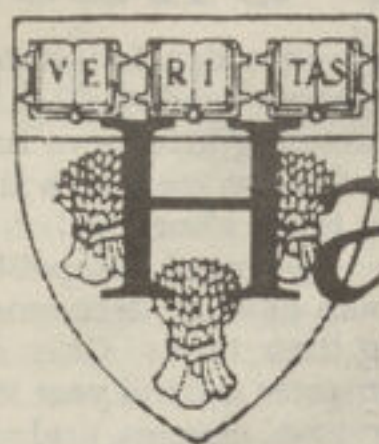


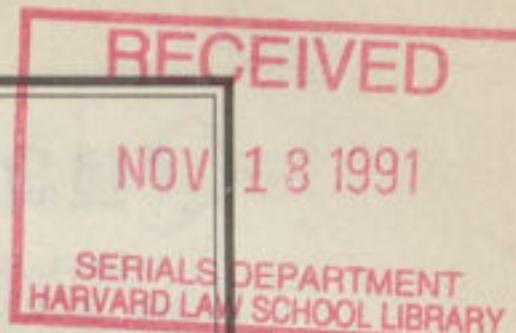


Harvard Law Record

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Gay Congressman Barney Frank '77 Speaks Out About AIDS

Talks About Coming Out, Steve Goble and Gay Republicans

The following interview with openly gay Congressman Barney

By Ed Joy
RECORD Columnist

Frank (D-Massachusetts) will take the place of my regular column this week. Congressman Frank, now serving his sixth term in the United States House of Representatives, attended Harvard Law School from 1974 to 1977 while also serving as a representative in the Massachusetts State Legislature. Readers should note, Barney Frank, born March 31, 1940, grew up during a time where there was no gay rights movement and a column like this one would have been censored by even the most liberal editors.

RECORD: What were the exact circumstances of your coming out?

Congressman Frank: It was a very long process. I never told anyone I was gay until 1979

when I was 39 years old. By that time, I was beginning to feel very discouraged and frustrated because until that time I had made a conscious decision to put my sexuality in second place to my political career. The sense of denial, the lack of fulfillment, the lack of happiness and a whole range of other things were taking too much of a personal toll and I decided my job as a State Legislator wasn't worth it. But then I got the opportunity to run for Congress in 1981 and a renewed interest in a better position again caused me to put things on hold.

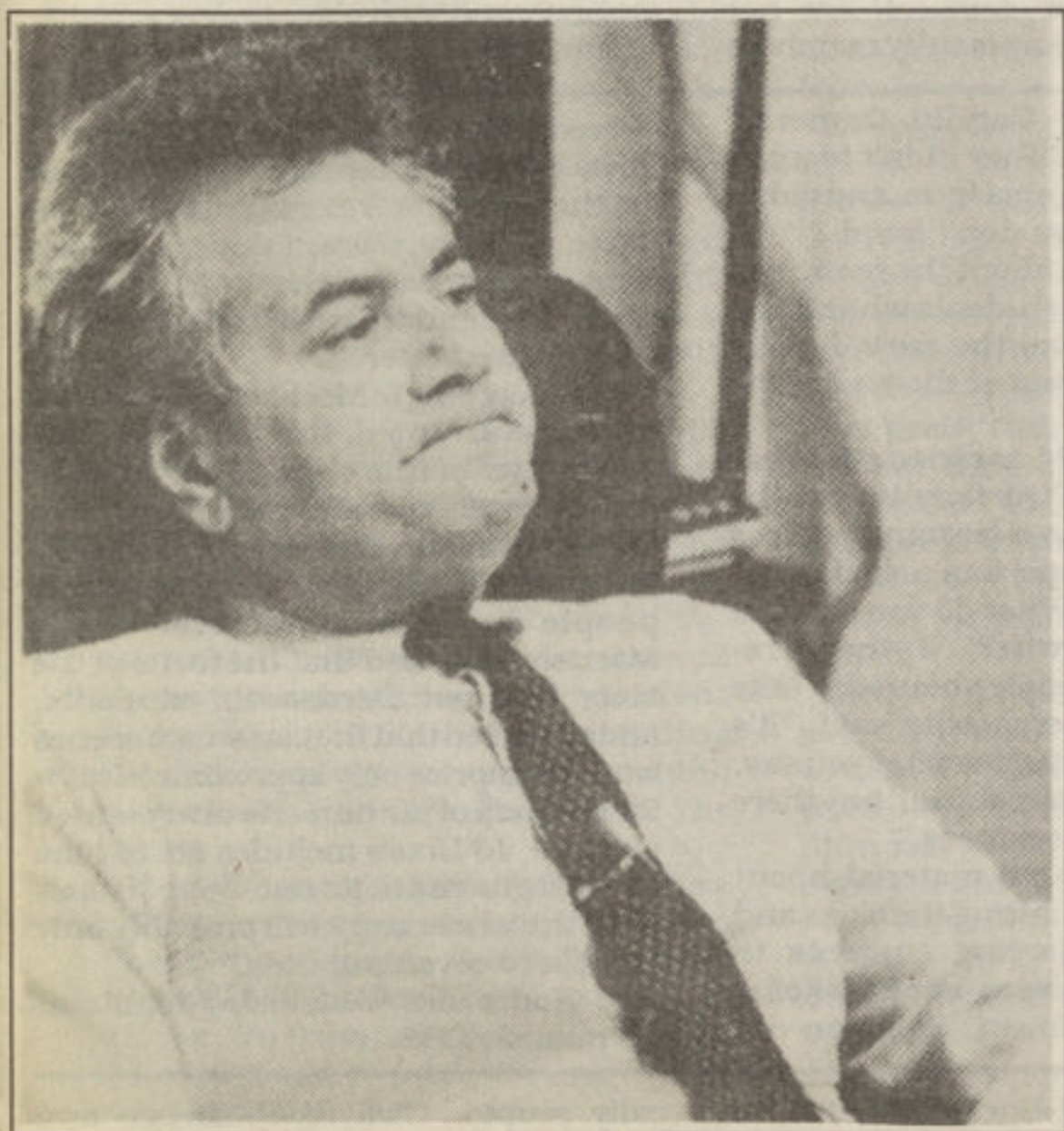
When I was elected, I looked at Washington, DC as an opportunity for a new start. I was going to be privately out and publicly in. I tried that for a couple of years, but that didn't work out either even though I did get a euphoria from coming out to family and close friends at that time.

By late 1985 and early 1986 I

decided that this was really not working out very well and I was again experiencing frustration because it was hard trying to reconcile my [public life and my private life.] Finally, I decided I was going to integrate my life. The precipitating event was the death of my colleague Stewart McKinney, a Congressman from Connecticut, who died of AIDS. At the time there was an unpleasant scuffle as to whether he was gay and this depressed me since he deserved better than this because he was a very decent and honorable guy, a pioneer for the homeless. I knew this wasn't right and I decided I was going to come out, primarily because I wanted to live a sensible life myself, but also because I hoped that this would have a positive political impact for other gay people.

[Congressman Frank came out in an interview with the Boston Globe on June 1, 1987.]

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Congressman Barney Frank attacks the Bush administration on AIDS, "On the whole, Republicans go from mediocre to terrible."

HLS Conference Focuses On "The Legal Profession In The Nineties"

Issues of Gender, Race and Physical Disability Propel Panel Discussions

Alain Kodsi '89, Executive Director of Harvard Alumni Placement, and Robert C. Clark '72, Dean of Harvard Law

By Robert Arnold

School, kicked-off the second annual Minority Recruitment and Placement Conference in Pound Hall on Friday, November 8. The conference's theme was "The Legal Profession in the Nineties: Issues of Gender, Race, and Physical Disability."

Over 200 law firms sent their hiring partners, managing partners or recruitment coordinators to attend a series of workshops, panels, and speakers designed to enable members of the legal community to consider the problems of minority hiring from new and different perspectives.

The Honorable A. Leon Higginbotham, Jr., Senior Judge of the U.S. Court of Appeals, Third Circuit, who many believe in a Democratic administration would be a Supreme Court Nominee, delivered a keynote address which he presented as an open letter to the newly appointed

Supreme Court Justice Clarence Thomas.

"Some people are willing to let the whole ship sink, to let all the passengers drown, to get safely to shore. I trust that you are not one of them," Higginbotham said to Thomas in the speech. "To save the dream for one, is to save the dream for all," he concluded by quoting from a Langston Hughes poem.

Higginbotham received a ten-minute standing ovation. He said he planned to send the letter to Thomas and publish it.

Conference organizer Kodsi was very proud of its success. He said he has received dozens of phone calls complimenting both the depth of the program and the caliber of the speakers.

"There are few occasions where these difficult issues can be addressed in an open manner by and among the most prominent members of the legal community," said Kodsi. "The large attendance attests to the importance of these issues."

