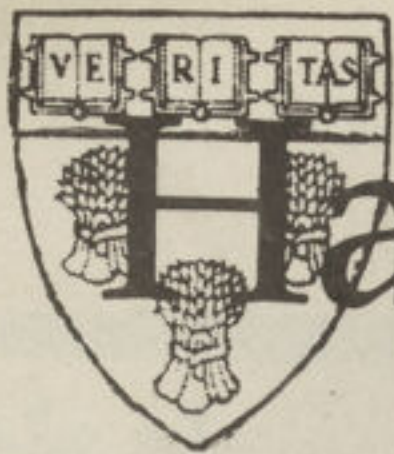




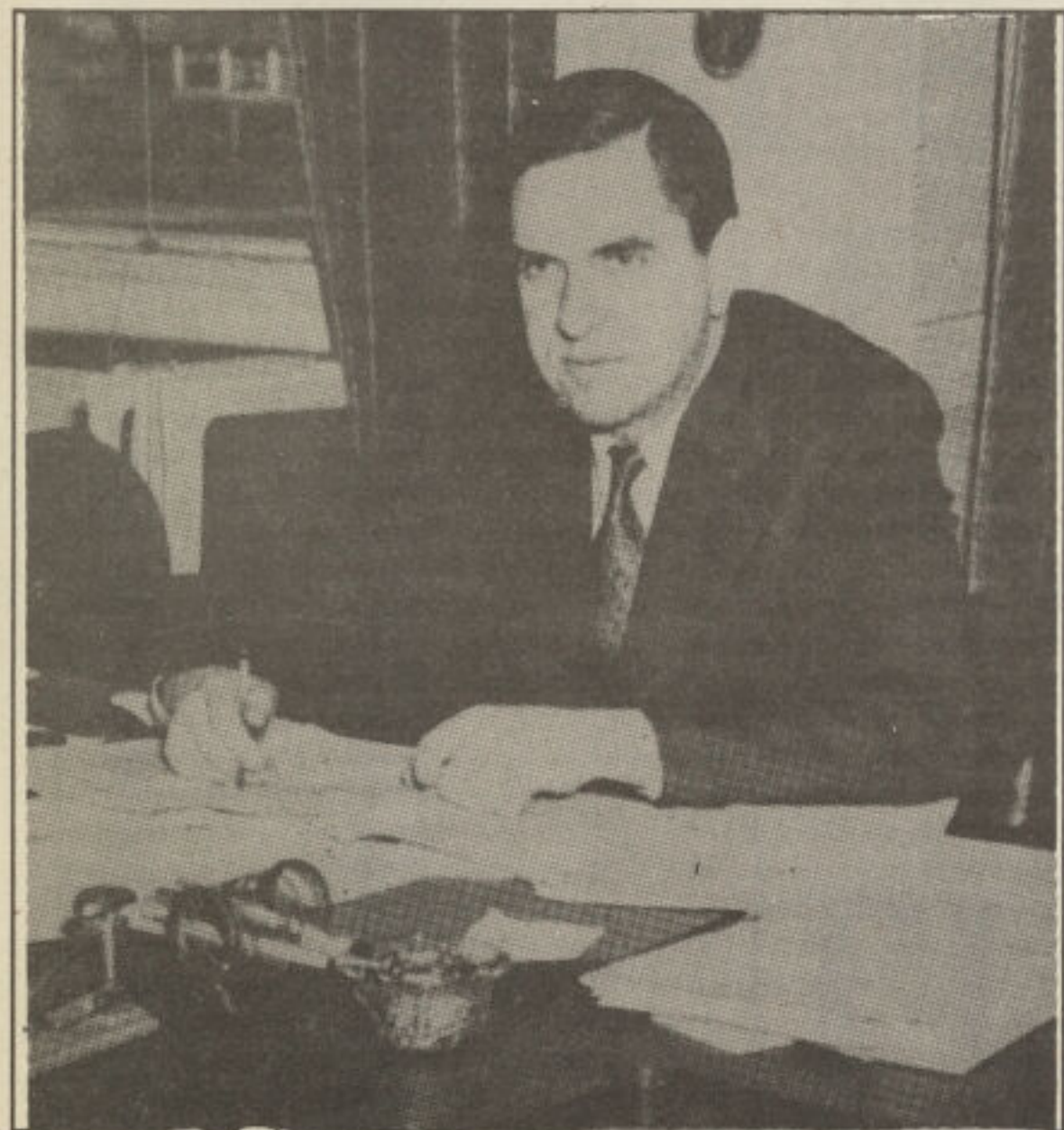
Harvard Law Record

Volume 93, No.8

America's Oldest Law School Newspaper

November 22, 1991

Discrimination Lawsuit Against HLS Gets Docketed Student Group Filing "Alive and Well"



Erwin Griswold, pictured here as Dean in 1948, surveys more than his desk in his newly released personal memoirs. See story, page 5.

Nearly one year ago to the day, on November 20, 1990,

By Robert Arnold

the Coalition for Civil Rights (CCR) filed suit against Harvard Law School alleging a pattern of discrimination against women and minorities in the faculty hiring process. The suit was summarily dismissed roughly two months later, February 22, 1990, for lack of standing.

However, in a move that is already being cheered by many members of the law school community, the Massachusetts Court of Appeals has docketed the case which means it will be heard on appeal.

"This is important because it is the first public action that we have taken since we filed the notice of appeal [March 15, 1991]," said John Bonifaz '92 a member of CCR. "The real message is that the case is alive and well and that it will be heard."

Laura Hankins '92 added, "When the case was dismissed, we didn't lose faith. It was dismissed because we didn't have standing under Massachusetts law, not because the court found that Harvard Law School did not discriminate in its hiring process." The student group has since rectified the standing problem and is rapidly preparing for oral argument.

The lawsuit is a case of first impression in Massachusetts meaning that it presents a question of law that has never before been considered by any court in the Commonwealth, and thus is not influenced by precedent. It is a case with potential national significance because it is an anti-discrimination case against an institution of higher learning.

The lawsuit seeks to enjoin the faculty from continuing with its current hiring criteria and force it to establish a hiring plan with "specific hiring goals and timetables for achieving those

goals." It names as defendant the President and Fellows of Harvard College. In-house legal counsel Allan Ryan, Jr. '43 and Dan Steiner '57 are representing the University.

