories, like *Brown v. Board of Education* in 1954 are now being used against African-Americans. He remarked that the *Brown* case is currently being used to block the creation of an all-male school in the Detroit public school system.

Noting that American society is systemically racist, Bell stated that it will always readjust to whatever temporary gains are made in the civil rights area. As a result, Bell criticized Booker T. Washington, who was willing to denigrate the plight of blacks to gain economic support from whites.

"The damage which Washington inflicted on the race was greater than the benefits which he provided because he sacrificed black self-worth for a futile hope of eventual parity with whites," said Bell.

Bell also condemned modern day conservative blacks, like Clarence Thomas, for compromising the legitimacy of black grievances for the sake of a racial equality that will never materialize.

"By attacking the current and historical claims of African Americans, these conservative blacks only add to the pathology of self-hatred and self-doubt that is devastating all levels of black society," Bell continued.

He stated that, "blacks must accept that this society will never achieve Martin Luther King's dream of integration and equality. Only by accepting this reality, will blacks be emancipated from their frustration, which is caused by the incessant attack of societal racism.

"No longer will they question their own abilities when faced with the inevitable obstacles to their advancement that come from living in America, rather they will recognize that society

Derrick Bell page 6

First Year Student Injured In Early Morning Attack Popular Cambridge Dance Club Becomes Scene of Violence

Alexander Acosta '94 suffered serious injuries when a group of young white males attacked several HLS

By Johanna Davis

students in front of the Spaghetti Club in Harvard Square early Saturday morning.

Acosta and three companions, including Tony Mesa '94, left the popular student bar shortly after 2:00 a.m. on October 5. A group of five or six white males approached them directly outside the club on Winthrop Street, and, according to Acosta, "The next thing we knew we were being punched." Mesa described the scene as chaotic. "For no reason at all, a huge fight erupted. Someone punched me in the face, and my glasses fell off and broke. I punched him back...it all lasted maybe for one minute total," he said.

During the fray one of the assailants punched Acosta, and then kicked him in the head as he lay on the ground. Brian Carlson, '94, a witness, described the aftermath as, "more surrealistic than anything else.

He was lying in a pool of blood, unconscious."

Mesa heard someone scream that Acosta was choking on his own blood, and he quickly moved Acosta's head to help him to spit it out. "He was bleeding a lot from the top of his head, and two cuts on his chin. The cut to his head was a really deep gash, about an inch long," Mesa reported. Sarah Garvey '94, who had left the bar just moments before the fight, also tried to comfort Acosta. "I was really worried for a minute when he wasn't moving. It looked like a very serious head wound...we thought his ear was bleeding, but it was really blood from his head filling his ear," Garvey said.

The bouncers at the club called an ambulance, and within a few minutes, a rescue unit and police arrived on the scene. Acosta had regained consciousness by the time the ambulance took him to the Mt. Auburn Hospital where doctors stitched the wounds on his chin, and put 10-12 stitches in his scalp just behind his hairline.

One of Mesa's friends, a prospective HLS student visiting the school, was also injured in the fray. Doctors at Mt. Auburn treated his minor injuries and released

him at about 3 a.m. Acosta, however, stayed overnight at the hospital for observation and a CAT scan. "They were afraid of a serious neck injury," Acosta explained, "but thankfully everything was normal."

The officers, after questioning several witnesses, filed a charge for assault and battery, with "shod foot," meaning that the victim had sustained injuries from kicking. Officer Gloria Pimental of the Cambridge Police Department said that as of this time, there are no suspects in the case.

Due to the quick attack and the darkness, none of the witnesses were able to give police a good description of the aggressors, who fled before the police arrived. Acosta thought they, "didn't seem like punks, or skinheads. They may have been townies or they might have been students." Mesa described the aggressors simply as clean-cut, nondescript, white males. Neither Acosta nor Mesa felt that anti-law school bias was a motive for the attack. Mesa stated, "They were just some guys who wanted a fight."

Many of the law students involved expressed frustra-

Attack page 7

Supreme Court Begins New Term

Temporarily short one justice, the Supreme Court opened its 1991-92 term on Monday,

By Evette Harrison

October 7, 1991. Potentially important cases scheduled for decision include disputes about prayer in public schools, school desegregation, "hate speech," and the authority of Federal judges to maintain access to clinics that anti-abortion protesters seek to blockade.

There is uncertainty of how Clarence Thomas, who could be confirmed as the newest Justice this week, and take a seat on the Court later this month, might vote on these or the more than 50 other cases that the Court has already accepted for review. The debate over his confirmation has not

revealed much about the nominee's own views, but judge Thomas has criticized a number of recent Supreme Court rulings and seems likely to join the ranks of the dominant conservative bloc.

Unlike the last term where criminal law cases predominated, the new term's docket consists of a weighty variety of constitutional and statutory cases.

Highlights of some to the term's most important cases follows.

Desegregation

United States v. Mabus presents an issue that the Court has never addressed; that is, the extent of a state's obligation to achieve integration of a public higher education system that was once segregated by law. The system at issue is Mississippi, where few blacks

now attend the five once all white public universities and where virtually no whites attend the three black universities.

The New Orleans Federal appeals court ruled last year that despite the obvious lack of results, the state's open-door policy satisfied Mississippi's constitutional obligation to desegregate.

The Bush Administration allied with a group of black plaintiffs in appealing this ruling, arguing that Mississippi is obligated to take further steps to overcome the legacy of segregation.

However the Administration and the plaintiffs differ over the question of the extent to which the state should support the historically black universities, as opposed to concen-

Supreme Court page 3

Law Students Protest Union Busting Firms

Nearly forty Harvard Law students rallied Monday afternoon to protest a law firm on which

By Johanna Davis
and Ed Joy

they claim counsels companies on how to dissolve and defeat unions.

The Harvard Labor Law Project, an organization of students interested in union and labor law, organized the rally against Littler, Mendelson, Fastiff and Tichy, which was conducting interviews in Griswold at the time. Littler, Mendelson was one of 17 firms named as "union-busters" in a recent AFL-CIO boycott, and one of four firms on the list interviewing at Harvard this year.

Andrew Levin '94, one of the spokespersons for the Labor Law Project, identified the other "union-busting" firms interviewing at Harvard as Vedder, Price, Kaufman & Kambolz of Chicago; Venable, Baettjer, Howard & Civiletti of Baltimore; and Bond, Schoneck & King of Syracuse.

Union Busting page 6



Andy Levin '94 led the Labor Law Project's protest.

HLS Honors Women Attorneys In Langell North Middle

If you're not a white male or don't enjoy wearing powdered wigs around campus, inspiration can be hard to find

By Johanna Davis

in the hallowed halls of HLS. Fortunately, during the past five years, HLS has taken some tentative steps to promote greater visibility of women and minorities at the law school. In May 1988, the school redecorated Langdell North Middle with black and white photo-portraits of women lawyers and judges.

But don't be fooled. Only one of these noted judges and lawyers attended HLS, which refused to admit women until 1950. Susan Erickson '93, chairwoman of the Women's History Committee of the Women's Law Association observed that the school still has far to go in pictorially recognizing women, and in this case art imitates life. "There are so few role models, not just on the walls, but in the profession," Erickson commented. "It's still a white male profession, and it's still a struggle."

The Langdell North Middle pictures are an important, as well as a refreshing change from the dead white men decorating other walls. Moving from left to right, then, here are brief biographies of the women on the walls to aid in the appreciation of these distinguished women.

Patricia McGowan Wald is the chief judge of the U.S. Court of Appeals for the District of Columbia, where she has served since 1979. Wald most recently visited Harvard as a judge for the Ames Moot Court competition in 1989. She graduated from Yale with a LL.B. in 1951, and quickly attained prominence within the capitol, serving on the D.C. Crime Commission and co-directing the Ford Foundation Project on Drug Abuse in 1970. She helped coordinate the Mental Health Law Project and served as the assistant attorney general for legislative affairs with the U.S. Department of Justice before becoming a judge.

Ruth Bader Ginsberg is the only one of the women to have attended Harvard Law School, and she obtained additional legal degrees from Columbia (LL.B., 1959) and Lund University in Sweden (LL.D., 1969). She worked as a research associate at Columbia Law School, and later returned to teach there as a full professor from 1972-80. Since 1980 she has been a U.S. Circuit judge on the D.C. Circuit in Washington. Her extensive published work includes volumes on Swedish Civil procedure and Sex-Biased Discrimination.

Constance Baker Motley obtained her LL.B. from Columbia University in 1946, and maintained a strong commitment to public interest work throughout her career. She worked for the Legal Defense and Educational Fund of the NAACP for twenty years, from 1945-66. Elected a member of the New York State Senate in 1964, she went on to become the president of Manhattan Borough in 1965. She currently is the chief U.S. District Judge for the Southern District in New York, where she has served since 1966.