Dean Clark opened the conference by accepting a \$10,000 contribution from Harvard Alumni Placement on behalf of

the Charles Hamilton Houston Fellowship, which is designed to encourage minority attorneys to pursue a career in teaching.

After reviewing the current enrollment of minority students and visiting professors at HLS, Dean Clark stated, "These are issues I take very seriously."

Associate Dean of the University of Minnesota Law School Gerald Torres, who was a visiting professor at HLS last year and one of the speakers at the conference, moderated two panels. The topics of the panels were "Minority Hiring and Recruitment Today: Is It Meaningful?" and "Recruiting Women and Minorities From Law School: Has There Been Improvement?"

The conference ran for two days, Friday and Saturday, and concluded with a cocktail reception hosted by minority and women's organizations and attended by speakers, participants, faculty, and minority students from several Boston area law schools. It was sponsored by Harvard Alumni Placement, an independent affiliate of the law school formed in 1990.

Hoops Tourney To Raise Money For Big Brother/Big Sister Program

This weekend, H.L.S. Big Brothers—Big Sisters will host

By Rich Wareing

teams from throughout the University in a 3 person basketball tournament to raise money for the program.

Tournament organizer Jeff



Basketball Tournament organizer Jeff Wing '92

Wing '92 indicated that roughly 15 teams from the Law School, the College, the Graduate School of Education, and the Business School will compete at Hemenway Gymnasium this Saturday in a double-elimination tournament. Wing indicated that several teams had not completed their applications as this article went to press and the field could expand significantly, which would result in a second day of action on Sunday.

When interviewed, Mr. Wing said he was impressed with the level of support he had received from the Harvard community. "I really appreciate the support we've gotten from the Law School, and the whole University, really. It's been great and it's been a big help."

Each team will pay a \$35 entry fee, and proceeds will go to Big Brother/Big Sister.

Big Brother/Big Sister provides inner-city youth with positive adult role-models. Participants meet with their H.L.S. sponsors and engage in a variety of social, cultural, and athletic activities.

The group sponsors several large-scale outings each year, including hiking and skiing trips, outings to Red Sox games, apple-picking, trips to the Boston Aquarium and the city's various museums, and an annual Christmas Party.

Individual members meet with their siblings on a more regular basis, for shopping trips, sight-seeing, sporting events, help with homework, and lunch and dinner.

48 Hours Camera Crew Disrupts Students in Criminal Law Class

CBS' "48 Hours," a documentary-style television pro

By Johanna Davis

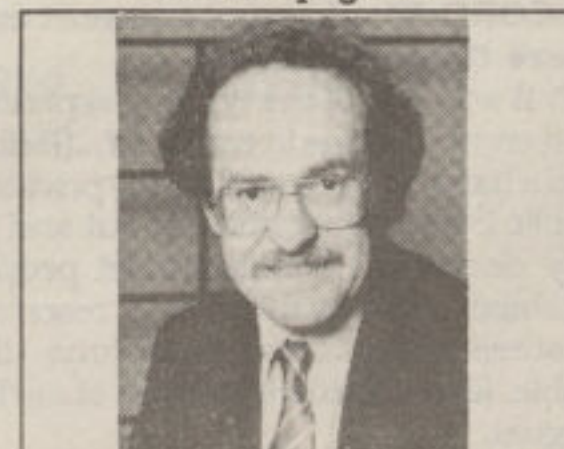
gram, will be featuring Professor Alan Dershowitz on an upcoming segment about famous people who have run into legal and publicity problems. Camera crews filmed Dershowitz and his first-year Criminal Law class on Tuesday and Wednesday, November 12 and 13 for the show, which will air in approximately eight weeks.

While enjoying being taught by such a famous professor, many students felt the program's camera crews were an unwanted intrusion during class.

"Usually it's incredible to be taught Criminal Law by

Dershowitz, but today it was disruptive. We've had crews in the past that have dealt with the situation better," said Claudia Salamon '94, noting Dershowitz' involvement in a recent BBC program about the seven deadly sins in which he defended Anger. "The BBC crew came during a separate, op-

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Upcoming "48 Hours" broadcast featuring Prof. Dershowitz raises controversy.

Qualifying Round Of Ames Competition Underway

Nineteen teams in the Qualifying Round of the Ames Competition pre-

By Johanna Davis

sented oral arguments on Tuesday and Wednesday, beginning a process that will culminate in four teams of four advancing to the semi-final round next semester.

This year's three cases include one old case—a constitutional law question involving a cable company's right to broadcast in a locality which granted an exclusive contract to another cable system, and two new cases: a constitutional law case involving the issues of whether state employees can be terminated for speech in the work place, and a labor law case concerning the extent to which employee involvement plans can exist under the National Labor Relations Act.

Estelle Lau '92, the co-coordinator of Q-Round, praised this year's competitors for their dedication to developing advocacy skills rather than viciously attempting to reach the final round. "People need to realize that Q-rounds themselves are a worthy endeavor. It changes the tenor of the whole competition when people enter without the expectation of winning it all." Peter Gray '93 agreed the best reason to compete was for the experience. "There are few things you can do while you're actually at law school to gain practical experience litigating, and this is one of them. If you think you're going in it to win, you're crazy—it's stressful enough to meet all the deadlines," Gray said.

Lau cites several rule changes as promoting a kinder and gentler Q-Round. "In previous years, people policed each other as to violation of brief rules. But teams that were cited for violations had no opportunity to address their oppo-

nents. This year, both parties go through each others' briefs and a team can respond if it gets cited for errors. The new system doesn't allow people to ride roughshod over one another."

Another change which Lau feels improved the competition is a new rule permitting joint degree candidates to participate in the situation. "Last year three or four joint degree people wanted to participate, so we discussed the matter with Dean Wald and other administrators, and no one could figure out why they were not allowed to enter the competition. So this year we changed the rule and a whole new group of students can enter." Currently, any second year student who plans to return for their third year is eligible for the Q-Round.

This year's list of distinguished judges

includes Archibald Cox, Roger Fisher, and Dean Sarah Wald. Faculty judges include Professors Westfall, Meltzer, Michelman, Weinreb, and Kaufman. Lau cites this year as an anomaly, however, commenting that, "In previous years, the most difficult part in administering Q-rounds has been finding faculty judges. The Q-Round doesn't have the budget, notoriety, or publicity of the upper two rounds." She pointed out that the Q-round also had trouble attracting faculty judges because faculty who are up for tenure don't have time to judge because they feel obligated to frantically publish, and the issues that interest most second-year law students (the Q-round cases emphasize constitutional law issues by popular demand) are not issues in which many faculty members

have expertise. Lau stated that graduate students teaching L.L.M. classes and practicing attorneys have substituted for faculty members this year, easing the judge shortage.

Q-round competitors must often make difficult decisions about allocating their time. Gray observed, "First semester second year is tough with interviews, classes, and moot court. Unfortunately, classes often fall to the bottom of the priority list." Lau claimed that although people often "get worried they won't be able to do Q-rounds, work, and interview at the same time, it's not unmanageable."

The round-robin Q-round oral tournament will continue on November 18th and 19th, and the final round oral arguments will take place in Ames Courtroom on November 22nd.

Dersh

continued from page 1

tional section," Salamon observed.

The 48 Hours camera crew stayed throughout Dershowitz' regularly scheduled first-year class and moved into another room in Pound for a special review session which began fifteen minutes after the class ended. Three hours elapsed before the crew identified themselves as being from 48 Hours, and this disconcerted students.

Julie Lythcott '94 described, "Dershowitz walked into Pound with a camera crew following him. It looked like he was trying to lose them...I thought it was about some recent development with Milken or Helmsley that he didn't want to discuss and the crews were trailing him....Until they identified themselves at the very end, we could have been being filmed for a Harvard

documentary or Candid Camera." Salamon agreed, "They didn't identify themselves, didn't apologize, and didn't even say 'Hope you don't mind.'"

The crew moved about the room, put a boom mike near students who spoke, and a reporter from the crew directly questioned students at the end of the review session.

Hank Fincher '94 asserted, "By that time, they weren't deferential to the fact that there was a learning process going on." The reporters asked questions including, "What do you think of Professor Dershowitz?" Lythcott reported, "A lot of people shouted, 'I take the fifth,' and Dershowitz said, 'It's blind grading, no matter what you say, it can't be used against you,' but there was still some uneasiness."

Dershowitz covered material about the death penalty during the class and review session, forcing students to make difficult choices about voicing their views on camera. Salamon ob-

served, "Some people do think about their actions in terms of confirmation to the Court or running for political office in thirty years. I do think some kept quiet because they were worried about how and when their views would be perceived later."