The complaint asks the court to order the school to apply hiring criteria which "give weight to diversity, practical experience, and teaching ability" in addition to the traditional criteria.

The Boston Chapter of the Lawyers' Committee for Civil Rights Under Law, is once again organizing a national coalition of support for CCR. The Boston law firm Widett, Slater & Goldman is writing the amicus brief on behalf of the committee.

In supporting CCR the Committee's Executive Director, Ozell Hudson, has said, "we intend to demonstrate that the Civil Rights community in this country stands firmly behind the students in this crucial case for full enforcement of equal employment opportunity of

CCR page 4

Boston Law Firm Donates \$2 Million For Legal Services Center Hale And Dorr Contribution To Help Fund HLS Campaign And Legal Clinic

The Boston law firm of Hale and Dorr and its partners who are Harvard Law School alumni have

By Eric Blair

contributed \$2 million to the School for the purchase and renovation of a new facility for the School's legal services center for the needy in Boston.

The gift will fund a new home for this clinic to be named The Hale and Dorr Legal Services Center of Harvard Law School. The Center, which has existed since the early 1970's, has assisted more than 20,000 low-income persons in the racially and ethnically mixed neighborhoods of Jamaica Plain, Roxbury, Roslindale, and parts of Dorchester and Mattapan. The Center has outgrown its present office on Washington Street in Jamaica Plain, and Hale and Dorr's gift will allow it to find a new home in the same area.

"Harvard Law School is pleased to accept this gift from Hale and Dorr," said Harvard Law School Dean

Robert Clark. "This gift, supporting such a valuable service to the people of Boston and to the legal profession, honors and strengthens the unique relationship between the School and so distinguished a firm as Hale and Dorr."

Hale and Dorr has a long history of *pro bono* legal work dating back to its first managing partner, Reginald Heber Smith '14, a director of the Boston Legal Aid Society and author of the watershed tract "Justice and the Poor" [Also, a *godfather* of the Harvard Law RECORD]. Each year the firm contributes well in excess of \$1 million of *pro bono* legal services to the community.

William Anspach '93, who spent the Summer of 1991 working at the Center said, "I think it's good that they're giving the money, but I don't think when corporate firms throw a few crumbs in the direction of public interest law it exonerates them from the oppression they contribute to as a matter of course."

The Hale and Dorr Legal Services Center supports clinical teaching and research while offering challeng-

ing, real-world practice opportunities to Harvard Law students. Its full-time staff of almost 25 professionals handles full caseloads and supervises up to 75 Harvard Law students each semester. Typical civil legal problems addressed by the Center include family law concerns, landlord/tenant relationships, benefit and entitlement questions, immigration difficulties, consumer issues, and estate and probate related disputes. The Center's ground-breaking AIDS Law Clinic was one of the first clinics in the country to engage students in a clinical setting as advocates for HIV-positive clients. Its Medical-Legal Services Project at Brigham's and Women's Hospital has stimulated new thinking among medical and legal services providers about use of a "legal check-up" to meet the low-income community's legal/medical needs.

Students combine work in the Center with enrollment in the School's clinical courses. They devote between 10 and 20 hours per week to direct casework

Firm page 4

Super Agent Steve Zucker Tells The Many Secrets Of His Success

On Tuesday, November 19, the Committee on Sports and

By Lee Gordon
Special to the RECORD

Entertainment Law invited Steve Zucker, one of America's best known and most successful agents for athletes, to share his experiences and recommendations about becoming an agent.

As Zucker explained, "anybody can be an agent."

"There are no minimum requirements you have to fulfill before you are allowed to represent athletes," said Zucker. "This is both the key to getting into the business, and a reason for staying out of it."

Zucker was a successful lawyer and negotiator for sixteen years, representing clients such

as Larry Flint (owner of Hustler magazine) and Spiderman Steve Goodman (known for scaling skyscrapers.)

One of the problems with the industry is that there is no administrative agency to regulate the activities of agents. As a result, many agents will continue to violate N.C.A.A. rules by contacting and "buying" players, giving them drugs, threatening to hurt them, and in some cases actually making good on such threats.

Zucker compared his former criminal clients from his trial practice with most football agents by saying, "Here are all the boys again."

"The unethical and outright criminal behavior of the majority of agents can discourage even the most wary of sports realists,"

he said.

Zucker became a name in sports circles when he signed Jim McMahon as his first client. Well, he never actually signed McMahon, since their contract has always been a casual agreement between friends. In 1984, McMahon asked Zucker to represent him, to which Zucker replied, "I don't know how to do this." McMahon said, "That's all right. I trust you."

Shortly after agreeing to represent McMahon, Zucker signed nine or ten other players from the Chicago Bears. In 1987, he established Zucker Sports Management, and today represents such talents as Atlanta Falcon corner back/Atlanta Braves outfielder Deion Sanders, and Boston Celtic point-

Zucker page 4

HLS Soccer Team Places Second In Grad League Tourney

After a remarkable play-off run which was highlighted by

By Dante Ramis
and J. Derek Mason

their lopsided victory over the powerful Harvard Business School's second-year team, the Harvard Law School Men's Soccer Team led by co-captains Adam Lehman and Erik Marks, fell one game short of the Boston Area Graduate School Soccer League Championship in a 4-0 loss to the Harvard Business School's first-year team on Sunday, November 17. The score, however, belies the evenness of the match. The first half of the Sunday afternoon game was as tight and error-free as a championship game could be expected to be.

The team had fielded a remarkable play-off run before being stopped by the B-School's top players. In the game against the second-year B-School squad, Marty Russo chalked up four goals, and Matt Bromberg scored the prettiest goal of the season when he headed a Pete Labonski free-kick cleanly over

Soccer page 4



Soccer Club Co-Captain Erik Marks '93.

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BAR/BRI

BAR REVIEW

Distinguished Panel Of Judges Preside Over Ames Final Supreme Court Justice Souter Decides Environmental Issue

Competitors in the final round of the Ames Moot Court Competition presented their arguments before

By Johanna Davis

a packed Ames Courtroom last night at 7:45 p.m. Oralists David Patent and Jeffrey Rosenthal argued for the petitioner Dr. Seuss Team, whose other members include Paul Freshour, Jason Litt, Chase Sanders and Jennifer Walker Elrod.