Soia Mentschikoff was born in Moscow in 1915 to American parents. She taught at many law schools after receiving her LL.B. from Columbia in 1937, including at Harvard as a visiting professor from 1947-49. After teaching at the University of Chicago Law School from 1951-74, Mentschikoff worked as dean of the University of Miami Law School from 1974-82.

Shirley M. Hufstader attended Stanford University where she edited the Stanford Law Review while obtaining her LL.B. in 1949. Hufstader's governmental career started when she worked as special legal consultant to the Attorney General of California in 1960. Confirmed as a judge in Los Angeles County Superior Court in 1961, Hufstader rose to be a United States Circuit Judge by 1969. In 1979, President Jimmy Carter chose her to be United States Secretary of Education.

Amalya Lyle Kears graduated from

University of Michigan law school cum laude in 1962. From 1970-79, Kears was a member of the Lawyers Committee for Civil Rights Under Law, and from 1977-79 she served on the board of directors of the NAACP Legal defense and Educational Fund. Since 1979, she has served as a U.S. Court of Appeals Second Circuit judge. Her book, *Bridge at Your Fingertips*, appeared in 1980.

Graciela Olivarez' dramatic story began when the president of the University of Notre Dame arranged for her to attend law school there despite the fact that she had not completed high school. Her list of accomplishments includes directing the Community Services Administration under President Jimmy Carter and establishing Channel 41 in Albuquerque, the first Spanish-language television station in the country. Olivarez died in 1987.

Harriet Fleischl Pilpel, after graduating from Columbia Law School with a LL.B. in 1936, began practicing law in New York City and has never stopped. She advised several presidents about women's issues as a member of both President Kennedy's Commission on

the Status of Women, and President Johnson's Citizens' Advisory Commission. Numerous TV and radio appearances speaking about Planned Parenthood and Voluntary Sterilization made her a well-known legal personality.

Herma Hill Kay has taught at University of Berkeley since 1960. Her career as a legal educator began after she graduated from the University of Chicago in 1959 with a J.D., and clerked with Justice Roger Traynor on the California Supreme Court from 1959-60. In 1976 she taught at Harvard as a visiting professor. Since 1976 she has been a member of the board of directors of the Equal Rights Advocates of California.

Nanette Dembitz, cousin of the late Supreme Court Justice Louis Dembitz Brandeis, got her law degree from Columbia in 1938. From 1945-67, she served as volunteer general counsel to the New York Civil Liberties Union before becoming a Family Court Judge in New York City. During her 15 years at the post, she publicized her own controversial opinions in frequent letters to the editors of newspapers.

Coop Cuts Rebate to 5 Percent

In a statement released on October 3, James A. Argeros, president of the Harvard Cooperative Society, announced that the Coop rebate will fall this year by 0.5 percent to 5 percent, the lowest rate in 15 years. He attributed the decrease in the rebate in part to higher costs and sluggish sales.

Student reaction to the news was expectedly critical.

"It's barely worth it to shop there — you can't even justify the inflated prices with the rebate," commented Maddy Fain '94.

Jonathan Dickstein, a second-year student at the law school was outraged. "It's an abomination. Each year the text books get more and more expensive, so I can't understand why the rebates are getting smaller and smaller."

In addition to "higher operating expenses,

and lethargic sales caused by the economy," Argeros said that other factors leading to the lower rebate included "one-time, non-recurring charges from the closing of the downtown Boston store and consulting fees."

The Harvard Coop offers an annual rebate to its members — students, faculty and other Harvard affiliates who pay a \$1 membership fee — as a percentage of the total amount of a member's purchases.

The rebate itself is a distribution of Coop profits in relation to the number of members, and falling profits mean a lower rebate value, according to Coop Board member Steven Y. Schondorf, a second-year graduate student at MIT.

This year's rate drop is consistent with a general trend over the past couple of years. The rebate rate fell 1.5 percent in 1990 and 0.8 percent in 1989.

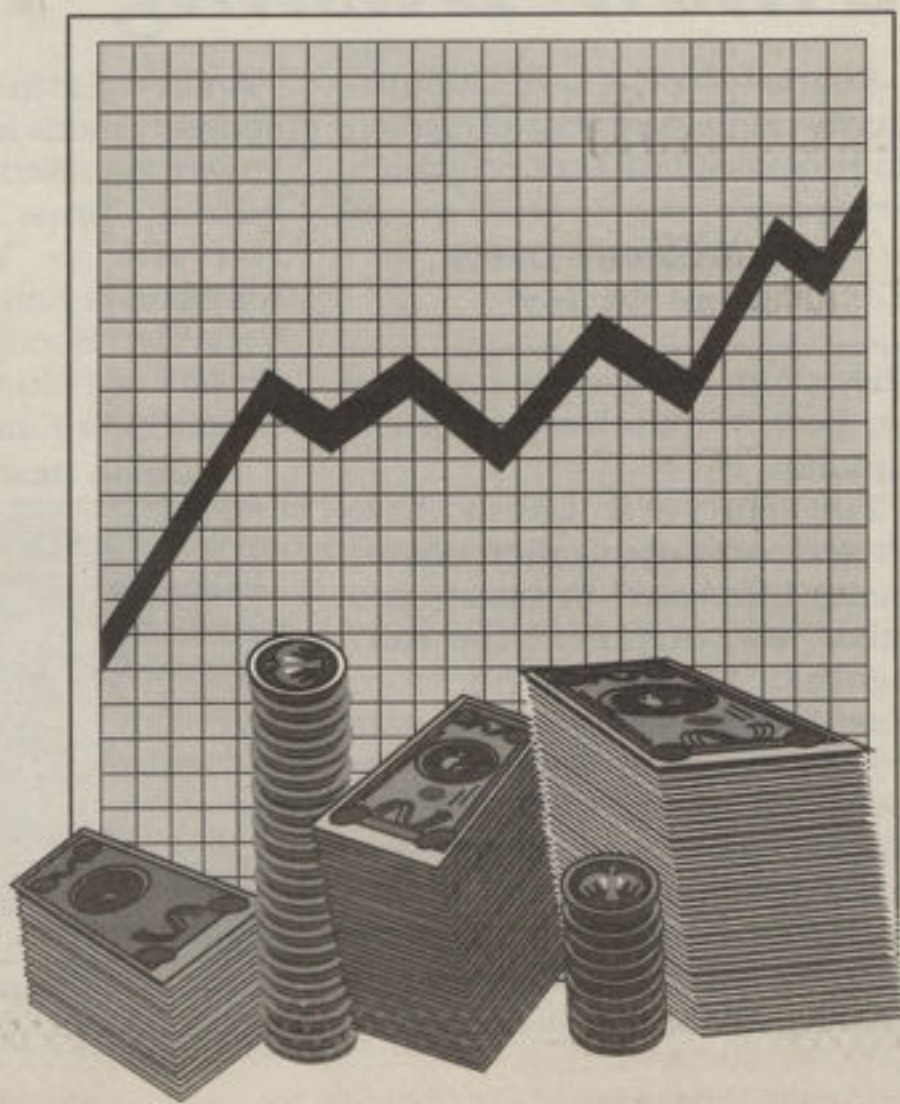
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LSC Report: Attention Turns to Good Causes

Amidst the serious business of electing new representatives, filling positions on student-faculty committees, seeking

By Micheal J. Twomey
LSC President

the restoration of the Somerville Shuttle, and exploring ways to raise funding for summer of 1992 public interest fellowships, the Law School Council has also been busy planning two events which will also provide much needed funds for charitable organizations. Under the direction of Programming Chairperson Beverly Brown, 2L, the LSC is concluding preparations for a Halloween Bash in downtown Boston and the annual LSC Charity Auction.

On Halloween night, Thursday October 31, 1991, the Harvard Law School Council and its counterparts at Boston College, New England, and Suffolk law schools (and perhaps Boston University Law School) will throw a huge, joint party at the Venus de Milo Club on Lansdowne Street in Boston.

The club will be open exclusively to students from these law schools from 9 P.M. 'til midnight. (The general public will be admitted after midnight.) The regular cover charge of \$10.00 will be reduced to \$5.00 for law students entering during those hours and there will be a DJ, cash bar, and costume contest with cash prizes.

The proceeds from the Halloween party will be donated to the Massachusetts Advocacy Center, a non-profit organization founded in 1969. The Center seeks to ensure that Massachusetts children receive the legal benefits and protections to which they are entitled and focuses its efforts on children from low-income families, children in disadvantaged ethnic minorities, and children with

special needs.

Next, the Council has begun work on an encore to the 1990 Charity Auction. Amongst the items donated for bidding by the HLS faculty last year were autographed copies of their most recent books, invitations to lunch and/or personal tutorials, an old bicycle, a particularly "stylish" necktie, home-cooked bread and even a tape of Dean Clark performing Gregorian chants. All in all, the auction raised over \$1400 for the American Red Cross. (It was, however, a non-faculty item which fetched the highest price: an autographed photo of recently retired Supreme Court Justice William Brennan sold for \$250!)