But according to Morrison, these fears were unwarranted. He said, "The subject matter of this show will lend itself to Dershowitz' more famous clients...It's not even about Professor Dershowitz himself: it's specifically about certain people he represents and why." Morrison stressed that the focus of the story was not Dershowitz' students, and projected that the classroom scenes would comprise only approximately 23-24 seconds of air time. He also pointed out that 48 Hours includes six to nine short segments in its one-hour format, and "the whole story will probably only last six to seven minutes."

48 Hours airs Wednesday nights at 10 p.m. on CBS.

Frank

continued from page 1

RECORD: What were some of the reactions to your coming out?

CF: Interestingly, a lot of my straight friends wondered why I would do this since my sexuality was no one's business. I said that the fact that I was Jewish was really nobody's business either, but if someone asks me if I am Jewish, I don't say it is none of your business and, if I did, other Jews would be upset because it would appear as though I was embarrassed or ashamed of this fact.

Senator Alan Simpson, a conservative Republican from Wyoming, told me, "In the past I have really enjoyed working with you, but today I am proud to know you." I appreciated his support.

Tip O'Neil, a very generous soul, had a little trouble with the [terminology.] Tip said to one of his aides, "Well, I hear we are going to have an issue to deal. I've been told that Barney Frank is going to come out of the room."

RECORD: Has your role as America's most well known openly gay politician been a burden?

CF: Not really, [even before I was out] I was very supportive of gay rights. I introduced the first gay rights bill in the Massachusetts State Legislature in 1973 and from 1973 to 1987 I was always a very active supporter of gay rights and I would speak out. Now, however, I do more speaking. For example, I speak a lot at colleges because I feel, looking back to my college days, that I would have enjoyed having an openly gay public official come and speak.

I can't do all the speaking engagements I would like to do, [in part because] I had a heart attack a year ago. Sometimes I am tempted to do more, but my lover lets me know when my schedule is getting too heavy and tells me to slow down.

RECORD: Would you comment on the Steve Goble incident?

CF: It was one of the types of experiences that convinced me to come out....[Before,] I had a hard time reconciling my private and public lives. Being privately out and publicly closeted, I couldn't meet people or establish relationships so I resorted to hustlers....After I came out in June, I threw Goble, [a male prostitute,] out of my life in August.

[As to the facts of the incident,] at this

time, I began to spend much of my time in Massachusetts so people could see that I was still the same person I was before coming out. Also, I now realize, but did not at the time, that Steve Goble, just coming off probation and no longer being tested for drugs, started doing cocaine again. This brought out the worst in him. It was at this time, when I was away, that Goble starting to use my DC apartment for hustling. Within two weeks, my landlady called me up and warned me about what was going on so I threw Goble out.

RECORD: What were the findings of the House Ethics Committee?

CF: [As an end result,] I was reprimanded which is the lowest form of punishment. The reprimand was for abuse of the parking ticket waiver privilege because Goble used the privilege on occasions He told me he was doing official business for me, [but in fact] he wasn't. [Also,] there was a memo I sent to a friend, a lawyer in Virginia, asking for advice as to how Goble could avoid an extra year of probation. In this memo, I lied about how I had met Steve Goble saying that we had met through mutual friends. Without my knowledge, this memo was sent on to the prosecutor in Goble's case. But the prosecutor testified that I never tried to influence him.

The Committee stated that there was no credible evidence that I tried to use improper influence with the prosecutor, had sex with Goble in the House gym, or knew of his use of my apartment for hustling.

RECORD: Do you think the incident has hurt the gay and lesbian community overall?

CF: Probably marginally, I was concerned it might hurt more, but the tangible evidence doesn't indicate that it did. The gay rights bill passed in Massachusetts shortly after the incident and, also, Congress passed my bill to repeal the anti-gay immigration piece.

While I see no tangible evidence....I think the fact that I had resorted to prostitution had the effect of reinforcing some of people's negative stereotypes about gays.

RECORD: What is your opinion on the emergence of openly gay Republicans? [Gay Republicans are beginning to form groups called Log Cabin Clubs, so named as a reminder that the roots of the party are with Abraham Lincoln and freedom.]

CF: I now understand where they got the phrase Log Cabin Republicans, they

all have the soul of Uncle Tom.

With the exception of Massachusetts, it is not a phenomenon I understand. [Even here,] it has been Bill Weld personally who has been supportive of gay and lesbian rights, not the Party as a whole. With the exception of Weld, the record of the Republican Party is dismal. You have the despicable act by Pete Wilson, [Republican Governor of California, vetoing his states gay rights bill] and John McKernan, [Governor of Maine and] a moderate Republican killing a similar bill in his state by threatening to veto it. You have George Bush opposing Congress' repeal of the amendment which would allowed HIV positive immigrants to stay in this country. [By doing so,] he is saying that people like Magic Johnson are a threat walking around and cannot be allowed here.

On the whole Republicans go from mediocre to terrible [on gay issues] while the Democrats, on the whole, go from mediocre to good....Gay people shouldn't support Republicans in the hope that Republicans will be supportive of gay rights, gay people should support those who are supportive of gay rights.

RECORD: Do you think the Presidential administration's response to AIDS has been adequate?

CF: No, very weak. When the Congress does the right thing the administration usually goes along...but even there they sometimes drop the ball, such as with the immigration policy. The President also has made comments about the "innocent" victims of AIDS [only when referring to certain people with AIDS.] The domestic funding policy is also terrible with AIDS, as it is with [other diseases.]

RECORD: Do you believe the military policy banning gays and lesbian will be overturned?

CF: Yeah, it is too stupid to survive. I've said before the House that I have known there aren't any good reasons for it to survive and now, after listening to [the military], I know there aren't even any bad reasons for it to survive. If a Democrat becomes President, it will be wiped out. If Bush is reelected, then it will take longer....[but] I don't see the policy lasting three years.

RECORD: What are your views on ACTUP and Queer Nation?

CF: I differ with them more often than not, things like throwing condoms at priests is as offensive as well as politi-

cally stupid. Civil disobedience and demonstrations are legitimate tactics, but they require more thought [that these groups give them.] They need to pay more attention to the practices of Ghandi and Martin Luther King, saintly, dedicated people, who were also very clever politicians.

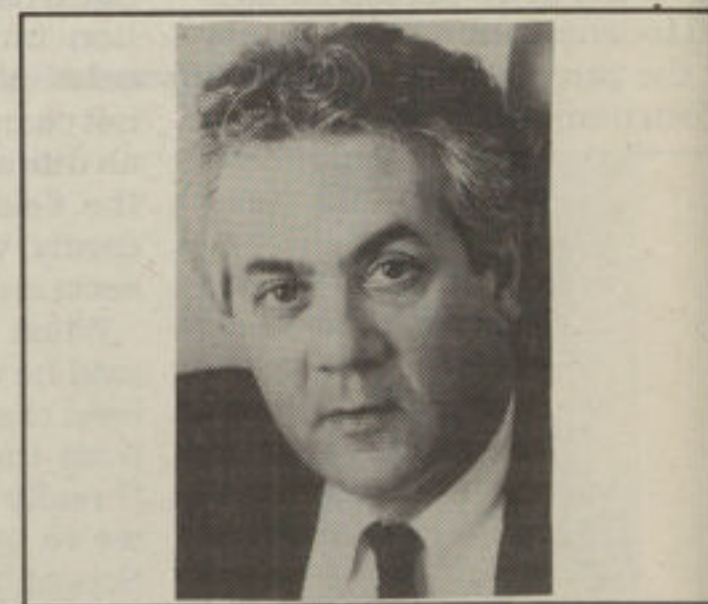
Of course, I realize that some of the people in these groups have a very bleak view of American society. They think things are terrible and getting worse while I believe the prejudices [against gay] are lessening.

RECORD: Have you seen a lot of change as to how gays and lesbian are been treated in your lifetime?

CF: The change has been enormous. It has gotten much better, though it is still a problem. I think the country is less anti-gay than it thinks it is supposed to be. With racism it is the reverse, the country is more racist in fact than it is officially. Even though the statutory discrimination against blacks doesn't exist as is does with respect to gays, I think, in fact, the average person is more anti-black than anti-gay.

RECORD: What do you see for the future of the gay and lesbian civil rights movement? Specifically, do you think that there will be a rapid advancement in the gay civil rights movement in the foreseeable future or simply a gradual progression?

CF: Somewhere in between, but more dramatically than slowly. [There are now,] openly gay and lesbian elected officials, gay rights bills and domestic partnership acts. The passage of the gay rights bill in California would have been a big breakthrough, but even there Pete Wilson is learning that, what he thought was the correct decision politically is, in fact, turning out to be a stupid decision.



Congressman Barney Frank '77

HLS Forum Boasts Distinguished Speakers

The Harvard Law School Forum has recently added two more distinguished

By Evette Harrison

individuals to its list of speakers. Arthur L. Liman spoke on Thursday November 14, and Thomas G. Wicker will speak on November 18.