Jeffrey Dean and Daniel Meron presented the respondent Ezekiel 18:20's arguments, supported by other team members Marta Hailman, Jonathan Klein, Timothy Macht, and Brent Singer. The distinguished panel of three judges included Supreme Court Justice David Souter, Judge Patrick Higginbotham of the Fifth Circuit Court of Appeals, and Judge Deanell Reece Tacha of the Tenth Circuit Court of Appeals.

Professor Christopher Edley developed this year's case, *Reed Corporation v. Norport Industries, Inc.*, from two recent environmental law cases. The main question the record presented was whether a parent company is liable for the costs of a hazardous waste clean-up when its bankrupt subsidiary actually did the dumping. Petitioner Reed used the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) to argue that Thomson Electronics, Inc. (the source of the waste) should be jointly and severally liable for the cleanup costs, since it arranged the disposal of hazardous wastes. Respondent, however, tried to pierce the corporate veil and recover damages against the much wealthier Reed Corporation.

Patent felt the case was misleadingly simple. "The first thing I thought when I read the case was that it was a very hot issue right now. Who is going to be liable for an environmental clean-up? But when we got down to working on the case, it came down to a lot of very picky

issues—a lot of hairsplitting. The policy issues were interesting, but incredibly esoteric," Patent said.

Elrod agreed that the arguments were technical, but said that "even when people argue about academic points, there's so much excitement in going one on one against the judge...the personality interplay always makes it interesting."

Training for the argument was intense and involved each member of each team. Elrod described how the Dr. Seuss team divided up and sat in groups of three, pretending to be judges of different legal persuasions, grilling the oralists.

In addition, both teams prepared by spending three hours of video time in the courtroom. But the oralists were not the only ones involved in the presentation. Rosenthal asserted, "The other team members answer the judges' questions as much as the oralists do. Other members give us the answers, and usually we say what we agree on."

The competitors agreed that the workload for the Ames final round was overwhelming. "The work has been tremendous. The prize is endowed but if you work out the amount, it probably works out to be less than a dollar an hour. But no one does it for the actual prize..." observed Rosenthal.

Patent assessed the situation simply. "None of us have done anything but Ames since September. Class has become an extracurricular activity."

Several team members pointed out that the for the final round competitors, Ames has been an integral part of their legal education for over half the duration of law school. Dean stated, "Harvard is unlike most other universities in that our moot court competition is not for credit: By even the most liberal standards, the time from the Q-Round through the finals is triple the time it takes to do a third year paper. Students should get academic credit for such an academic sacrifice."

Final round competitors cited various reasons for entering the Q-rounds over a year and a half ago. Elrod observed, "I thought it was a great way to explore substantive areas of the law, and improve legal research and writing skills. You just can't do it expecting to get historical recognition." Most cited their desire for litigation experience as a reason for competing, but not all desired to be litigators. As Dean pointed out, "Given what they want to do, some people join Ames because it is their only opportunity to litigate."

This is the 80th year of the Ames competition, and the teams followed in the tradition of naming themselves either in honorarium or with representative titles pertaining to their position on

the case. The Ezekiel 18:20 team chose the latter option, taking their name from the book of the Bible which enunciates principle that "the sins on the son shall not be visited upon the father," according to Dean. "This idea of fairness is so embedded in the culture that we used it to support the idea that the liability of a subsidiary should not be borne by the parent company," Dean explained.

As for the Dr. Seuss team, the group chose the moniker to memorialize Theodore Geisel, the recently deceased children's author who demonstrated his concern for the environment in his book *The Lorax*.

The distinguished panel of judges had not rendered their decision by press time.

The RECORD Staff

Thanks All of Our Readers and Advertisers

for

A Great Semester.

Good Luck on Exams

and

Enjoy the Holidays.

Next Issue: February 7, 1992

Students Lose Control Of GMU Law Review

GMU Law Review To Be Handled By Faculty

A surprise announcement by the dean of George Mason University's law school

By Jack Crittenden
The National Jurist

that the school's only official law review would no longer be student-edited as of September 1, 1992 has brought sharp criticism from several students at the 12-year-old school in northern Virginia.

George Mason University Law Review members say they will lose valuable experience, and the reorganization will damage their potential job prospects. Law school administrators, however, say the changes are in the best interests of the students.

"There is some feeling that we are trying to hurt our best students," Associate Dean Steven M. Crafton said. "That is as ridiculous as it sounds. We have a long-term view of this institution."

Dean Henry G. Mann's September announcement, which was not released until after he had left for a three-month sabbatical in Turin, Italy, also announced the addition of a new journal—the Supreme Court Economic Review. Both the GMU Law Review and the new journal will be administered by the top students at the university. However, substantive editing and article selection will be handled by the school's faculty.

The law school's student bar association passed a resolution censuring the dean's actions, and the second-year students on the law review staff have announced they will continue publishing even without the school's support or official recognition.

"We would like to be competed out of business rather than squashed out of business," GMU Law Review managing editor Bruce Serchuk said.

The law school currently provides of-

fice space and funding for the printing of one of the review's three yearly issues. The remainder of the law review's funding comes from subscriptions and the Student Bar Association. This year the SBA funded the publication \$17,500, SBA president Paul Ferguson said.

The SBA already has indicated it is willing to fund the student-edited law review even if it is no longer officially recognized by the law school. The SBA currently funds an unrecognized civil rights journal at the school. However, it is unclear whether the student-edited law review will be able to retain its current office space and name.

"They [SBA] support the dean's actions in that they are very innovative," Ferguson said. "But they do not support the result that the law review will no longer exist as it currently does. We feel they [a student-edited and a faculty-edited law review] can coexist peacefully."

Law school administrators say students still will gain valuable editing and writing experience through the two faculty-edited journals. In an apparently unprecedented move, the reorganized faculty-edited GMU Law Review will publish only student articles. This will permit more students to be published. Associate Dean Winston S. Moore said.

"We have to work together over the next six months," Moore said. "I am hopeful we will get an agreement [with the students] and work together...I think there is a significant role for students in the editing process."

Some students expressed concern that the loss of a student-edited journal would hurt their chances of being hired by a Washington law firm.

Hiring partners in Washington, however, said their focus is not whether students are on law review, but whether students have writing and editing experience.

CCR

continued from page 1

Harvard Law School's faculty."