Anticipating even greater faculty participation in the 1991 LSC Charity Auction, the Council hopes to raise over \$2000 this year. At-Large Representative Micheal Imbroscio, 2L, has sent out letters soliciting donations to prominent government figures ranging from Chief Justice William Rehnquist to Senator Howard Metzenbaum and to such media celebrities as ABC News' David Brinkley, NBC's "Late Night" host David Letterman and, of course, the stars of "L.A. Law." In addition, Programming Chairperson Brown has begun soliciting the HLS faculty in hopes of stirring-up a little friendly competition amongst them.

The auction will be scheduled sometime in November or early December.

OTHER NEWS: Congratulations to the eight new 1L Section Representatives, five new At-Large Representatives, and new LL.M. Representatives who were elected in the September 25-26, 1991 LSC elections. A full list of the Law School Council officers and membership is posted in the LSC display case near the Law Coop. The minutes of meetings, as well as other notices of general interest, will be regularly posted there.

Supreme Court

continued from page 1

trating on integrating the system as a whole. The Administration claims that there is no constitutional obligation to give more money to the severely underfinanced black institutions.

Some black educators complained angrily the the White House last week that the Administration's position is contrary to the Federal Government's long-standing support for historically black colleges. The Supreme Court is not likely to address that question in this phase of the case.

Religion

Lee v. Weisman has triggered a constitutional confrontation between church and state. The case deals with a rabbi who offered a short, nonsectarian benediction and invocation at a middle school commencement in Providence, R.I.

A Federal appeals court ruled that the prayers amounted to an unconstitutional establishment of religion. The Bush Administration urged the court to take the school board's appeal and use the case to overturn *Lemon v. Kurtzman*, the 20-year-old Supreme Court precedent on which the lower court had relied.

To survive constitutional challenge under the *Lemon* test, an official religious observance must have a secular purpose, must not have the "primary effect" of advancing religion and must not involve the government in an "excessive entanglement" with religion.

The Administration is requesting that the Court rule that "civic acknowledgements of religion in public life" are constitutional as long as they neither "coerce participation" nor amount to the "establishment of an official religion."

The school prayer precedents will be

cast into doubt if the Court overrules *Lemon v. Kurtzman*.

Free Speech

Many states have recently enacted laws to prevent criminals from profiting by writing about their crimes. The Federal appeals court in New York upheld a law requiring film makers and publishers to place payments to an accused or convicted criminal in escrow for distribution to victims of crime. The Court will review this law.

Cigarette Liability

The Court will be deciding manufacturers are shielded from damage suits by smokers seeking to hold the industry liable for failing to warn of the dangers of smoking if the warning labels that Federal law requires are on cigarette packages.

Despite years of litigation, no smokers have collected damages from cigarette companies, and the law suits have dwindled. However, if the Court overrules *Cipollone v. Liggett Group* which says that the warning law preempts suits seeking damages for the effects of smoking after the law took effect in 1966, this could raise the prospect of enormous liability for the industry.

His Honor David Dinkins Addresses the Kennedy School

David Dinkins, the 106th Mayor of our nation's largest city, the City of New York, and the first black to hold that

By Robert Arnold

position, addressed an audience of more than 600 at a Kennedy School of Government forum last Friday, October 4.

Calling the federal government's urban policy an "abandonment of its cities," Dinkins proposed his own national agenda to the capacity crowd.

"We need a new American order...a leadership that cares about rebuilding New York and Detroit, and small, low-income cities like Chelsea, Mass., at least as much as it cares about rebuilding Kuwait City," said Dinkins.

"Our future will be darkened if we accept the loss of our radiant cities," he continued. "Our ballet companies and museums, theaters and sports teams, and our great halls of education — Harvard and Berkeley, Chicago, Columbia, and CUNY — all depend on urban

centers," he said. He went on to charge the Bush Administration with ignoring and dismissing urban crises as "domestic stuff."

Dinkins' speech was sponsored by the Institute of Politics, the Taubman Center for State Local Government and several Kennedy School student groups. He was at Harvard to attend a meeting of the Economic Committee of the Council of Mayors.

The committee, which also includes Boston Mayor Raymond Flynn and Cambridge Mayor Alice K. Wolf, discussed proposals to curb unemployment and redirect federal funds from defense to urban centers, Dinkins said at a press conference before his speech.

Also at the press conference, Dinkins struck what is likely to be a common theme for Democrats as the 1992 election year approaches, calling for a "peace dividend" to deal with national crises, like the spread of AIDS and urban crime.

Dinkins cited a Brookings Institute report that the federal government could save at least \$619 billion by moderately lowering its defense estimates. "National defense means taking care of our cities," Dinkins said.

In his speech, Dinkins proposed initiatives such as increasing funding for cities with high unemployment rates and for improving urban infrastructure.

The mayor also praised Head Start and the Urban Schools of America Act and called for their expansion.

Dinkins, probably referencing his own cities' continual racial tensions, said that the poor economic conditions of American cities have severe repercussions, such as exacerbating racial strife.

"These people...threatened by the differences of their neighbors, react by lashing out," Dinkins added. "We must begin to understand that if our brothers and sisters thrive, then we, too, will thrive."

Dinkins graduated from Brooklyn Law School in 1956, and worked in private practice from 1956 to 1975. He received his Bachelor's degree in mathematics from Howard University in 1950, and is a veteran of the United States Marine Corps.

Local Colleges Must Adhere To New Disclosure Crime Law

A new state law requiring colleges and universities in Massachusetts to more fully disclose incidents of crime on their campuses went into effect on Monday, October 7.

The legislation, which was drafted last year by former Harvard College student Joshua A. Gerstein, eliminates an ambiguity in the law that allowed college and University police forces to disclose less information in their public logs than city and town police forces.

Gerstein said he drafted the bill because he felt some campus police forces were not disclosing enough information.

"It had become clear that some colleges weren't being as forthcoming about reporting crimes on campus," Gerstein said.

"The most sensible thing to do was to make an amendment to the law that would make the same responsibility for campus police to make information public as any other police department in the state," Gerstein continued.

For many of the colleges in the area, the new legislation is not a particularly substantial change from their previous policy.

At Harvard, Police Chief Paul E. Johnson said that the policy of the university will change "only slightly" and that the University has always published information in the Harvard Crime Prevention Bulletin.

The new law, Johnson said, will result only in a "different compilation of statistics."

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Harvard Law Record

Volume 93, No. 4

Robert C. Arnold
Editor-In-Chief

The RECORD: It's Not A Journal, It's An Adventure

I like working on the RECORD. I like the fact that I routinely interact with professors about what they want to see in the RECORD and what they don't want to see in the RECORD. I'll admit it, it's a big ego boost to have HLS professors defer to my judgement occasionally.

I like the fact that, along with the Advertising Managers, I talk to a lot of advertisers, mainly prospective employers, about what their plans are with regards to HLS students. Essentially, we help them formulate their strategies for reaching the students here. That too is a boost. (Their checks aren't bad either.)

It was incredible when I found out who and how many people actually read the RECORD. It's a tremendous rush to know that I know lots of things that many people don't know, and would like to know, and won't know until they read the RECORD; which everybody reads.

It was an incredible feeling to talk to lawyers at my firm this summer, who have been away from the law school for quite some time, about Fenno and Alysse MacIntyre, whose identities remain guarded even from many people on the staff. Also, I like the fact that I have regular conversations with the Dean. I like all these things.

Call me easily amused, simple, childlike, etc., and I will plead guilty to all of those things. The RECORD is a huge part of the Harvard Law School experience. It's a great feeling to know that people feel strongly about the RECORD as indicated by their letters, notes, calls, and conversations, and I take great personal pride in that knowledge and responsibility, especially since my name is on the masthead.

It's still a rush when I'm in an interview and one of the interviewers tells me he or she receives and reads the RECORD regularly. It's a weird sort of pleasure when alumni and staff personnel call and express their anger with me because they haven't received the latest issue. It's a rush and a responsibility, both of which I welcome.

The RECORD lets me participate in everything vicariously, while at the same time maintaining my independence. It's a very passionate, active, and involved process. It beats the hell out of drudging through Langdell making sure that some inane cite is correctly formatted. It gives all the students a chance to read and edit other people's writings, but most importantly, a chance to write, which you'll be hard-pressed to find on any journal.

Whether you actually plan to practice law or not, I believe, as former Harvard Law RECORD President and potential U.S. Presidential candidate Ralph Nader, LL.B. '58, likes to say, subciting for a journal is "a terrible misuse of intellectual talent." The only honest benefit that I have ever heard anyone articulate about working on a journal is that it looks good on a resume.