Liman, a partner at the law firm of Paul, Weiss, Rifkind, Wharton & Garrison gained national recognition when he served as Chief Counsel for the Senate Select Committee on Investigation of Military Sales to Iran, during the Iran-Contra Scandal. More recently, he has served as the principal defense attorney for Michael Milken, the former junk-bond financier.

Liman's speech dealt with the issue of whether Congress is suited to conduct investigations. Michael Bressman, 3L, Forum President, thought that Liman was particularly timely "in light of what happened with the Thomas/Hill investigations."

Thomas G. Wicker who is currently a columnist for the New York Times is scheduled to address the Forum on November 18. Wicker has had a distinguished and diverse career as a journalist. As White House Correspondent for the Times, he covered the assassination of President Kennedy. In 1966, he began writing the "In The Nation" column, which now runs on the Op-Ed page of the Times.

Said Bressman, "I think Wicker is a very interesting speaker. He has been observing America for many years and will talk about his perspective of where America is right now, and of what's right and wrong with America."

Since its inception in 1946, the Forum has hosted such notable people as John F. Kennedy, Fidel Castro, Malcolm X, Jerry Falwell, William F. Buckley, Thurgood

Marshall and Henry Kissinger.

"In the early days, I think the most noteworthy people came to Harvard," stated Bressman. "The people we get today we believe are interesting to the community and teach the community, but not every speaker can be a John F. Kennedy or a Martin Luther King."

Bressman went on to explain that it is often difficult to get the high caliber speakers of the past on a regular basis because "nowadays a lot of these speakers are represented by agents and the reality is some of them just won't come because they won't get paid." However, some who usually get paid do, sometimes, waive their fees.

Even some speakers who have declined to accept speaking engagements at HLS have managed to leave lasting impressions on the members of the Forum. Judge Wapner of the "Peoples Court" is one such person. Jeff Byrne, 3L, Forum Programming V.P., had this to say about Wapner: "We pretty much had him. But he wanted first class airfare for himself and his wife, whom he does not go anywhere without. After I told him we only pay for coach, his previously flexible schedule became suddenly filled."

Judge Souter's rejection letter was Byrne's favorite. Souter wrote: "I've not yet begun accepting outside speaking engagements...and plan not to do so until I have some sense of ground under my feet here. I hope you understand." Byrne felt it was "scary" that a Supreme Court Justice did not feel grounded yet, and felt it best that Souter not accept the speaking engagement.

Guest speakers presented by the Forum this past year include Rudolf Giuliani, Barney Frank and T. Boone Pickens. The Forum is currently trying to schedule Lee Iacocca and Dennis Quaid.

LSC Urges Support Of Public Interest

By Michael J. Twomey, President and Spencer A. Overton, Chairman, Legal Education Comm.

As Dean Robert C. Clark '72 eloquently explained in his address launching the Harvard Law School Campaign ("Investing in the Future," October 1991 issue), the face of American law has changed dramatically in the past fifty years. Amongst the changes has been an enormous increase in the need for lawyers practicing "public interest law." Broadly defined, public interest law encompasses work for non-profit organizations or government. Specific examples include work protecting the rights of battered women, abused children and the poor and work in the offices of district attorneys, public defenders and government agencies.

As elected representatives to the Law School Council, the student government of Harvard Law School, we write to bring attention to an impending crisis for students considering careers in the public interest. It is already difficult for students to accept summer positions in public interest law because these positions often offer little or no salary. Considering the high debt incurred by most law students during their years at HLS and the lucrative salaries available from private firms, the choice between public interest and private sector work is all too often made on financial grounds. Indeed, the student accepting a summer position in the public interest not only foregoes income which could reduce the need for educational borrowing, but may even require additional borrowing to provide for summer living expenses.

Last year, students willing to take public interest positions did not fare well. Of 311 applicants, only 128 received any grant money from Harvard Law School. Far from being generous, these grants only served to increase the resources of those students to \$1,800 for the entire summer. Compare that with the \$4,000 summer

living allowance which the Financial Aid Office regards as "reasonable, the roughly \$4,000 NYU Law School provides to qualified public interest applicants out of its core operational budget, or the \$10,000 - \$15,000 earned by students during the summer who take jobs in the private sector. Such sacrifice is extraordinary.

Herein lies the crisis. Largely because of the generosity of a single alumnus, the Law School was able to provide approximately \$150,000 to students pursuing work in the public interest during each of the past three years. As the numbers above indicate, even that funding was inadequate. Now, however, that fund is depleted and the Law School is currently unable to guarantee any funding for public spirited students for the summer of 1992. In fact, the situation is so severe that at Harvard, as at many other law schools, a Student Funded Fellowship program has arisen. In essence, Student Funded Fellowships is a student-organized financial aid program through which students working at private sector law firms donate a portion of their salaries to fund their fellow students who choose to serve the public. Last year, students donated almost \$60,000 to their classmates. Next year, aside from federal work-study programs, such student-to-student transfers may be the only source of funding available.

Harvard Law School, as the premier institution of legal education in America, and lawyers, as a profession, have a moral obligation to ensure both competent, compassionate government and equal justice for all American citizens. Enabling Harvard Law students and graduates to engage in public interest law is a significant step in meeting that obligation. We hope, therefore, that some alumni contributing to the Harvard Law School Campaign will consider "earmarking" their donations for use in public interest funding.

Questions may be sent to the Harvard Law School Council, Story Hall, Room J. For more information, call Michael Twomey at (617) 661-1856.

This article was also submitted as a letter to the Harvard Law Bulletin.

Restaurant Review

Grease Is The Word

YEN CHING
1326 Mass. Ave.
547-1130
Rating: **A+**
Disabled Access: yes
Entrées: \$7-13
Dress: informal

Being served a plate of putative Chinese food drowned in a shiny pool

By Mike Wang

of grease offends my sensibilities, just as surely as when I read a restaurant reviewer's complaint that his shrimp with lobster sauce "had no discernible lobster flavor"; when my college dining hall served chicken goo over rice and called it "chicken chow mein"; or when this woman asked my grandmother how Chinese eat soup with chopsticks.

Why? Because saying that lobster sauce has no "discernible lobster flavor" is like saying that A-1 steak sauce has no discernible steak flavor. Because "chow mein" literally means fried noodles; chow mein is not a catch-all and is not interchangeable with "chop suey" (which doesn't mean anything). Because Chinese do have soup spoons. And because real Chinese food should not be drowned in grease. (Unless it is an eggroll).

Still, Yen Ching, located in the heart of Harvard Square right outside the T entrance, makes a killing off tourists and Harvard undergraduates sick of chicken chow mein. The reviewers for the *Unofficial Guide to Life at Harvard*, for instance, claims that Yen Ching's food is "perfectly acceptable and compares to most other Chinese food available in the Square."

Where were they eating?

Table settings include steel forks and knives; chopsticks available only upon request. The prices here are on the high side, but the servings are much larger here than at conventional Chinese restaurants.

A word about Yen Ching's menu: the dishes listed in red ink are spicy hot, Szechuan style. Also, you'll notice that Beef Teriyaki and other oddities are among the offerings. (Identity crisis?)

The egg rolls (\$2.50), as expected, were soaked in grease, but the pork-and-cabbage filling was tasty. The cashew chicken (\$7.20) was, to our dismay, even greasier than the egg rolls. Also, the chicken was served burned, tasting like the pan it was cremated in.

The sizzling beef (\$8.95) was served in enough oil to light the Square — Yen Ching's recipe apparently calls for an bottle of Crisco — but the meat itself was tender and very well spiced. We also tried a plate of dumplings (\$3.95) and found the dish woefully undercooked.

Authentic Chinese food derives its flavor from ingredient quality and sauces. Used in moderation, MSG, soy sauce and Crisco should enhance the flavor of Chinese dishes, not overpower. Any ostensible Chinese restaurant that loads on the grease and condiments plants for itself a flag — a flag that it is a tourist trap, an ethnic greasy spoon. So unless your cholesterol count is too low, let the tourists and undergraduates crowd Yen Ching's; go to Chef Chow's, Joyce Chen's or even Young Yee's instead. At Yen Ching's, grease is the word. If you must come here, bring some wheels of commerce.

This Saturday...

THE LEISURE CLASS

will triumphantly return to Club 3 to rock your socks off.

Saturday, November 16

9:00 PM

Club 3 - 608 Somerville Ave., Somerville

Jimbo Timbo Dave Mr. Payne

Harvard Law Record

Volume 93, No. 7

Robert C. Arnold
Editor-In-Chief

Nothing 'Magic' About Earvin

Just about everyone who was alive on November 22, 1963 says they can remember exactly where they were when they heard the news that President Kennedy had been assassinated. When they sometimes look back on the event, they often say the memory is recalled to their minds like it was only yesterday. There are very few events which leave such an indelible imprint on a person's life. Magic Johnson's announcement on November 7, 1991 that he had tested positive for the HIV virus is one of these events.