The complaint, filed under Massachusetts General Laws Chapter 151B and Chapter 92, Section 102, alleges injury to women and minority students in the form of denial of exposure to varied points of view, denial of access to role models, lost professional and business opportunities and suffering from "an atmosphere of intolerance."

Zucker

continued from page 1

guard Dee Brown. Add to this list the fact that Zucker is one of only seven agents whose picture appears in packs of football playing cards.

An agent's work, however, can and should be done with a balance of concern for the athlete and the talent to make the most of a good thing. Zucker offered a few principles of successful representation: (1) Know the market, compare your client to other athletes with similar statistics; (2) Know how well a team pays its players; (3) Get your clients to camp on time, good relations between your clients and the other players on a team makes your clients more valuable.

Obtaining endorsements leaves a little more room for creativity at the negotiating table he said. "You can pit N.B.C. against A.B.C. because it's a free market. That's why endorsements are so fun." Zucker explained that you can't let on what your client is willing to endorse until you encourage every interested business to boost the value of your client's endorsement.

Of course, the final ingredient to success as an agent is incredible luck. He had no way of knowing that Jim McMahon would rise to stardom, or that

Dee Brown would become most valuable player shortly after Dee signed with him.

"You can gain enormous experience through internships, you can study the market and sharpen your negotiation skills, but in the end, you have to be lucky," Zucker concluded.

Soccer

continued from page 1

a diving goalie into the upper corner of the net. The HLS defense was led by stopper Scott McElhaney and sweeper Andrew Westergren.

But as Sunday dawned clear and cold, the prospects for HLS soccer were not so bright. Star sweeper Andrew Westergren was in California and center-forward Matt Bromberg was carrying several sutures in his forehead after a collision in Friday's play-off game. The first half ended in a 0 - 0 tie, but even with standout goalie Michael O'Connor in the net, HLS could not hold back the B-School team's excellent offense. By the time the final whistle blew, HLS had lost 4-0.

Firm

continued from page 1

on behalf of clients, engaging in civil law advocacy tasks such as interviewing, counseling, negotiating, mediating, bargaining, and representing clients in court and at administrative hearings.

The Center also serves as a laboratory, investigating the most effective ways to link scholarship with legal practice. Faculty and staff associated with the Center continue to develop new and compelling approaches to learning—drawing upon the clinical experience to enhance classroom activities and thereby furthering the evolving educational agenda of the Harvard Law School.

Former Dean Erwin Griswold Reminisces

Personal Memoirs Released This Month

Former HLS Dean Erwin Nathaniel Griswold has lived an exemplary,

By Dante Ramis

extraordinary life in the law. His contributions to the American legal system, his efforts on behalf of Civil Rights, and the impact he has had on students, lawyers and judges will continue to be felt for decades to come. In his recently released book *OULD FIELDS, NEW CORNE*, *The Personal Memoirs of a Twentieth Century Lawyer*, the reader gets a first-hand view of his richly diverse life story.

Born in East Cleveland, Ohio, in 1904, Dean Griswold received both an A.B. and an A.M. degree from Oberlin College in 1925. While a student at Harvard Law School, he compiled one of the highest averages ever attained and served as President of the *Harvard Law Review*. He graduated in 1928 and was awarded an S.J.D. in 1929.

After practicing in Cleveland, Dean Griswold served as an attorney in the Office of the Solicitor General of the United States and as Special Assistant to the Attorney General from 1929 until 1934 when he was appointed to the Harvard Law School Faculty. He became Dean in 1946 and served for 22 years.

During his remarkable career, he has argued 126 cases before the United States Supreme Court, more than any other living lawyer, and has participated in some of the most famous court cases of the past forty years.

He served as Thurgood Marshall's expert witness in trials addressing the "separate, but equal" issue that eventually led to *Brown v. Board of Education*. He represented Nelson Mandela in a 1958 trial in South Africa, and he argued the Pentagon Papers case before the

Supreme Court as Solicitor General. Through Griswold's eyes, the reader gets an inside view of key figures in the Watergate investigation such as Professor Archibald Cox '34, John Dean, John Mitchell, President Nixon and others. Other incidents which Griswold relates include his face-to-face refusal of a presidential appointment from Harry Truman, the government's investigation of the CIA, and his personal campaign against McCarthyism.

And, at a less formal level, Griswold tells of conversations with Orville Wright, tea at Lady Astor's London residence with George Bernard Shaw as the guest of honor, and a conference with President Lyndon Johnson reclining on a couch. His current views on the world of law are just as intriguing: Griswold describes his insights into the role of the modern lawyer, and why he regards "commercialism" to be the most serious threat to the legal profession.

Colleagues and contemporaries of Dean Griswold had nothing but high regard for the former Dean when asked. Professor Cox, himself a former Solicitor General and best known for his direction of the Watergate Special Prosecution Force, said of Griswold, "Throughout his career he was a powerful advocated before the Supreme Court... He is one of the very great Dean's of Harvard Law School." Former Dean James Vorenburg '51 said emphatically, "He is one of the giants." He added, "His career is enormously impressive. He was always extremely supportive and helpful during my tenure as Dean." Professor David Herwitz '49 added, "I don't think I do a disservice to the worthy gentlemen who have served as Dean since him [Griswold], nor do I think they would be offended if I say he was a great Dean." He added, "I'm sure the book will be wonderful."

"For every lawyer and judge this is must reading."

— Justice William J. Brennan, Jr.
Retired, U.S. Supreme Court



Discover a new perspective on American law and history from one who helped shape it. Dean of Harvard Law School for 22 years and U.S. Solicitor General under two presidents, Erwin Griswold served as Thurgood Marshall's expert witness in the South, attended Nelson Mandela's 1958 trial, and argued 126 cases before the Supreme Court — more than any other living lawyer. A fascinating autobiography!

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Husch & Eppenger Announces Partner's Return

Ben Uchitelle '58 is rejoining the St. Louis, MO firm Husch & Eppenger. Mr. Uchitelle is well known for his distinguished legal career, business career and community service activities. He is a 1958 graduate of the law school who completed his undergraduate work at the University of Michigan in 1955.

Besides being General Counsel, Director, Executive Vice President and Secretary of Consolidated Grain & Barge Company, he has been extremely active in the community.