I have personally decided that jumping through hoops is for people who truly lack talent, or are insecure about their own abilities. At some point you have to relax and be yourself. Besides, the RECORD looks damn good on a resume too. Just ask our 15,000 readers.

I know the RECORD will never rival the *New York Times* (Their motto: All the News That's Fit to Print. Our motto: If it's in by Monday at 5:00 P.M., We'll Print It!) and I know that many of the students here worked on high school newspapers that were more professionally done than the RECORD, not to mention the plethora of ex-professional journalists who comprise the student body. So what! We don't claim to be something we're not, and at times we resemble an ad hoc committee to put out an occasional paper filled with typos, inaccuracies, and other blatant mistakes. But that's fine. It's a lot of fun, and what did you expect. It's the RECORD.

Ra

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"Congress shall make no law...abridging the freedom of speech, or of the press;..."
FIRST AMENDMENT, U.S. CONSTITUTION

Liabilities

By Paul Taylor



Dershowitz An Unamusing, Insulting Megalomaniac

To the Editor:

In his Boston Herald column reprinted in the October 4 Record, Professor Alan Dershowitz assailed the "PC Police" in

Letters To The Editor

his Criminal Law class last semester who used the student evaluations to "exact their political revenge" for his non-politically-correct views. As one of the persons who expressed anger and frustration at the content of the course in her evaluation, I think it is necessary to clarify what went on last semester in Dershowitz's class.

I cannot speak for the students who made seemingly personal attacks on Dershowitz's teaching methods, except to say that the level of frustration with the course had built to a boiling point for many by the end of the semester. Many of us, however, used our evaluations thoughtfully and carefully, in an attempt to make clear the alienation and offense we felt from Dershowitz's "colorful" and "amusing" rape examples, and his constant preoccupation with this particular violent crime.

The criticisms which I, and I know many, students levelled at Dershowitz ironically had *nothing* to do with the "unpopular" political positions the professor took on the subject of rape. Indeed, I found myself in many engaging discussions with other students—the

same women who criticized Dershowitz in their evaluations—about whether rape victims' names should be published, whether what an alleged victim was wearing should be admissible evidence, or how prevalent false reports of rape really are. We came down on both sides of these issues. In our evaluations, we instead attacked the language and hypotheticals Dershowitz used on a regular basis. Some examples:

- In a discussion of the admissibility of an alleged victim's clothing, Dershowitz repeatedly asked, was she "dressed for sex?" Later, he asked (apparently addressing the men in the classroom), "[Come on, guys, how many of you, if you went into a bar looking for sex, wouldn't avoid the nun in the habit and instead go up to the woman in the lace top wearing no underwear?" Were the women in the class expected to laugh at this enlightened discussion?

- In a discussion of the liability of individuals who were "cheering on" a criminal act, Dershowitz offered an example of a man, in a bar in New Bedford, giving a speech about rape to cheering bystanders. Perhaps assuming the class could not imagine such a speech, the professor went on to "give the speech" for us: "[All women should be raped. All women must be subordinated].... A woman's place is on the pool table."

- The final exam, after the evaluations were turned in, offered one last insult. The main hypothetical, unsurprisingly, was a variation on the William Kennedy

Dershowitz page 7

Rape is Cutting Edge Subject Matter

To the Editor:

I have used rape examples and hypothetical in my criminal law class because it is a cutting edge subject that is in the process of change and that presents sharp conflicts between the civil liberty and feminist approaches.

When I discuss questions such as "Was she dressed for sex," I make it crystal clear that I am using the language of others — jurors, anti-feminists, etc. Students must be prepared to confront and discuss these attitudes, regardless of how offensive they may be.

I cannot expect other students to volunteer very unpopular, but prevalent views. Accordingly, I have the responsibility of presenting them.

Believe me, if the views I express in class were the politically correct ones, many of my current critics would be cheering the fact that I spent so much time discussing this important and serious crime.

Since the publication of my article, numerous students from my class — both men and women — have thanked me for publishing it and for treating the crime of rape the way I did. I understand that this is not the unanimous opinion, but neither is the one presented by those students who are critical of my methods.

This year I am planning to do some different things, though I will not back away from raising unpopular questions.

Alan M. Dershowitz
HLS Professor

Next Issue October 25th

Forced to Be Fair

This is a reprint, with permission, of an article which ran in the October 9, edition of the New York Times. Susan Estrich, '77, presently a professor of law at the University of Southern California, is a former professor here at HLS.

By Susan Estrich

Had it not been for an 11th-hour leak, Clarence Thomas would today be a member of the Supreme Court. But the delay agreed on by the Senate [on Tuesday, October 8] to address Professor Anita Hill's charges that she was sexually harassed by Judge Thomas did not come about because the nomination process works. Nor did it come about because our leaders finally recognized that sexual harassment is a serious charge that cannot be disposed of summarily. It came about because politicians know when they're

coached by the White House, Judge Thomas understood that a majority of the Senate would not vote against him if he denied the significance of everything he had written and insisted that his mind was open.

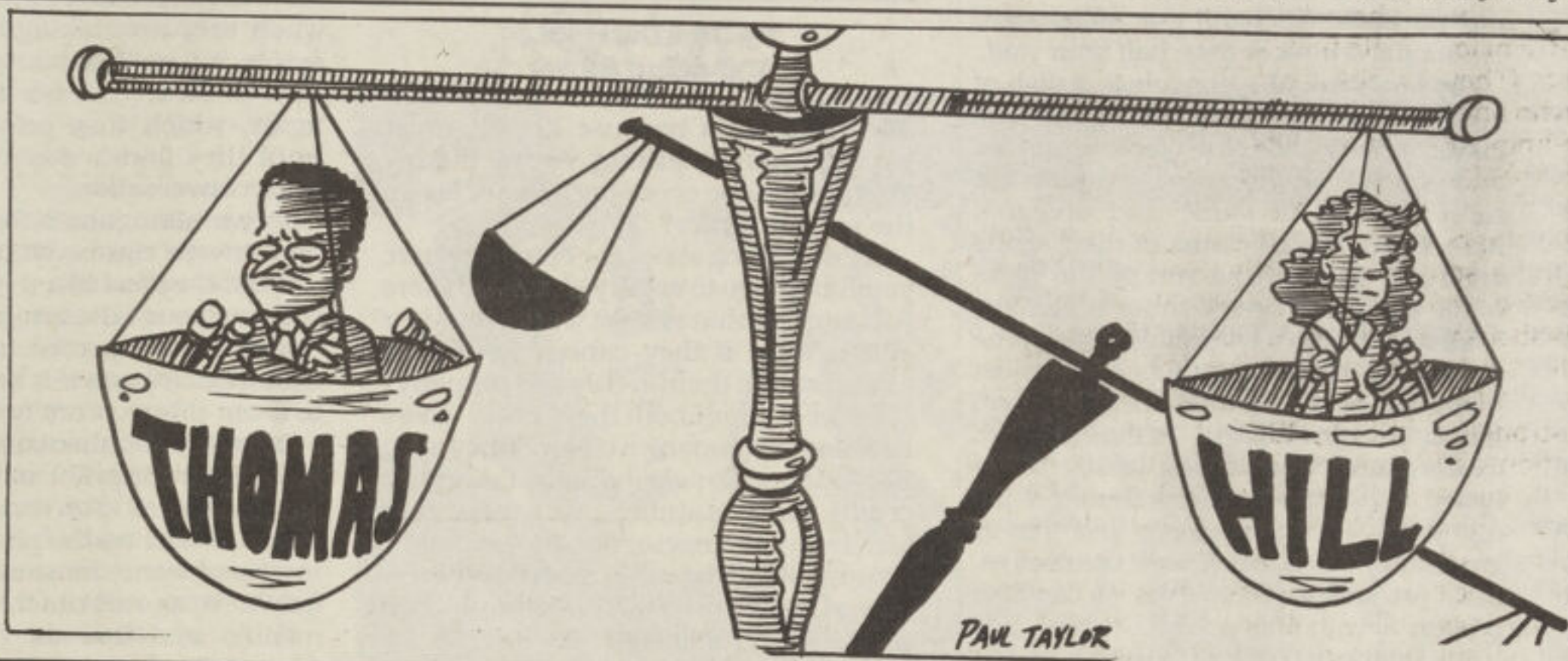
What is most striking, however, are the questions Judge Thomas was not asked. His views on natural law were thoroughly parsed. But apparently no one found it necessary to ask him whether he had sexually harassed Anita Hill, a young lawyer who had worked as his assistant at the Education Department Office of Civil Rights and later at the Equal Employment Opportunity Commission.