Everybody has their own bent on Magic's announcement. The sports world has found another reason to honor one of its truly great heroes. The medical community has found renewed vigor for its crusade against AIDS. And African American men? Well, we have found yet another indicator of the reality of the abominableness and sheer tragedy of our gruesome, collective existence.

There is hardly a single statistic which portends a healthy future for African American men. Nearly half of the black babies in the United States are born into and live in poverty. One in four black males between the ages of 17 and 26 is registered with a criminal record in prison, on probation or on parole. And more relevantly, although we make up only 5% of the total population of the United States, we make up 29% of the deaths from AIDS.

These numbers point to the fact that about half of the black community lives in a different world than most of us. It's a world where poverty cuts deeper than the lack of money, the lack of decent health care, and the abundance of drugs. This black world, both literally and figuratively, is largely without the threads that knit many other communities together: strong family relations, blue collar jobs, powerful community groups, effective leadership, or even safe playgrounds for our kids to play in. Now, the awareness of the pervasiveness of AIDS brings new strains to an already strained community.

Many admittedly radical black leaders point to these numbers as evidence of the existence of a conspiracy to destroy black men. Although I am not validating their argument, it's fairly easy to see how the evidence makes such a position seem fairly tenable.

Yes, I whine and gripe and bitch about everything and anything. And yes, we all get sick and tired of hearing about everyone else's causes and problems and heartaches. But when I looked at Magic Johnson confidently telling the world about his condition and about how he will "live on," I didn't see Earvin Johnson the superstar, superhero, superhuman being, I only saw a man who, without his "Magic," would be just another faceless, nameless, black man headed for an unnecessary and premature death.

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Liabilities



I Love Harvard Law School

To the Editor:

While it is plausible to argue that Yale Law School is superior to Harvard in certain respects,

Letters To The Editor

some of the evidence Robert Arnold used in his latest editorial ("Yale Law School is Number One," 11/1, p. 6) is tenuous at best.

Arnold reels off the names of Yale Law graduates who are either presidential candidates or who played prominent roles in *l'affaire Thomas*, as if this conclusively establishes that "Yale moves in modern times with unrivaled stature."

This is preposterous, especially when one considers a fact that Arnold ignores: four members of the current Supreme Court are HLS graduates, as was Justice Brennan. (With the addition of Clarence Thomas, Yale can now claim two members of the Court). In addition, Harvard has unparalleled dominance in burgeoning fields of law such as Negotiation and ADR, not to mention mainstays like Corporate Law. Is this irrelevant to "modern times?" It seems that restricting one's evaluation of a law school's "stature" to its alumni's participation in a single *cause celebre* and a Quixotic presidential cam-

paign is rather narrow.

Arnold also claims that, unlike Yale, "the law school part of Harvard Law School is a miserable experience." He bases this on the anecdotal claim that he doesn't know any students who "say they enjoy their time here." While this may be explained by the possibility that Gripemaster Arnold only associates with fellow HLS-haters, I am willing to publicly contradict his base of evidence. Mr. Arnold, I love HLS, especially the "law school" part of it. Call me a Pollyanna, but this place provides me with everything I wanted in a law school. I absolutely enjoy my time here, both in and out of class, and I defy anyone to persuade me why I should hate my next three years at HLS.

Certainly I am sympathetic to Mr. Arnold's claim that "too many students are suffering through the most miserable period of their lives." But I can only wonder whether such students might simply hate the study of law, rather than HLS per se. While smaller classes and increased faculty contact would enhance the HLS experience, I cannot agree that Yale's edge in this regard renders HLS a Purgatory by comparison. It would be disheartening to think that this perspective is a minority view.

Jason Levine '94
October 31, 1991

More To HLS Than "The Law"

Dear Jason,

Great letter!!!

Although I admittedly overstate my position in the editorial (Nov. 1), I think you misunderstand its theme. "*L'affaire Thomas*" was simply an exaggerated example to make a point. Let me clarify my sentiments.

First, there is more to HLS than "the law." I refer to the quotes by Yale Law Dean Calabresi (Nov. 1) and former HLS Dean Bok (Sept. 20) to establish the point that a lot of people who graduate from schools like ours do many, wonderful non-law related things. The law school has a responsibility to help prepare these people for whatever career they so choose. Given this undeniable notion, the law school could do more in this area.

Your point about Negotiation and ADR is well-taken. My first-year elective was the Negotiation Workshop, and I am currently enrolled in Mediation. Also, I plan to take the ADR class. However, should you decide to take these classes, you will discover that they are taught

by "non-traditional" methods. These classes in the "burgeoning fields of law" lend more support to my argument: that is, our education/preparation is better served by smaller classes and more faculty interaction like that presented in those courses and typically at Yale.

It really is insignificant which school is number one, as if a news magazine's ranking is a definitive statement anyway. What is significant, however, is that there are glaring deficiencies at HLS which can be corrected. Let's get them corrected.

Anyway, irrespective of our profoundly different feelings, I respect your premise. HLS has many things to commend it. Of course, that's why we all chose to come here.

Thanks for your letter. I too "love" going to HLS, but I don't "love" HLS per se. Including you, I now know one student who does. I hope you continue to do so and I hope you continue to read the RECORD.

Robert C. Arnold '93
November 11, 1991

Give Credit Where Credit Is Do

To the Editor:

It continues to be a pleasure to read about the continuing success of what started out as Code Critical and has now become the National Association of Students Against Homelessness (RECORD Nov. 1). I do however want to bring to your attention a factual mistake you made. Code Critical was the inspiration of Alain Kodsi (phonetically pronounced **Code-C**), and although a very little known fact, the genesis of the organizational name **Code Critical**.

Although Alain got literally all his friends involved (of which I was one), it was solely his vision and his hard work which kept the organization going and for which he was officially recognized by the Mayor of Boston for his outstanding work.

Alain's involvement in raising awareness of the issues affecting the homeless have continued. While a first year associate in New York, he re-organized a group of his friends (again, of which I was one). He had each of us agree to gather a group of summer associates from our firm (Cravath, Swaine & Moore in my case) to attend a homeless shelter and paint, serve food or do whatever else was necessary. He also convinced each of our firms to contribute \$500 to a homeless shelter.

This past weekend I was privileged to participate in the *Second Annual Minority Recruitment and Placement Conference, The Legal Profession in the Nineties, Issues of Gender, Race and Physical Disability* in my capacity as a Latino attorney and the Chair of the Latino Committee of the Harvard Law School Association (possibly the best conference I have ever attended or hope to attend). The conference was also the inspiration of Alain and his new venture Harvard Alumni Placement. True to form, Alain was able to surprise us by handing a check over to the law school for \$10,000 which will go towards the Charles Hamilton Houston Fellowship (the fellowship provides minority attorneys with the funds to obtain an LL.M. at Harvard and to pursue careers in teaching). This is the largest contribution ever from someone only two years out of law school.

I have worked with Alain for five years and have seen him time and again spend literally a thousand hours on one pro bono project after another. It is difficult to find individuals so willing to contribute. So, as an alumnae and a representative of the Harvard Law School Association, I encourage you to give credit where credit is do.

Julie Anna Alvarez '88
November 9, 1991

Russian Judges Want Real Justice

Twelve days before he called for sweeping economic changes, Boris

By Stephen Breyer '64

Yeltsin addressed the first congress of Russian judges in Moscow. At the gathering of 535 judges, the President of the Russian republic declared his desire to restructure its legal system.

The gap between these hopes and reality was painfully clear. As the judges confirmed, they have been seen as little more than low-level servants of the Communist Party. The success of Mr. Yeltsin's programs will require a drastic transformation in judicial temperament and in public perception of the judiciary.

The West can help. We can offer experience and expertise in the ways of an independent judiciary. France and Germany have already agreed to provide opportunities for the Russian judiciary to study their legal systems. The U.S., with the help of its bar associations, foundations and law schools, should do the same.

The judges discussed how Russia has been a society without law. The party, the prosecutors and the police, not the judges, controlled the criminal process. The police and prosecutors could arrest suspects and hold them in detention without a trial for months, even years. When a case did go to court, the prosecutors had the upper hand.

Armed with the power to appeal and the greater prestige of their jobs, prosecutors could remind judges that judges and prosecutors were on the same side, representing the "state" or the "people." Guilt or innocence sometimes depended on what the judges called the "telephone connection"—the call from the local party

Stephen Breyer is a former HLS professor and chief judge of the Court of Appeals for the First Circuit.



official dictating the case's outcome.