Mr. Uchitelle will continue his positions with Consolidated after he rejoins Husch & Eppenger.

...

Like Father Like Son

The Harvard Law School is enamored in tradition. For one current member of the student body and one distinguished alumnus, that tradition has become, itself, a family tradition.

Chris af Jochnick '93 and his father Adolf af Jochnick '58 make up a father/son team who have

AMICUS BRIEFS

both been members of the HLS student body, and, though years apart, still manage to work on many of the same Human Rights projects together.

This past summer, the father/son tandem was in Colombia conducting studies of the United States' judicial reform program and the U.S. led counter-narcotics program. The Summer before last, found them in South Texas working for the ProBar Asylum Project which prepared political asylum cases for Central American refugees.

The elder Jochnick graduated from the University of Stockholm, Sweden in 1953. He then came to the United States to attend the University of Kansas where he earned an M.A. in Economics in 1955. He was graduated from HLS three years later. He presently serves as General Counsel for Oriflame International SA., a company which manufactures

and distributes cosmetic products, on a direct sale basis, in many parts of the World.

The younger Jochnick is one helluva a soccer player and an editor of the *Harvard Human Rights Journal*. He is a graduate of Amherst College with a B.A. in political science, and also attended the Kenya Program at the University of St. Lawrence, Kenya.

When asked, should he have children, did he want him to attend Harvard Law School and continue the family tradition, the younger Jochnick had no comment.

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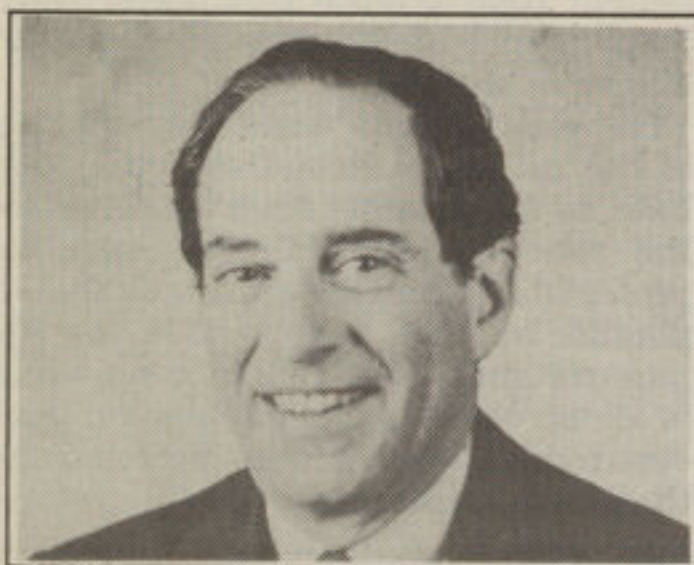
A Compelling Interest

"We offer these words and images to expose the prevailing misperceptions of Asian Americans and the injustice that inexorably flows from them." That



quote is part of the inscription in the preface to the 1992 Calendar "A Compelling Interest: Asian American Men of Law."

The November 15 issue of the RECORD featured the calendar, the history behind the birth of it and some of the key people who made it happen. However, one of the two Asian American men from HLS who is featured in the calendar was not mentioned. He is third-year student John E. Tucker who says, "I will always be grateful to my family and friends for showing me that the only real limits are those I set myself."



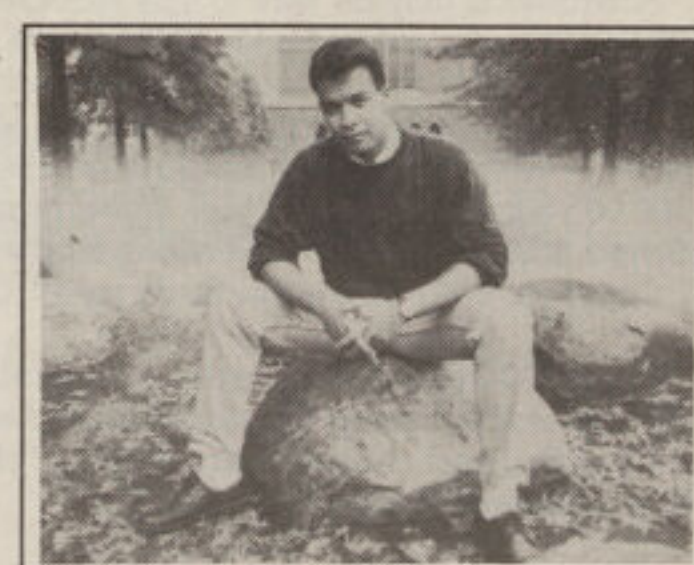
Ben Uchitelle '58



Adolf af Jochnick '58 as a student.



Chris af Jochnick '93



John E. Tucker '92

Harvard Law Record

Volume 93, No. 8

Robert C. Arnold
Editor-In-Chief

"Awaken within yourself the passion that both embraces life and effects change."
David Kokkui Lin

Students' Life: Powerless and Insignificant

I am envious of democracy. Although I wish their decision on term limits and euthanasia had been otherwise, I am envious of the voters in the State of Washington because they were at least given the opportunity to decide a crucial question which shapes their lives.

I am envious of the voters in the State of Louisiana as well. Though less so than the voters in the State of Washington, I envy Louisianians because they too were allowed to make a choice about the governance of their lives, though admittedly not much of one.

That's the alluring thing about democracy. Presumably, the people being governed get to decide their leadership and thus their fates. Purportedly, the constituents get to have a voice in the decision making process.

As a student, the only feeling I can have towards democracy is envy. In my own little, contrived, controlled, and pre-packaged world, I have no idea what it feels like to participate in the shaping of decisions that effectively control my life. Although I have some choice, essentially my choice is limited by what someone else has already chosen for me.

Seventy-five percent of Harvard Law School's annual operating budget is derived from student tuition. That's an astonishing amount of money when looked at in its entirety. When I first heard that percentage uttered out of Dean Clark's mouth last Spring, I had to stop and look at his lips to make sure he had not mispoken. I had to stop and think about what that meant.

Did it really mean that students pay the bulk of faculty salaries? Did it really mean that this place is maintained primarily by our money?

Although the answer to these questions is undeniably yes — we do pay a full three-quarters of the school's annual budget, we are rendered relatively powerless.