In its confirmation hearings, the Senate Intelligence Committee insisted on public testimony from Robert Gates's accusers and on a response from the nominee himself. And yet it seems that none of Judge Thomas's supporters in either the Senate or the Administration found it necessary to even meet, let alone listen to,

There are questions that will be asked Professor Hill: did she complain to anyone, even if not to officials who also worked for her boss? Why did she follow Judge Thomas from one job to another? And why has she come forward now?

These are fair questions, but the Senate must also be fair in evaluating her answers. The truth is that most women who are harassed don't complain about it publicly, especially when doubly disadvantaged by their race and their gender. It is humiliating and embarrassing. Whatever the law says about retaliation, complaining about the boss may lead to your being fired for tardiness.

Many women tolerate harassment, even though it is debilitating and destructive. The willingness of women to tolerate hostile work environments often has less to do with how bad the workplace is and more to do with how badly they need their jobs.



caught in a firestorm.

I don't expect George Bush to choose Supreme Court nominees who will agree with my views on constitutional law. The Presidential election decided that question.

But like most Americans, I do expect the President to choose men and women of honor and dignity. And I certainly expect the Senate, in its confirmation process, to insist on it.

For two weeks, America watched as the Senate Judiciary Committee tried to force Clarence Thomas to say where he stood on any issue of significance in constitutional law. They failed, as did he. Well-

Professor Hill before concluding that she was lying. Better late than never. The Senate must now deal with the charges against Clarence Thomas in a way that is fair to the accuser and the accused, and that recognizes the serious, and unique, aspects of sexual harassment accusations.

Very few people harass a woman sexually with witnesses around. Like rape, this conduct tends to take place in private. Sometimes, when a woman comes forward, others do as well. But not always. Even if Professor Hill is the only woman to accuse Judge Thomas, and even if there are no witnesses to her account, her charges demand consideration.

Not every slight in a workplace amounts to a Federal case, but whose perspective should govern, particularly if men and women see harassment differently — if men tend to assume that their advances are welcome and women tend to find them threatening?

Ultimately, the Senate must decide who is telling the truth. In an era when the nomination process has been drained of substantive content, the least we can expect of the Senate is that it thoroughly investigate a nominee's character and judge it fairly. If Anita Hill is lying, Clarence Thomas deserves to have his name cleared. If she is telling the truth, he does not deserve a seat on the Supreme Court.

Fenno

A job for a job.

Let's go to the job fair at the Charles Hotel! Not to be confused with government Jobfare.

Enter the spacious lobby whose industrial carpeting stretches as far to the left as Duncan's eyes can see, as far to the right as Shavell's indices can waggle, as distant as the mind can stray during Andrews' contracts class, as long as... (Well, Fenno has no first-hand experience in this matter but rumor has it that Dersh is pretty long-winded. Oh wait, you thought I meant THAT? You phallocentric little twit, I'm getting to the meandering member byte in a second. You francophones catch the pun — the rest of you I leave lagging in the dust).

Read the mimeographed sheet. "Hand Jobs" in the M'Lester Suite. "Blow Jobs" in the Breeze-n-Sleaze Suite. "Snow Jobs" at the Pole, where it's always so cold (and that's why Santa has no kids, kids, not because he only comes once a year. Oh no! Once a year is more than enough to populate the earth. You're all living proof of that).

So where do I go? I didn't don my slit-to-the-waist "Just cuz I got a straight B plus average doesn't mean I can't have aerobized thighs" skirt. I didn't gob on any mascara or tease my hair or otherwise compromise my gender. I didn't tack on falsies with hopes the partner wouldn't squeeze them off. Besides, there are only two openly gay lawyers in the whole country (see 1991-92 Employer Directory) so dammit I've no choice, I'm gonna be giving Snow Jobs all day long.

I pass the M'Lester Suite. "Listen," I hear an insistant voice from within, "I demand that you wear a funny little

rubber thing. My other suit's at the cleaners until next week." Humph. That's no way to give a job.

I pass the Breeze-n-Sleaze Suite. "You mean you don't have any more fresh pressed lemon juice?" Queries a worried voice. "Oh, wow, I think I'm going back to Hand Jobs."

At last I arrive at Snow Jobs. Inside, Pat T. Porker is shoving gooey brownies down his esophagus. Powdered sugar dusts his lapels. Wow, I think, I could brush a bit of that sugar on my eyelids and maybe get away with something in the M'Lester Suite.

"OH GROSS! DO YOU KNOW HOW MANY CALORIES IN EACH BROWNIE!?"

"What do I care?" replies caustic Pat. "Besides I'm only doing it for the money. There's a one in ten chance that a brownie was made with a salmonella-infected egg. As soon as I get sick I'm suing the Charles and the firm for 15 million. I got Dersh on my side, so I know I'll win. Wall Street's going broke after the leverage mania of the 1980's. I'm not going to leave myself to that peril. I'm paying my loans off the American Way — I'm litigating."

Well kids, they say Hand Jobs are facile if you've mastered the manual, and they say Blow Jobs are a breeze. But between you and me, I know Snow Jobs are easiest to swallow if you can keep yourself from being polygraphed.

QUOTE OF THE WEEK

"...when it's the chairman of the E.E.O.C. talking how he liked watching women have sex with animals, that's way beyond what you expect in a workplace conversation."

Alison Wetherfield, LL.M '85, a lawyer with the NOW Legal Defense and Education Fund.

Cadwalader, Wickersham & Taft

New York

will be interviewing
second year law students
for
summer positions
on

Tuesday, October 15, 1991

1:00 pm to 7:00pm

at

The Charles Hotel

Fettucini Alfredo, Dancing And A Well-Stocked Bar

The Spaghetti Club
93 Winthrop Street
576-1210

Rating: **UUU1/2** (out of 5 max)
Disabled access: yes
Entrées: \$10-18
Dress: casual
By Mike Wang

The Spaghetti Club is a restaurant in Harvard Square with multiple personalities. During daytime and evening hours the Spaghetti Club's basement at 93 Winthrop Street serves as a fine avant garde Italian pasta joint. But after 10 p.m., the restaurant converts into a dance club — "the only dance club in Harvard Square," boast fliers posted outside the establishment.

From the restaurant patron's view, the obvious advantage to the Spaghetti Club's dual identity is an unusually large and well-stocked bar for a tiny but cozy dining room. Choosing from a wide and eclectic offering of imported beers, wines and mixed drinks makes the approximately 15-minute wait for a table pass quickly.

The drawback to eating in a restaurant doubling as a nightclub during the afterhours is that it comes with nightclub acoustics. The dining room is an echo chamber. The throbbing bass of rock music and the buzz of dozens of conversations bounce spasmodically across the concrete walls and low ceilings, creating a cacophony that makes table conversation next to impossible. All the servers dress in black from head to toe, and the walls of the dining room are covered by Italian graffiti with a row of Walt Disney comics — also in Italian — painted around the perimeter. Extremely dim lighting completes the avant garde atmosphere.

Since you can't hear or see much of anything here, you have no choice but to concentrate on what you can taste. The complimentary bread was served cold but had a tasty sesame seed crust. Even colder was the block of butter for the bread, which seemed almost frozen solid

and was impossible to spread.

We started out with an order of Ravioli Alferno (\$5.95), or more simply, toasted ravioli with cheese and tomato sauce. An inauspicious start that was. The ravioli's texture was pasty; the rigatoni cheese filling was tasteless; and the tomato sauce lacked any zip or zing. The menu brags that all the pasta is homemade. But the our ravioli appetizer tasted distinctly as if it had been frozen; the only way it could have qualified as homemade, then, would be if the chef had microwaved it at home.

On the other hand, our pasta entrées — the Linguine Alle Vongole (\$12) and a half portion of the Fettucine Alfredo (\$8) — were fresh and savory. When they finally arrived, that is. "There's been a little mix-up in the kitchen," our waiter said, explaining our more than half hour wait.

The Linguine Alle Vongole is a dish of clams with white wine and butter. The clams were cooked to perfection: tender and succulent, accented by just the right amount of garlic and oregano. Also, eight broiled clams in their shells arranged around the rim of the plate made the perfect garnish for this dish.

Fettucini Alfredo surely is among the richest of all Italian dishes. At most restaurants it's usually heavier than freshly poured concrete. To the Spaghetti Club's credit, our serving wasn't overly heavy, allowing the mellow flavors of the egg yolks, Pecorino cheese and freshly ground black pepper to assert themselves. Still, we finished only part of our half portion — with no room for dessert.

The Spaghetti Club features an extensive wine list occupying a third of the menu space. We had White Zinfandel DeLoach with our meal, a robust and versatile Italian wine that's a great complement to great pasta.

When table service is slow I like to think that good food takes time to prepare. But at the Spaghetti Club, the paucity of servers probably contributes as much to the sluggishness of the service as does the food preparation.

Our waiter seemed to be responsible for as many as six tables at once. (But since all the services dress in black, I suppose it could have been two people who looked alike). With a small dining room and a loyal clientele, you can expect a 15-minute or longer wait even before you get a table, particularly on weekends.