Judges complied largely because they needed the party for food, housing, and their children's educations. Paid less than a third the salary of unskilled laborers, the judges had no

law back to the Russian state. He called for an independent judiciary that would be an equal third branch of government. The judiciary would be strengthened by immediate salary increases and by lengthy terms of

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real independence. As one judge put it, judges cannot be independent "if we have to ask the local bosses for each brick, for each can of paint, for each rusty nail." Another judge said that recent polls showed that the judiciary has the confidence of only 10 percent of the public.

Mr. Yeltsin offered three specific changes that would bring the rule of

office with safeguards against removal. Mr. Yeltsin had already turned Communist Party buildings in Russia over to the judiciary for use as courts.

Mr. Yeltsin also urged that judges, not prosecutors, take control of the criminal process. Judges would oversee the legality of arrests and exclude illegally obtained evidence

from trials. Judges would review the legality of any confinement. Defendants would also gain the right to meaningful representation by counsel, to trial by a Western-style jury and to an appeal of a conviction.

Finally, Mr. Yeltsin proposed the formation of a constitutional court, something like our Supreme Court. The judges, appointed for life, would have the power to hold statutes unconstitutional.

Can these proposals succeed? The Russian Parliament has not yet enacted the reforms. Some are tentative; some are simply nonspecific goals. Many cost money, which is scarce in this time of budget deficits and inflation in Russia.

The reforms may also meet local resistance; in fact, one judge said that when she asked local party officials for use of the party building, they not only refused but locked her out of her old courthouse as well.

The reformers seemed to recognize the obstacles they face. Yet they will make the effort. Explaining why judicial reform is as important as economic reform, Minister of Justice Nikolai Fyodorov said, "If Russia has to choose between a constitution and sturgeon with horseradish, she must choose the constitution. Besides, it will make a very fine wrapping for the sturgeon with horseradish."

We should do our part to aid the Russians in creating a new judiciary. We should bring them here to study. Soon, Russia would have several hundred officials, each with an understanding of a Western system.

A co-equal judicial branch and a system of constitutional review, which lie at the heart of the proposed Russian reforms, are central to our own system of government. For this reason alone, Americans bear a special responsibility to join in the efforts to help create an independent, nonpolitical judiciary in Russia.

Fenno

This time, Fenno was ready. He had Martindale and Hubblized every lawyer in the firm, and even some of the dead partners and last year's summer associates. He had read every article about the firm in the Wall Street Journal for the last twenty years. In a fit of desperation, he had even read the brochure in the Career Services Office. So what if Dewey, Billm, Moore was the lowest rated firm in the nation ten years running in the American Lawyer? Hey, babe, these are the 90's, and a job is a job, is big money, is babes, is fast cars, is season tickets, is a house in the Hamptons, is beer.

When he got there, the receptionist told him to sit over by two large swarthy guys wearing dark double-breasted suits with carnations in their lapels. "Glad to make your acquaintance, my name is Vito, and dis is my cousin Anthony. We're here about a business proposition. We're in, ah, da finance business, yeah, da finance business. Oh, de ah, violin case, no, no, it's just a hobby I been taking up."

Luckily it wasn't long before he met the hiring partner, James Philip Hamilton WHITE IV. "Thisway, Mr., ah, ah, Fenway."

"That's Fenno," Fenno replied.

"Whatever," said J.P..

On the way back to J.P.'s office, Fenno should have seen the signs. Woman, children, first-year associates, pushing for the fire exits, partners wearing life-jackets, secretaries tossing filing cabinets, office furniture, and anything else that floats out the windows, maintenance men lowering life boats down the window-washing scaffolding.

"Don't mind the mess," said J.P., "we've had to let go 125 of our associates and 50 of our junior partners. Inferior work-product you know. You simply cannot get good help these days. Don't you worry, Mr. Fenwick, it had nothing to do with rev-

enues, we anticipate greater profits for the partnership than ever before."

"Ah, that's Fenno sir," said our hero.

"Whatever," said J.P.

"Ah, I really enjoyed my on campus interviewer, will I be able to meet with Muffy Wannabee again today?" Fenno asked with a nod and a wink.

"Oh, I'm sorry Mr. Fennington, she was indicted for Rule 11 violations. It seems a partner she was working for made a slight ah "mistake" in his pleadings. We had to let her go, bad for business you know to have that sort of element in the firm. Young lawyers should simply be more careful about the things they sign. It doesn't really matter though, she wouldn't have made partner anyway. We tried a woman partner once, it just didn't work out, we had to let her go. It was too bad, she had rather attractive legs." Sniffed J.P..

"Ah, that's Fenno, sir," said Fenno, as they passed by J.P.'s secretary, who was busy shredding documents.

"Whatever," said J.P., as they sat down on packing boxes and got down to business.

Well, you can just imagine the rest, but needless to say, it wasn't what Fenno expected. They did go out to lunch, though. As Fenno counted his change, he realized that he never knew how tasty hospital cafeteria food could be. As they left the Free Charity Hospital for the long bus ride back to the office, Fenno buttoned his overcoat and thought to himself, "Oh, well, there's always public interest."

QUOTE OF THE WEEK

"We don't have to run from it. We don't have to be ashamed of it."

Earvin "Magic" Johnson speaking about the HIV virus and AIDS

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Magic Johnson: When Tragedy Becomes A Game

If he was just Earvin Johnson, another streetball king from Dorchester,

By Rich Wareing '93
RECORD Columnist

Detroit, or Brooklyn, nobody in America who matters would give a damn right now that he's going to die from AIDS. No, he'd be just another nigger who got it because of his own promiscuity or drug habit. It would be his own fault, and that would be the end of it, and the end of him.

Because, however, he is Magic Johnson, one of the greatest players basketball has ever seen, and a first class human being as well, respectable America is "saddened" and suddenly "shocked," "concerned," and "worried" about the AIDS "crisis."

It was the same deal with the Thomas hearings. Because Clarence Thomas was up for the Supreme Court and not some petty bureaucrat or middle-management type, and because Anita Hill was not a nobody secretary or low-level administrative flunky, but rather an intelligent, educated, professional woman, sexual harassment became "an important issue that all Americans had

to consider." It was the same when Professor Frug was brutally murdered last spring. Because she was a well-known, well-educated, white woman from Brattle Street, and not a nobody minority welfare mother from Jackson Square or Roxbury Crossing, her death came to "illustrate the pervasive cycle of violence in America's cities."

"Watersheds?" "Landmark events?" "Re-defining moments?" Bullshit. Nothing really changes for most people. The problem of sexual harassment in the workplace goes back as far as there have been working women and is likely to go on, unchecked, far into the foreseeable future. True, some women, mostly highly educated and well-positioned, will be able to reap what Anita Hill has sowed, but the bulk of working women lack the education, the financial independence, and most of all, the self-confidence to stand up and fight. They will have to go on as before, tolerating the snide remarks and unwelcomed advances. Nothing will change for them, and now that there's no longer an easy story in it, it will get no attention from the media.

It's been the same with Professor Frug's death. Respectable Boston was

justifiably shocked and outraged. Unfortunately, the shock and outrage did not get much past Brattle Street. Though Professor Frug's death got the attention it deserved from the press and police, little was said or done about a young man from unfashionable Charlestown who got whacked that same weekend, or the savage rape and beating of a young woman at Alewife Station a few weeks later. Indeed, little is ever said or done about any of the terrible violent crimes which happen on a daily basis in certain, isolated and dying neighborhoods.

AIDS, come on. Whenever it seeps out into the lives of the respectable classes, like the cases of the little hemophiliac boy and the woman who got it from her dentist, it's a terrible crisis which commands front page attention. When, however, it is the disease which kills junkies, homosexuals, and obscure dark-skinned poor people from the inner city, nothing happens, and only the occasional report, strictly for breast-beating purposes, is issued by the press.

Upper middle class America, which is mostly wealthy, well-educated, white and suburban, and therefore sheltered from most of the problems which the

rest of the world faces, defines national problems in terms of its self-perception. As long as crime, drugs, poverty, and domestic violence stay out of their neighborhoods, then they are not problems. The moment, however, something penetrates their little world, a crisis is declared and money is spent to beat the problem back where it came from, and there it is left to fester.

This is both highly practical and psychologically gratifying to the people who live this way. It allows them to pass off most problems as the victim's fault, while elevating theirs to the level of a national crisis which must be solved immediately. It also does them a great psychic service in that it allows them to show their "sensitivity" and how "guilty" they feel about certain problems without ever having to make a single real sacrifice for which they get nothing back.

I feel bad for Magic Johnson because he is the victim of a terrible disease. His brilliant career is over, and the clock now ticks and soon the bell will toll on his remarkable life. I also feel for Magic because he has become the latest tool of a class of people who care nothing about anything, or anyone, except themselves and their own little world.