If we were a small country, some super-power would have already intervened and liberated us. If we were a fledgling, indigenous segment of a corrupt nation, somebody somewhere in a more just society would be demonstrating and protesting on our behalf.

It is amazing how an organization so dependent on us can remain so unresponsive to us. When we ask for money, our money, to be used towards public interest funding, our queries fall on deaf ears. When we ask for smaller classes, the most humane of learning conditions, we are ignored while we struggle with our binoculars and strain to see the blackboard in our cavernous classrooms. When we ask for alternative career opportunities, we are told that this is like *Candide*: the best of all possible worlds.

Unfortunately, there will be no superpower to intervene on our behalf. There will be no highly exalted tribunal to place sanctions on our leadership. If we want things to be different around here, we have to intervene on our own behalf. If we want constructive change, we have to demonstrate and protest and voice disapproval. I am bothered by students who pass through here like it is only three years of their life. As I make a decision as to which job offer I will accept, I realize that every decision we make at this point has the potential to be terminal.

When I sit in my room designed by a Harvard trained architect, and read my case book written by a Harvard Law School Professor, that I purchased at the Harvard Cooperative Society, with money borrowed from the Harvard University Student Loan Office, I realize just how big this machine is in which I am powerless and insignificant, and mistaken for a passerby.

Good luck on exams, enjoy the upcoming holidays, and we'll see ya next semester. Outta Here!

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



Magic Johnson Not a Tool

To the Editor:

While I respect and like both Bob Arnold and Rich Wareing, their Novem-

ber 15 pieces about Magic Johnson and white America so disturbed me that I feel compelled to respond. In "Nothing 'Magic' About Earvin," Bob Arnold describes Magic Johnson's HIV positive as an indication of the terrible plight of African American men. He then makes this remarkable proposition: "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." In "Magic Johnson: When Tragedy Becomes A Game," Rich Wareing complains that the white middle class is primarily concerned with how AIDS and other problems affect it, rather than how they affect other groups. He completes his comments with, "I... 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."

Rich is correct that the white middle class would be much less concerned with Magic's infection if he were an unknown black man. That doesn't make concern for Magic illegitimate, though. Magic's illness hurts white Americans because it reminds them of their own vulnerability, but also because Magic is familiar. Because many Americans of all ethnic identities have grown up with him and admire him, they are sad to see him come into harm's way.

Rich is also correct that most members of the white middle class are more concerned with how AIDS affects them than how it affects other groups. The suggestion that this is because of some wickedness on their part, however, is wrong. Humans are

generally most concerned with how an event affects their children, friends, and other people like them. In this, the white middle class is just like the African American middle class, the Asian American middle class, etc. In fact, even social programs designed to reduce racial inequality, such as affirmative action, arguably encourage us to approach social issues from the perspective of specific ethnic groups, rather than that of isolated individuals.

The problem, then, does not lie in some unusual form of narrow-mindedness on the part of the white middle class. It lies in the fact that the white middle class is not only insufficiently aware of the danger posed by AIDS, but that it controls an enormous portion of the resources available to fight the disease. Magic Johnson does not become a tool of the white middle class by speaking out about his HIV infection. Rather, he joins the struggle to enlist those resources in the fight. Two elements of Rich's and Bob's suggestions are particularly disturbing. First is the frequency with which such unsupported, incorrect, and harmful accusations go unchallenged in the RECORD. The value of intellectual debate at HLS truly suffers from the general fear of opposing certain ideas. (Even as I write this letter, I consider throwing it away because I don't want to get involved in the ugly name-calling I have witnessed so often.) Second is the harm accusations of this kind do to the fight against AIDS. AIDS is a battle between humanity and a deadly virus, not between ethnic groups. Our side in the battle gains nothing from finger-pointing. The sooner we realize that we are all threatened by this enemy and must pool our resources to fight it, the sooner we will turn the tide of battle. That is why Magic Johnson's public campaign is so valuable. He is not a tool of the white middle class. He is a man who has turned his own adversity to the advantage of his fellow human beings.

Dave Tollen '93
November 17, 1991

Ezekiel 18:20 Wrongly Cited

To the Editor:

The Ames respondent team ("Ezekiel 18:20") cites the Bible in its brief to support its assertion that parent and successor corporations not be held liable under the Comprehensive Environmental Response Cleanup Liability Act (CERCLA) for environmental violations of their subsidiaries or predecessors. "Nothing could be more alien to... fundamental principles of fairness deeply rooted in our system of justice," the team argues. To support this assertion, the brief compares Ezekiel 18:20 ("The son shall not bear the iniquity of the father, neither shall the father bear the iniquity of the son...") with Karl Marx's famous aphorism ("[F]rom each according to his ability, to each according to his needs").

Without addressing the merit of either team's arguments, I wish to disagree with the implication that no fair or reasonable decisionmaker would

assess punishment based on what the respondents call "simply a test of ability to pay." Actually, the test is not simply one's ability to pay but also whether one benefits from the problem. The respondents' argument and the biblical verse see the defendant as victim rather than recognizing that defendants often receive at least indirect benefit from others' violations. The respondents see intergenerational liability as unfair.

The respondents' tone reminds me of the modern affirmative action debate, in which white America clings to the robe of detached innocence to protect itself from the argument that it should be held responsible for its parents' sins. They refuse to see what is all too obvious to most blacks: that even today's white citizens benefit from the pro-white prejudice their ancestors ingrained in our national culture, politics, and psyche. Some would

Ezekiel page 10

Legal Pursuits: Lawyering For Housing Rights

No one can dispute that the number of homeless people has been growing

By Barbara Sard '74

steadily since the 1970s, although a precise count eludes us. More and more of the homeless are mothers and children, as the purchasing power of the minimum wage and public assistance has dropped in recent decades, and as the supply of low-cost housing has declined. While a few cities and states provide sufficient shelter beds, none has provided sufficient subsidized housing. And as the 30-year-old commitment to replace inhumane mental institutions with community alternatives continues to be unfulfilled, increasing numbers of homeless individuals apparently suffering from mental illness roam abandoned on the streets.

The homeless have rendered extreme poverty highly visible and have prompted many more fortunate citizens to respond to their plight. Many have volunteered services to emergency food and shelter programs. Others have sought to apply professional skills. For the relatively few willing to commit their full professional time to efforts to achieve a more just society, lawyering on behalf of the homeless has presented a new opportunity to establish due "rights" for homeless people.