The Spaghetti Club is the perfect place for a late supper before going out on the

town. You can feast on great pasta and get buzzed at the bar before pursuing other conquests. Also, this establishment is an ideal place for a first date. Since the acoustics are so bad, it's impossible to hear anything — you won't have to strain to make conversation. In case things are going well, both men's and women's restrooms are equipped with large condom machines.

Play That Again Sam: A Service Economy?!

I hear we have moved from an industrial to a service economy. Did I hear correctly? A service economy?! Let's

By Jim Datri, 3L,
Managing Editor

backtrack a bit because I really must have missed something. Are we talking about the same economy? Do we live in the same country?

Are we talking about the country where you have to go to six dry cleaners before you find one that at least won't ruin your shirts, even if they cannot figure out how to starch them evenly and properly?

Are we talking about the country where mail-order companies have phones open 24-hours a day to happily take your credit card number, but maintain separate customer service lines to handle complaints and returns that deliver busy signals, limited hours, and un knowledgeable staff?

Are we talking about the country where if a store advertises it is open until 6:00, you're lucky if the employees keep the door unlocked after 5:45 - and if you're fortunate enough to get through the door, they will be reminding that the store is about to close every 30 seconds for the next 15 minutes?

Are we talking about the country where if you call a plumber or painter or building maintenance they will be 30 minutes late, overbill you, and "fix" the problem

in such a way that you will need to call on them again - and soon?

Are we talking about the country where store employees are all smiles and cheer when they are talking amongst themselves, but act like you are interrupting their work if you ask them for assistance, which they provide grudgingly until they find a way to resume their prior conversation?

Are we talking about the country where bus drivers can be counted on to skip stops if they feel like it and grunt when you pay your fare, and where taxi drivers can be expected to take you for extended detours if it becomes obvious to them that you are from out of town?

Are we talking about the country where, whatever your problem with a business - any business - you can expect to spend hours of time on the phone and in lines to a correct an error someone else made, only to be treated rudely and find out six months later that the error was never corrected and your credit-rating is ruined?

If we are talking about the same country, the economic training of those making statements about this being a service economy must provide insight into life in an alternate dimension where service is not, as it is here, the last, best bastion for the operation of Murphy's Law.

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

Mark Muldoon Killed By A Nation Spiralling Out Of Control

Mark Muldoon was a friendly Irish guy from my hometown. He ran a small package store called Mark's Liquors. I

Rich Wareing 2L
RECORD Columnist

really didn't know him, but I, along with everybody else at Holy Family School, and St. Lawrence the Martyr and Holy Name parishes, knew who he was, because he had what seemed like a hundred cousins with whom I went to school, and because he was one hell of a guy.

Mark worked hard in his little store to eke out a living for his wife and kids. He was also a good neighbor and friend who never let race or religion or politics cloud his view of others. Ironically, it was precisely because he was a decent man that he was killed.

Mark grew up in an Irish neighborhood. It wasn't a wealthy place, but it was home to decent, hardworking families who worked and saved, and tried to do the best they could for their kids. Over the years, many of Mark's old neighbors moved away to better parts of the city or to the suburbs. Gradually, more and more Hispanics, Afro-Americans, and Cape Verdiens moved in.

Despite the fact that this kind of ethnic mix has been the recipe for disaster in a lot of cities, things remained pretty quiet in that neighborhood, because, for once, everybody seemed more interested in getting along than in beating each other over the head on account of last names or skin color.

Then it started. House by house, block by block, drugs found their way into the neighborhood. The politicians and businessmen stood by and did nothing except spout platitudes and blame each other for the problems.

Nobody thought about providing better schools, or more jobs, or stopping the flow of automatic rifles and submachineguns. Nobody thought

about getting the scum off the streets and putting them in jail for more than an hour and an half. The neighbors, however, didn't sit on their hands. Almost anyone with money, got the hell out, leaving behind only the poor who couldn't afford to run, the old who couldn't bear to run, and a few people like Mark, who just wouldn't run.

One afternoon, some doped-up idiot with a criminal record a mile long came out into the street and started screaming that he was going to kill his wife. Mark immediately ran out of his shop and calmed the jerk down, convincing him that everything was O.K. and he should go back inside.

A few minutes later, there was a loud cracking noise in the street followed by screams. Mark's clerk ran out into the street to see what was going on. A second later, he hit the pavement bleeding with a bullet in him, crying for help.

Without a second thought, Mark rushed out to bring his friend back inside. I say friend, because Mark had known this kid for years, since he had been little more than a young black punk hanging around, causing trouble. Mark had taken the kid in like a brother, given him a job, and tried to help him get his act together, and he was not about to see him bleed to death.

Mark wasn't in the street for more than a few seconds when he too was hit by a bullet fired by that same fool who had been screaming before.

Mark didn't die right off. At first, the paramedics thought Mark was going to be O.K. The whole way to the hospital Mark tried to comfort his friend and kept telling the paramedics to look after the kid's wound first.

Shortly after Mark got to the hospital, however, something went wrong and he died. He just plain died. Nobody there could explain it, though perhaps a better hospital in a richer place might have been able to see it coming and save his life.

Mark Muldoon was killed, the au-

topsy read, by a bullet wound to the chest. The autopsy got it wrong. Mark Muldoon was killed by apathy, selfishness and indifference.

Mark was killed that day because nobody seems to give a damn that our neighborhoods are dying of drugs and violence. He was killed by the disgrace we call a health care system. He was killed by a generation of politicians, lobbyists, and businessmen who equate public service and public spiritedness

with self-glorification and the chance to make a quick buck.

He was killed by boneheaded judges who think sending a violent criminal to jail is ipso facto a violation of his Constitutional rights and by the mush-headed law students, professors and attorneys who give them the arguments to justify a slap on the wrist.

Most of all, however, Mark Muldoon was killed by the apathy and indifference of a nation spiralling out of control.

Union Busting

continued from page 1

Twenty-five protesters gathered in Harkness Commons, and walked to the Office of Career Services and on to Griswold Hall chanting, "Harvard students should beware, Union busting isn't fair," and carrying posters reading, "Let the working people decide for themselves."

When they arrived in Griswold Hall, the group sang songs and shouted while recruiter Rob Hulteng attempted to conduct an interview. Hulteng said that he has recruited at Harvard for the last 10 years, and that each time he has conducted interviews, he has faced some sort of protest.

Although the choice to protest Littler Mendelsohn was more symbolic than deliberate, Levin did say that, "one of their acts struck a particular chord. The firm represented an employer against a sex-discrimination suit and filed a \$24 million lawsuit against the employee for disloyalty to the employer." According to Levin, the court imposed rule 11 sanctions for the countersuit.

The Labor Law Project asserts that the union-busting firms regularly advise managers to use tactics such as firing union supporters and threatening to close plants if the union wins.

Levin commented, "You don't have to be pro-union to be upset by these practices...These firms go out of their way to violate employee rights."

In association with the protest, the Labor Law Project has been circulating petitions which students sign if they agree not to interview with the designated "union-busting" firms. Levin said the petitions have over 200 signatures.

Derrick Bell

continued from page 1

has placed these impediments in their way. Freed from their unrealistic expectations of racial parity, their goal will be instead to attain individual dignity."

Bell acknowledged that when he took his leave of absence, he doubted whether the administration would implement his demands. The departure, however, was his individual challenge to the society's racism. His fulfillment came not from any hope of victory, for that was unlikely, but from his resistance, his refusal to surrender.

He recalled a conversation with an old black woman who continued to challenge the discrimination around her, despite its relentless assault against her. Bell asked this woman why she continued to resist, and she said, "Derrick, I live to harass white people!"

No Civil Rights If You Are Gay or Lesbian

This week I had intended to write a column celebrating one of the greatest victories of the gay and lesbian civil

By Ed Joy
RECORD Columnist

rights movement to date — the passage of a gay rights law in California.

While discrimination must be revealed where it exists so that we as a society can recognize where we are deficient in the treatment of our citizens and attempt to remedy such inequities, we must also recognize advancements so that we do not sink into despair and indulge ourselves in the belief that problems of the world are too great for any individual to make a difference. To put it a little less eloquently, nobody wants to hear you bitch all the time.

Wisconsin, Massachusetts, Connecticut and Hawaii had already passed gay rights laws. Generally, such laws prohibit discrimination on the basis of sexual orientation in employment, housing and public accommodations. (California's version simply refers to employment.)

The addition of California to this small but growing list could very well signal a turning point in the struggle for civil rights for gays and lesbians. The fact that all the states but Wisconsin with gay rights laws passed them in the 1990s illustrates that the movement for equality is gaining momentum. With the largest state in the country joining the ranks, other states would surely follow.