Some Notes And Thoughts On East And West (And North And South)

There is a saying in the real estate business: "There are three important

By Jim Datri '92
Managing Editor

things to look at when buying a home: location, location, and location." Will you be living in or next to a cultural center? How are the local schools? Is your home three blocks away from a slum? If so, is the slum district being taken over by yuppies, or is your prospective neighborhood being overtaken by the slum? If you're getting a 25-room mansion for \$100,000 (and you can do this) you can bet it is both in the middle of nowhere and about to be overtaken by a slum. But is this all "location" means?

An increasingly large, back-to-basics mail-order clothing business named Lands' End has made a name for itself by advertising that the company and all its employees are in Dodgeville, Wisconsin. In each catalog, they run little

stories about the employees and their families, their schools and local sports leagues. Dodgeville? Dodgeville schools? So what? Answer: location, location, and location. You'd never want to move there, and even after reading about it in a years worth of monthly issues, you'd probably never even want to visit there. But Dodgeville is the perfect blank slate for the people at Lands' End to present a corporate image that sticks - and works. They are the one and only mailing direct from Dodgeville. In New York City they'd be one in a million with a slate filled with graffiti in all but one spot.

Remember the salsa commercial that knocks a competing brand simply because it is "made in New York City"? If I remember correctly, one cowboy in the ad is just about ready to kill his buddy for bringing such a salsa out onto the prairie. This is not to say New York City is not the very best location for many businesses to build a corporate image. If I was opening an invest-

ment banking firm or becoming a theatrical agent I'd be sure to have a New York address, even if it was just a P.O. box. But there are no two ways about it - people know (or think they know) what New York is all about, even if they haven't been there. It is a location already defined.

Would you know what I meant if I talked about the Northern, Southern, Eastern, and Western United States? Do different images come to mind? Are we talking just about geography, or do these regions have distinct characters or even states-of-mind? Is Orlando in the South or the West? The South, you say? Could have fooled me. Last time I was there it looked like the West. There were palm trees, theme parks named after a guy called Disney, and bright, sunny beaches nearby. And Chicago? It sure looks like an Eastern city, yet it's pretty far North, and people say it's part of the Midwest. Speaking of the West, aren't we all Westerners, part of the Western

world? Given all this, are Chicagoans part of the North, East, Midwest, or West?

And what about George Bush? Where is he located? Maine? Texas? Washington? The White House? Yale? The Industrial Northeast? The U.S.? The Free World? Does it matter? You bet. Is it an asset to him that there would be a great deal of argument over which of those locations, if any, he hails from? Most definitely. The guy cannot be pinned down. He's all over the place. Location-wise he's the ultimate everyman (even though he is a millionaire). Apparently he took a course in real estate. Where was Dukakis from? Brookline, Massachusetts. Second house on the right. Apparently Dukakis missed the course altogether. It's good to know a bit about the rules of real estate.

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

Coalition Meets to Discuss "The New Paradigm"

"We're going to be citizens and human beings a lot longer than we are

By Steve Papkin '94
Special to the RECORD

going to be Republicans and Democrats," said Presidential deputy Jim Pinkerton as he called for bipartisan support for the New Paradigm in Austin North on November 1.

Democrat Elaine Kamarck, senior fellow at the Progressive Policy Institute of Washington, joined the Republican Pinkerton in support of the New Paradigm. She said that during the 1980s, the "old paradigms" failed. The forum was co-sponsored by the HLS Republicans and Kennedy School Republicans.

Both Pinkerton and Kamarck agreed that the old conservative and liberal paradigms were not working any more. Traditionally, conservatives have stressed unfettered liberty and trickle-down economics while liberals have clamored for more government spending and management. The New Paradigm rejects both of these approaches. It calls for a simplification of the legal system and removal of as many regulatory barriers as possible. It also puts a premium on individual responsibility and creativity.

Two areas where the old solutions failed are welfare and education. Kamarck said that in the 1980s, there was economic growth, but the welfare class was not helped. Pinkerton pointed to education. He said that the US spends more on education than de-

fense, yet American children place 14th in the world in terms of achievement.

Kamarck added that government's inability to deal with today's social problems has led to a disillusionment with government. At first, just the Democrats were hurt by this alienation because they are more associated with government, but now, the Republicans are being affected because they have held the White House since 1981. Said Kamarck, "In government, the American people are getting K-mart quality for Sacks prices, but as consumers, we won't pay Sacks prices for K-mart quality."

Pinkerton listed "blaming" as another aspect of the "old paradigm." "Politicians perfected the art of blaming. They blamed others and got re-elected. Meanwhile, the community fell apart." He added that the search for solutions led him, a Republican, to work with the Democrat Kamarck.

Kamarck mentioned two crises in American politics: a crisis of accountability and a crisis of personal responsibility.

She said that the crisis of accountability is caused by government officials no longer paying for incompetence or criminal activity. As examples, she pointed to Cuyahoga County, Ohio where the county commissioner cannot fire employees for criminal conduct and the New York City subway fire which was caused by specially-ordered fans sitting in an Ohio warehouse for 13 years. No one was fired for that mistake, she said.

As for a lack of personal responsibility, she mentioned that *New York* magazine writer Joe Klein asked mayoral candi-

dates asked two questions about welfare. The first question was what the government owed a 15-year-old girl on welfare. He got comprehensive answers to this question.

The second question was what that same 15-year-old girl owed the government. The candidates had no answer.

Pinkerton found bureaucratization to be one of the major problems in America today. "Maybe bureaucracy was a good idea 100 years ago as envisioned by Max Weber, but it is extremely limited. The decline of the Soviet Union is an example of the limits of bureaucracy." Pinkerton said that if America is to be successful in the 1990s, it would need to follow the example of successful American corporations like Microsoft which stress informality, creativity, and openness. He said that the American companies run like Microsoft tend to be far more successful than their Japanese rivals.

Looking to the political future, Pinkerton said the Republicans need to change. He said, "The GOP achieved power by being anti-Communist and anti-tax, but issues are gone. It needs to find new issues. Jack Kemp, Lamar Alexander, and Newt Gingrich realize this, but the party doesn't. To stay in power the GOP needs to more than accomplish its mission." He reminded the audience that the British voted Winston Churchill out of office shortly after winning World War II.

HLS Republican Club President Jim Bowen, 2L, said that the GOP should listen carefully to what Pinkerton advocates. "The GOP will really be losing

out if it doesn't back this program," said Bowen.

The tall, lanky Pinkerton began his speech with two humorous answers to commonly-asked questions: "6 feet, 9 inches" and "No, I don't play basketball. I tried out once, and the coach said, 'Pinkerton, try politics.'"

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Food For Thought: A Critique Of Harkness Commons

Of the nearly 700 students who pass through the dining area of Harkness

By Harry Mittleman '94
Special to the RECORD

Commons, those whose appetites are bounded only by the capacity of their tapeworms wax rhapsodic about undergrad dining halls. Remembering that within those college havens payment of a flat entry fee gave them license to make absolute gluttons of themselves, these malcontents sound their thrice daily complaint. The depressing refrain punctuates mealtime conversations like a flatulent report: "The portions in the Hark are too small! It should be all you can eat!" A truly dimwitted remark since, of course, the food is all you can eat, provided you pay.

What students caught up in these lachrymose moments of self-indulgence forget is that the cost of providing an unlimited supply of food turns on the number of patrons. Undergrad dining halls typically cater to thousands, for a much steeper price than the \$3.20 or \$4.00 students on the Hark's meal plan pay for their fistfuls of Tootsie Rolls and Junior Mints. Student interest in an all-you-can-eat meal has been rising to a fever pitch, so if you finally want to "get your money's worth" bring a comfortable seat cushion and plenty of your

favorite emetic.

This is not to say that there are no problems. The meal card system seems little improvement over primitive systems of barter. Each student is allotted a certain amount of credit per meal, the entire sum of which enters the cash register's till regardless of the actual value of purchase (Gardner Merchant, the catering company which provides the food for the Hark, is considering acquiring a more sophisticated and flexible electronic credit system for the near future. One related pseudocomplaint, the vicious libel that once one loses a meal card unused meals are kissed goodbye, may at long last be disposed of: in fact, if the lost card doesn't turn up a new card will be issued with the remaining credits intact.)

One of the two main entrees prepared for each meal is served on the left side of the service line, the other on the right; but, as every patron knows, the managers give no hint as to the exact location of either entree, rendering the choice to queue up in one line rather than the other maddeningly complex.

Predictably, the pricing system has engendered controversies as insoluble as the ancient papal debate concerning the post-Resurrection status of the divine foreskin. Chief among them, and properly so, is the controversy surrounding the strange alchemy worked

between lunch and dinnertime, whereby a \$1.75 pasta lunch becomes a complete \$5.00 supper entree, with the addition of a garlic crust and a thimble of iceberg lettuce seemingly the only tangible change.