Although there is no such doctrinal area as "homelessness law," in the past few years the American Bar Association and its local organizations have responded to the multiple legal needs of the homeless by developing specialized legal clinics, providing pro bono assistance to affordable housing developers, and encouraging major commitments of large law firms for litigation on such crucial matters as

Barbara Sard is Managing Attorney, Homelessness Unit, Greater Boston Services, and lecturer on law at HLS. This article is courtesy of the Harvard Law Bulletin.

the right to shelter and shelter conditions and regulations.

In 1989 Greater Boston Legal Services initiated a specialized homelessness unit — one of the few such units in the nation. We have three attorneys, three paralegals, two half-time secretaries, and a crew of interns from Harvard and Northeastern University law schools and the Boston University School of Social Work. Our unit represents the Massachusetts Coalition for the Homeless, working closely with them on federal and state legislative and administrative advocacy. Drafting of the two-year-old legislation calling for a statewide moratorium on the destruction, alteration, or conversion of single room occupancy dwell-

old daughter. We were able to get the Department of Social Service to give her documentation to meet the Welfare Department's requirements for providing her with a family shelter and housing-search services. She is now in a hotel room paid for by welfare, and there is reason to hope she'll soon regain custody of her daughter. In another case, involving an African-American woman who has been homeless for about four years, we've been working on obtaining a "first priority" for a federal Section 8 housing certificate, through redressing racial disparity in the distribution of Section 8 resources

mitment from practicing attorneys, legal educators, and lawyers of tomorrow, our profession can play an increasing pivotal role in putting an end to homelessness.

Courts throughout the country have been remarkably responsive to the claims of the homeless in the past few years, as they were in the early days of civil rights and poverty law. The first generation of homelessness law has made significant advances on welfare rights and shelter rights. The next generation needs to build on these successes to focus on housing rights and to achieve the lapsed federal commitment to a decent home for every American.

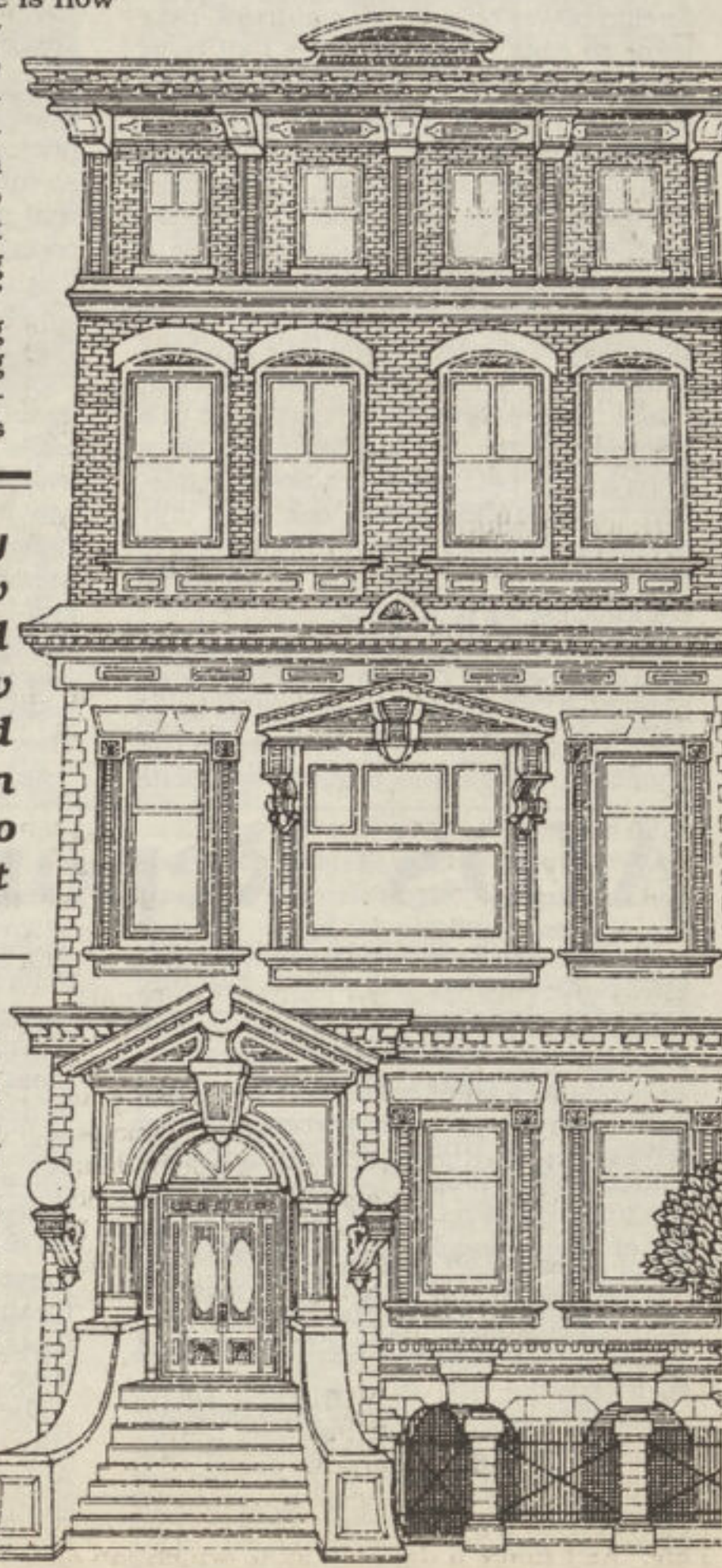
ings — the first such legislation in the country — is among our most significant achievements. We also drafted the pending permanent legislation to replace the moratorium. These pieces of legislation will ensure that a dwindling but irreplaceable form of affordable housing is preserved.

We represent more than 700 homeless families and individuals each year, and although we can never forget the horrible realities of our clients' daily lives, we experience special exhilaration in making a positive difference. In one quite typical case, we successfully represented a 46-year-old woman who had lost her bed in a shelter and custody of her nine-year-

in Massachusetts.