Unfortunately, there will be no celebrating. Republican Governor Pete Wilson of California vetoed the gay rights bill formally known as AB 101.

Politics won out over principle as Wilson caved in to unabated pressure from Fundamentalists Christians and the powerful right wing of his party. During his campaign for governor, Wilson por-

trayed himself as a moderate who believed that gays and lesbians should be included as equals within our diverse society. Even after his election, he said that he was likely to sign AB 101.

I believed that California had found itself a William Weld, Massachusetts' fiscal conservative who believes in social, if not economic, justice. As it turns out, California has found itself something this country needs no more of — a leader who is only fit to follow. Wilson betrayed the gay community and even his own beliefs because he

faced strong opposition.

The Fundamentalists spewed their powerful political venom to such an extent that even some of their supporters in the legislature labeled them hate mongers. They let the Governor know, in no uncertain terms, that if he extended equal protection to gays and lesbians, then he would surely be made to pay a price. Similarly, the right wing of California's Republican Party demonstrated its strength by prompting the Party to call for a veto at its State Convention.

When Wilson stated his commitment to equal rights for all his constituents, he did not realize the firestorm that would accompany any attempt to sign

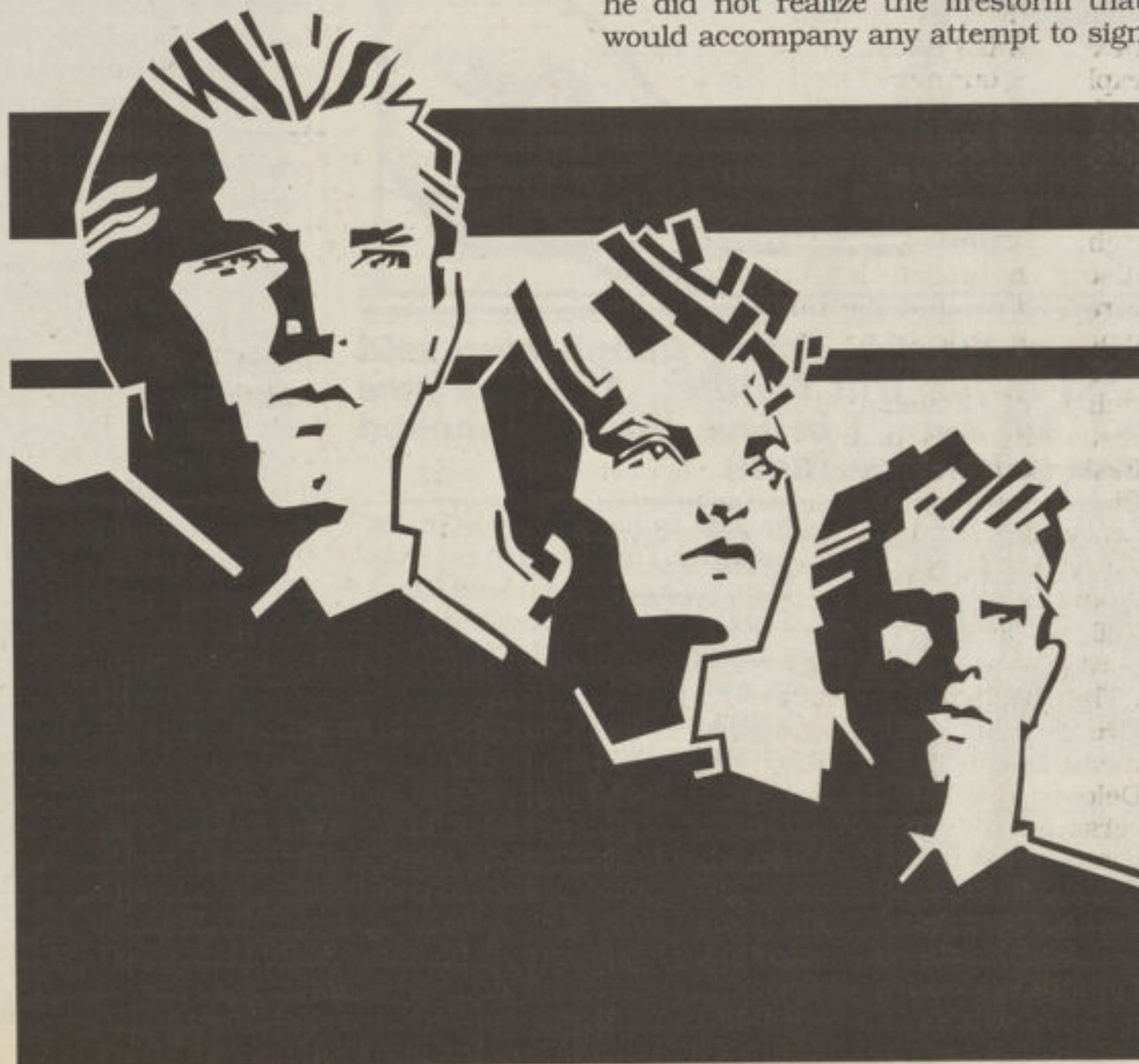
AB 101. If he were to take a stand for equality and justice, he would cause an irreparable fissure in his Party and fall from his position as Golden Boy of national Republican politics. Political expediency demanded a veto and the Governor provided one.

No, Pete Wilson, it would not have been easy for you to sign AB 101; gays and lesbians are not popular. Of course, if political popularity is to be the litmus test for the extension of rights to minorities, then the most hated and abused minorities (i.e., those who most need the protection) will never be accorded rights. Given this dilemma, it is comforting to have strong willed leaders such as Governor Wilson to turn to. A true man of the people as long as those people have power.

With his act of cowardice, Pete Wilson has relegated gays and lesbians to second class citizen status. It remains legal in California, as well as forty-five other states, to deny someone the means to make a living simply because he or she is gay. The law also sanctions the denial of housing to gays and lesbians. You don't want gay neighbors? No problem. Gays and lesbians can even be legally denied a spot at the lunch counter.

That discrimination exists in 1991 should not be surprising, but that state sanctioned discrimination exists in 1991 should be. The orphaned children of the civil rights movement of the 1950s and 1960s have no civil rights in America.

Pete Wilson's failure to take a stand for gay rights represents a failure to take a stand for the rights of all human beings. Today the political climate demanded the denial of basic civil rights to gays and lesbians. Tomorrow it could demand the denial of these rights to African Americans, Latinos, Koreans, Iraqis or Fundamentalist Christians. Given today's result, I do not look forward to tomorrow.



Dershowitz

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Smith alleged rape (discussed *ad nauseam* in class). In it, the professor suggested the possibility that the rape was fabricated, by including in the hypothetical an anonymous message to the police that the woman had made false charges of rape before. Again finding a simple description not enough, Dershowitz included the hypothetical caller's message in the exam: "That lying whore. [She tried this before...]"

No other crime we discussed received such repeated, offensive treatment. It was these "discussions," and others like them, that prompted many of us to criticize the class at the end of the

semester. To classify protests about such verbal assaults as "revenge of the politically correct" is not only inaccurate, but it distorts completely the purpose of the criticism. One does not have to be a knee-jerking reactionary to find the above illustrations patently offensive.

The most ironic, and perhaps disillusioning, thing about Dershowitz's reaction to the criticism, is not that it fell on deaf ears. We recognized that probability. The ironic part is that Dershowitz has used what we thought was constructive criticism to extol his own virtues as a courageous professor, not willing to back down to student "censorship." He has attempted to make himself, once again, the hero.

I suppose we should have expected that, too.

Maura Hughes, 2L

Attack

continued from page 1

tion at the slim chances of ever catching the attackers. Police officers told Carlson they believed the only chance police had to catch them was if the same group were arrested later that same night in another incident, and someone noticed Acosta's blood on their shirts. "At this point, it would be virtually impossible to track them down," Mesa said.

Those involved with the episode thought that it was not a reflection on the safety of the Spaghetti Club or on the safety of Harvard Square, but an isolated, unfortunate incident. Law School Council President Mike Twomey, who notified the Resident Assistant on duty of the attack, noted that, "It happened on a well lit street next to a park...It's just a good warning to law school students that there are a lot of wackos out there." Acosta attended Harvard as an undergraduate, and said, "I've been to the Spaghetti Club a couple of times, and I've never seen anything like this happen." Carlson concurred, "It's a normal young people's hangout. I went back there the next night — I see no reason not to go back."