And surely the time is long overdue to broach a topic universally shunned in polite conversation: "Horsing Around". Touted as a theme meal evocative of a "Country Fair"—an appetizing thought for anyone who has ever breakfasted on hog slurry—the event in fact resembled a village idiots' conclave: in a room festooned with streamers and cardboard reproductions of porcelain horses, against a blaring background of calliope music, stunned patrons carefully checked their chairs for any sign of woodchips soaked with animal urine—but fortunately the event's planners had sacrificed realism for representation.

The question "why" seems laughably simplistic, and this is indeed verified by a peek in the Food Service's office at the large blue folder marked "Promotions," wherein the blueprints for "Horsing Around" are secured. One cannot help being taken aback by the realization that this folder is so much larger than others sharing common space on the shelf: those marked "Hygiene and Sanitation", "Nutrition", and "Cinfully Delicious".

But these are truly picayune comments, in fact little more than slavish lip service to "journalistic objectivity." In any event, who but only the most dyed in the wool communist would attempt to deny the law and economics disciple's truism: that, had students really wanted the cafeteria operations to be any different, their pockets long ago would have been picked by the invisible hand to pay for the necessary changes?

After all, where else are you going to eat? Certainly not at Three Aces, that "local hangout" cum Augean Stable, where you surely will grow asthenic if before ordering you insist on finding a bargain, or matching name and price on the menu with the simulacra of food scattered around the tabletops.

No. As one student said, "I really like the Hark. I eat the pizza every meal. Its no worse than lots of pizza in town." No worse and maybe better. After all, we know from De Beauvoir that Marie Alacoque cleaned up the vomit of a patient with her tongue. Saint Angela of Foligno reported having "drunk with delight" the water in which she had washed lepers' hands and feet. To be sure, these were marvelous women with extraordinary sensitivity. But isn't it somewhat unseemly, and disingenuous too, to deny what is most obvious, our shared experience, that we can be marvelous and extraordinarily sensitive too?

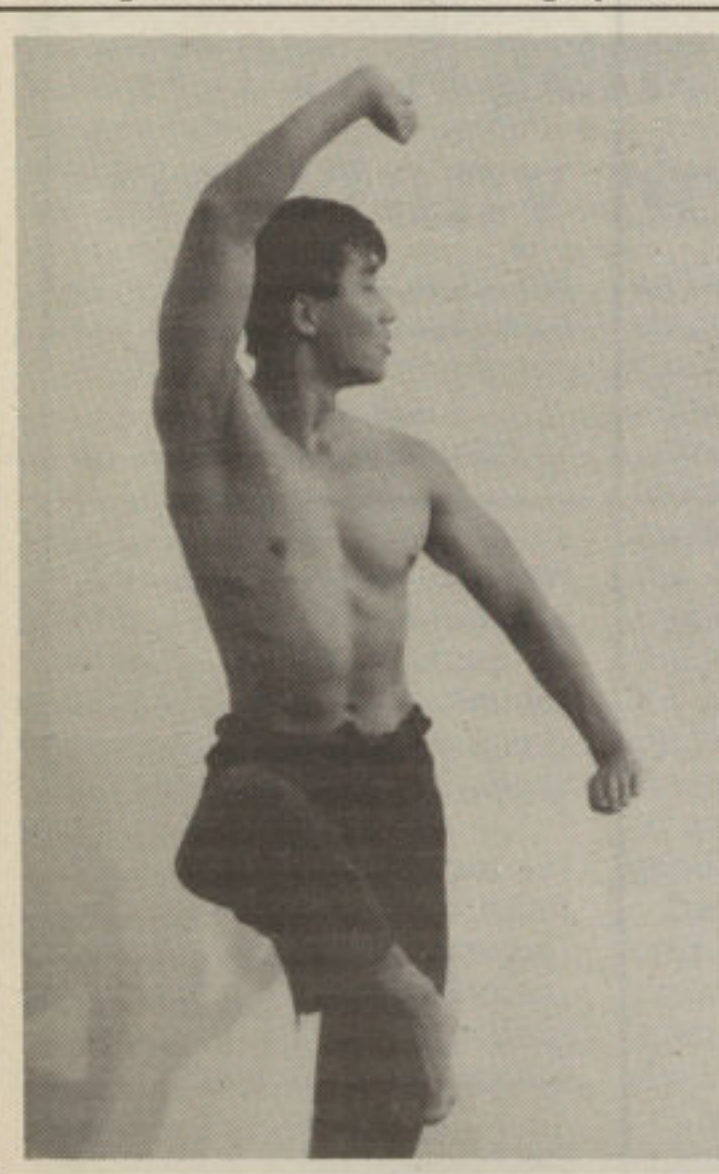
Calendar Trumpets Asian American Men

After seeing the successes of "The Black Men of Harvard Law School"

By G. Sharon Stone

calendar, put together by Troy Chapman '91, two third year Harvard law students, Sung Hui Kim '92, and Yvette S. Lanneaux '92, got the idea to start a calendar of their own. The difference would be, this time the calendar would feature Asian American men. So, starting last year, they solicited law schools throughout the country in their search for a few good men. In creating the calendar, they had in mind many specific objectives. One goal was to thwart the prevailing stereotypes of the "monolithicity" of the Asian American Community by having the calendar depict the immense diversity of Asian Americans. Their second goal was to point out the long and largely ignored history of anti-Asian American discrimination found not only in legislative enactments and newspapers, but in Supreme Court opinions.

"The calendar is quite unique actually", stated Sung Hui Kim. "It is intended to to create dissonance. There are not just positive statements but there is recognition of negative incidents as well. For example, the calendar commemorates both the achievements of people such as Herbert Choy who was the first Asian-American appointed to a federal court judgeship, as well as the shocking 1982 murder of Vincent Chin." Chin, a Chinese-American was mistaken for Japanese and killed by two laid-off Detroit auto workers who blamed the Japanese for their lack of employment.



Mr. March, Jerry Jung Ho Kang '93, strikes a pose

According to Kim, the calendar was intended to expose the prevailing misconceptions about Asian-American. "The normal assumption is that Asian-Americans are smart and that they naturally excel in fields of science and math. Sometimes this can be flattering but it can also be an obstacle. For example, in New York there is very little funding for Asian immigrants to learn the English language. The perception is that they are smart enough to learn the language on their own. In fact, the English language is oftentimes very difficult for immigrants. Furthermore, the perceptions that Asians excel in math and science, limits their acceptability in other fields such as law. The perception maybe, 'yeah they're smart but can't they be rainmakers'. In fact, in a recent poll, Asian-American men had least appeal of all the races for newscasters or reporters."

The calendar boasts black and white photographs of twelve handsome men from law schools all over the country: Berkeley, U.C. Davis, Hastings, U.C.L.A., Univ. of Washington, Boston College, Boston University, Georgetown and Harvard. The law school men come from an array of racial backgrounds that are subsumed into the limiting term, "Asian American." In fact, the calendar includes, South Asian (Indian), Filipino, Korean, Amer-Asian, and Chinese. "The calendar was intended to destroy stereotypes about what the typical 'Asian-American' looks like. In fact, Asians come from all different backgrounds and are visually and ethnically diverse."

The two Harvard law school men that are photographed in the calendar are Jerry Jung Ho Kang (2L) and John E. Tucker (3L). Kang who is of Korean descent thought the calendar was important not only because it showed the physicality of Asian-American men as opposed to the usual stereotype of the docile, submissive Asian, but because of the political spin of the calendar. "The calendar includes quotes from decisions of the Supreme Court, stated Kang, that reveal that despite the current benevolent stereotypes of Asian-Americans, Asian-Americans have been part of the racial debate in this country. Indeed, the stereotypes have changed from the time of the Chinese Exclusion Acts, but we have to be careful with any stereotype. To dehumanize people, even with pleasant images can still lead to bad results"

The extent of the historical bigotry against Asian-Americans is revealed in Justice Harlan's dissent in *Plessy*, an opinion which is oftentimes hailed as a classic statement for tolerance. Justice Harlan wrote, "the Constitution is color blind, and neither knows or tolerates classes or citizens, the law regards man as man and takes no account of his surroundings or his color when his civil rights as guaranteed by the supreme law of land are involved". Sadly, however, Harlan continue, "there is a race

so different from our own that we do not permit those belonging to it to become citizens of the United States...I allude to the Chinese race."

"It is disturbing that the Supreme Court has in its history articulated such blatantly racist statements" stated Kim. "Our hope is that the calendar will help to educate people about the actual racial history of Asian-Americans so we can avoid having the pendulum swing back."

The public unveiling of the calendar will be held in wine & cheese reception on Saturday, November 16, 1991, from 7:00 to 9:30 p.m. at the John Chipman Gray Room in Pound Hall, Harvard Law School. Everyone is invited.

Calendars will cost \$12.00 each and all proceeds will be applied to a scholarship to be awarded to a legal intern working in the public interest concerning Asian American issues.

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