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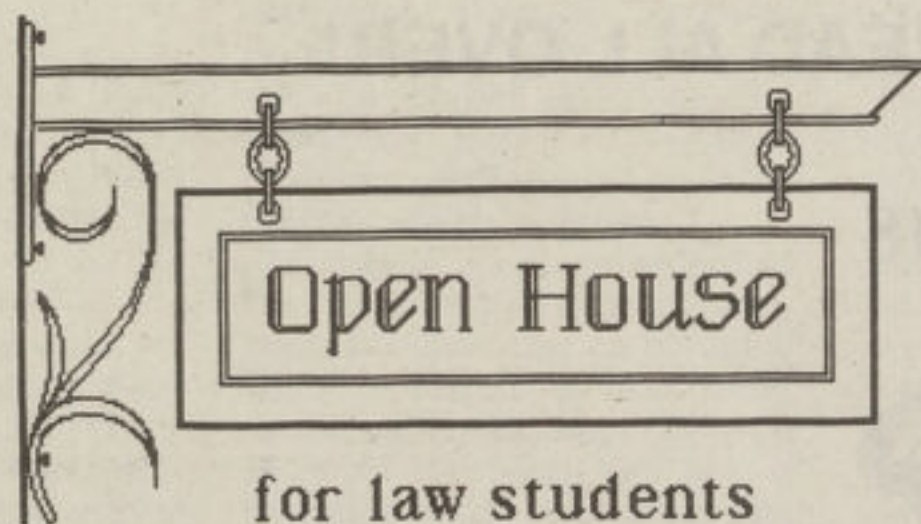
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at

The Lesbian and Gay Community Center
338 Newbury Street, Room 204
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(617)247-2927



Have You Ever Been A Druggie?—An Acid Test

While home recently, I took a walk down memory lane by visiting the head shop¹ that got

By Alysse MacIntyre
RECORD Columnist

most of my business while I was in high school. I had that same feeling I get when I go to Toys'R'Us to buy presents for my niece.

I walked around thinking to myself "Oh, look, I use to have one of those!...What ever happened to my old stash can², I wonder?"

Behind the counter was an angst-ridden teenager wearing all black, sneering at how square I was. I wanted to grab him and say, "Listen, sonny, I was buying my paraphernalia here when you were still in diapers."

Of course, I grew up in a permissive, liberal kind of place where if you were out of rolling papers, somebody's parent probably had them lying around. Boy, have things become uptight in recent years.

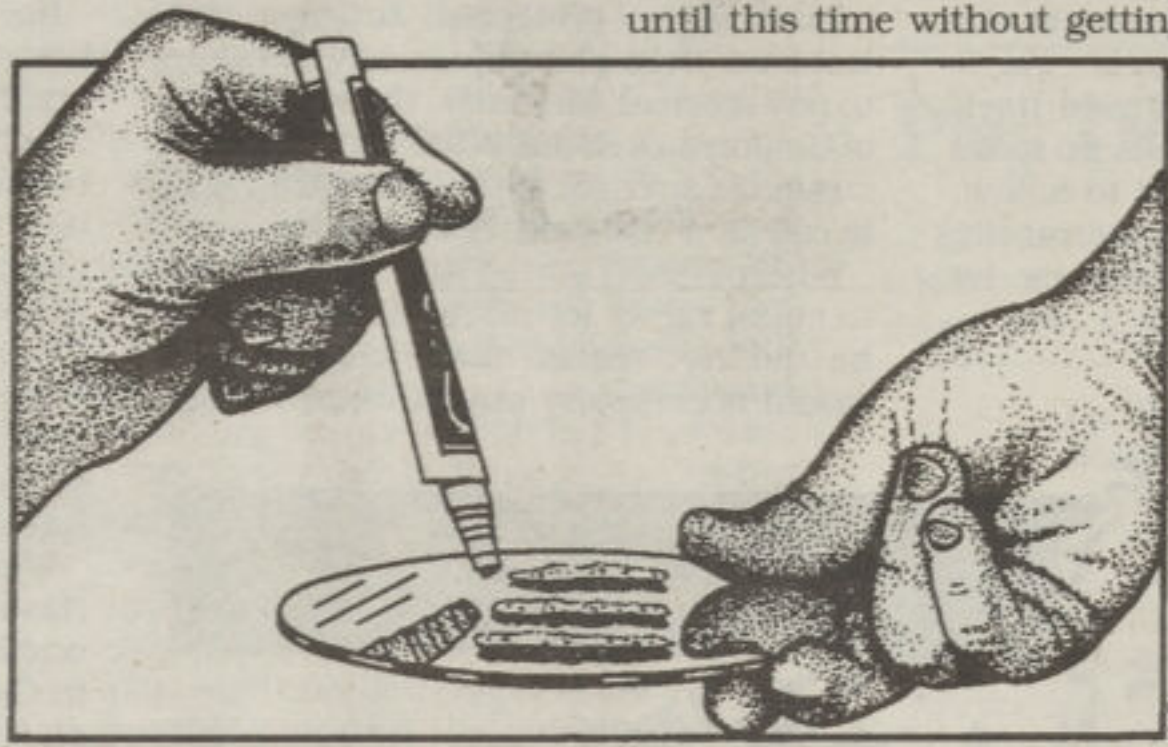
There's no getting around the fact that I am a square now. I can't remember the last time I saw a joint let alone had one, and I use to roll with the best of them. You could probably sell me oregano today, I've become so square.

Of course, being in law school doesn't help. Joe and Jane Average Law Student think they've gotten really wild when they drink a *whole bottle of wine!!!* So imagine my shock when a fellow law student casually let it slip that he recently smoked some sensimilla³ of the quality

not usually seen outside Humboldt County. I choked on my dinner.

Normally, if you even mention drugs around HLS, people get that paranoid look that indi-

and early eighties without trying something at least once? Hold up before running to get your stationary, my knee-jerk conservative audience: I do know that there are those of you out there who have in fact lived up until this time without getting



I'm willing to bet that Danny Quayle even sold Kona Gold to his frat buddies. And Clarence Thomas? Oh sure, I believe that he smoked marijuana only twice. (Not!)

cates that they're wondering if one day they won't be regretting this very moment while sitting before the Senate Appointments Committee. I can't remember the last time I heard someone admit to having at least experimented with drugs once in their lives.

Don't get me wrong. The decline in drug use is a good thing and I support it. But what disturbs me the most is not today's attitude about drugs, but our denial of our prior attitude about drugs. How many people came through the sixties, seventies

baked⁴. But admit it, you're the minority. I'm willing to bet that Danny Quayle even sold Kona Gold⁵ to his frat buddies. And Clarence Thomas? Oh sure, I believe that he smoked marijuana only twice. (Not!)

If you're like me and catch all the 1980's teen-exploitation flicks when they show them on the Channel 38 Movie Loft, you've noticed that not only do they edit out the sex scenes, but they also edit out the drug scenes.

Tell me, does *The Breakfast Club* make any sense without

the pivotal marijuana scene? How are we to interpret Spicoli in *Fast Times at Ridgemont High* without the marijuana scenes? Sean Penn's undeniably finest performance, destroyed by TV censors. It's a crime. If this keeps up, *Woodstock* will be reduced to the Port-o-San scene alone. This revisionist history greatly disturbs me. We are denying our drug history.

For those of you who never had any drug history, I worry about how dweeby you are. It pains me when people accidentally reveal that they're nerds by saying something like "He drops heroin." I worry more that, like Scalia, you'll go on to write important judicial decisions that reveal that you never had a good time. How embarrassing. There you'll be on the Supreme Court and I'll have to deny knowing you. So, gentle-reader, take the following quiz to refresh your memory, or learn something new.

-Acid is

1. what is left out of politically correct paper
2. popular with dead heads

-Cocaine is

1. what they give you at the dentist
2. fun to snort

-A bong is

1. the instrument Ricky Ricardo played on "I Love Lucy"
2. similar to a hukka

-Heroin is

1. the misspelling of the word for a female hero
2. responsible for the state of Keith Richards' face

-When I hear Led Zeppelin on the radio I

1. change the station
2. reminisce fondly about my first time 'shrooming

-A roach is

1. the beginning of a habitability suit
2. likely to burn your fingers if you're not careful

-Marihuana

1. is how the Supreme Court spells *marijuana*
2. gives me the munchies

-Nancy Reagan is

1. a bitch
2. a bitch

Ok, enough. Tabulate the results, take them to Lou Kaplow and he'll tell you what they mean. (If I could do math do you think I'd be here? No way, I'd be a the B-school.) Roughly, if you're score is too low, you're a hopeless case. Rent *The Doors* and take notes. If you're score is too high, throw out your gold-plated razor blade⁶ and get with the times dude.

Maybe I just want to show off because I didn't spend my whole life being a heinous study dog just to get in here. So ha ha to you. Maybe this column would be longer, but I passed out writing it. Alcohol is, thank god, still legal.

—Notes

1. A store that sells drug paraphernalia.
2. A can that often resembles a cola or motor oil can, used for hiding drugs from the folks.
3. A type of seedless marijuana.
4. Same as *stoned*.
5. A type of high quality marijuana grown in Hawaii.
6. Used to chop powdered cocaine. An affectation popular with true *hose-noses*.

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