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With a greater social com-



Fenno

Fenno reached into his packed Hark box hopefully, sifting through the brightly colored slips of paper. He tossed the recycling reminder from the Environmental Law Society into the trashcan, and on a whim licked the ABA-LSD advertisement. Wedged deep into the box though, was a rare treasure. The delicate blue print on the green card read simply, "Zero Church Street at seven-thirty a.m. I've got to talk to you." Fenno's heart lifted. Perhaps a secret admirer! A lonely one-elle seeking his superior guidance and strength. Or even better, a wayward Wellesley girl seeking a personal pre-law advisor.

Fenno waited patiently on the corner, shifting his weight from one foot to the other, watching a cab driver down a bottle of generic cough syrup behind the taxi stand across the street. Several concerned people handed Fenno change, and he had accumulated \$2.89 by the time she walked by.

A beautiful woman with long dark hair, high black boots and a skirt short enough to be a tube top stood before Fenno. "Wow," said Fenno. "You've got the whitest skin I've ever seen."

"Well, I'm a JD/MBA," she said. "The last time I've seen daylight was in August. My name is Mia. Mia Culp." She whispered secretively, "Listen, is there somewhere private we could go to talk? Fenno adamantly suggested the Sheraton Commander but they walked instead to McBread, where she pretentiously ordered black coffee with a black coffee on the side.

"I see by your pocket copy of the Constitution that you're in the Federalist Society. I find that so sexy," said Mia.

Fenno stared at her in disbelief, then played along. "Yes, well, me and Rehnquist. We go way back. My middle names are Strict and Interpretation."

"So, are you planning any activities next month?"

Fenno raised an eyebrow. "Well, I really shouldn't be telling you this, but we're going to be taking a new approach to getting our organization noticed. We planted a group of undercover submitters at the Civil Rights/Civil Liberties Law Review whose orders are to edit out the word 'not' in every article. I'll bet those pinkos won't even notice the difference!"

"Oooh, I love it when you talk right wing politics to me." Mia bristled with delight. "So, is it true what they say about Harvard Law School men?" she said, sidling up to him.

"Oh, yes, it's all true," Fenno assured her, adjusting his billfold conspicuously.

"So, you are all opportunistic pigs ready and eager to capitalize on your position in society and the title of your school just to get laid?"

"What?!"

"Hop on the CLU train, Fenno. I have thwarted your evil mission to sabotage liberal scholarship."

"It was all a ruse," he wept. "You only wanted me for my mind. And an MBA, too. I scarcely thought this type of treachery was possible. So I guess this means I can't see you again."

Mia sighed. "Let me put it this way, Fenno. You've got no better chance with me than you do of getting public interest funding for a summer job."

Fenno dried his eyes, and shrugged. He resolutely picked up his tray and sat down at a different table filled with high-school girls with pierced noses dressed in black and mustard. "Hi. I'm from Harvard Law School."

QUOTE OF THE WEEK

"I'm just trying to have a good time."

Andrew Greenblatt '93



Ever Get A Pal Smashed?

TAKE THE KEYS
CALL A CAB
TAKE A STAND

FRIENDS DON'T LET FRIENDS DRIVE DRUNK



U.S. Department of Transportation

The U.S.-Targanian War: A Short Multiple Choice Test

THE FACTS:

The President tells the nation he fears a war between the U.S. and Targania, a

By Jim Datri '92
Managing Editor

foreign power on another continent, may come to pass. He assures us that he is hard at work to stop the bloodshed before it starts, before a single shot is fired in anger. There are meetings, consultations, and many special envoys. Targania's president works hard, too. He sends ambassadors and proposals to the table to find a way out of this predicament.

After months of what both sides claim are their very best efforts, very little progress towards a peaceful settlement has been made. A final peace conference is set in a neutral country. Leaders from both sides enter a large, beautiful room, with chandeliers hanging above a long, oak table, only to emerge three hours later announcing to the world that neither side is willing to compromise its principles.

Analysts feel the U.S.-Targanian war is about to begin. Ordinary citizens from both the U.S. and Targania wait as loved ones are called to serve their respective countries. Magazines begin to speculate

about the number that might be killed. Legislators give moving speeches about the sad necessity for war. "If only there was another way we would take it," one Targanian cabinet minister says, "but these are principles we need to defend and, if necessary, die for."

One side, it doesn't matter which, is about to attack first. That side's leader is two minutes away from giving the go-ahead from his carpeted office. An official photographer takes a picture of the moment so future generations can see the agony that president feels in sending his fellow countrymen and women to war.

But before the order is given, the presidents and legislators and diplomats on both sides find themselves transported all together, in a single moment, to a large, beautiful room with no doors. The room looks like one that had been used to no avail for a negotiation to try to avoid this war just one week earlier. Chandeliers hang above a long, oak table. The men are in suits and ties, with the most beautiful cuff-links adorning freshly-pressed white shirts. The women are wearing their best power dresses. But this time each leader on each side finds a gun in his or her hand. They are all astonished.

As leaders of both sides ponder in shock

and amazement the meaning of all this, an unearthly, unidentified voice from above says: "Who I am does not matter. Where you are does not matter. The fact is you are here, and there is no way out of this room. The guns are, for the moment, unloaded. The clock now reads 11 o'clock. You have one hour to negotiate a peaceful settlement to your problems. If you do this, you will be safely returned to your world and bound by your agreement. If this has not been accomplished by the time the clock strikes 12, the guns will become loaded with bullets. From that moment on, no one will leave the room until one side has killed or beaten to surrender the opposing side, at which point the winners will be returned to a world where the demands they have made will have been carried out." The clock is ticking. It is already 11:01.

THE QUESTION:

What do you think the leaders will do?

THE POSSIBLE ANSWERS:

A) THEY WILL NEGOTIATE A SETTLEMENT. But if they were truly unable to do this earlier, when it was other people who would have to do the fighting and dying, why would they be able to do this now? The

answer is: they wouldn't. Unless, of course, they are now more motivated to settle their differences peacefully because they place a greater value on their own lives than they do on the lives of the soldiers they would have sent into battle.

B) THE TWO SIDES WILL USE THE NEGOTIATING TIME TO AGREE NOT TO FIRE THE GUNS ONCE THEY BECOME LOADED. But what, given their prior actions, would be their rationale for such a choice? Since they were about to start a war, it couldn't be that they are against violence. And if the principles they were going to ask others to die for were so important, why aren't they important enough to fight for now? Which brings us to...

C) EACH SIDE WILL WAIT UNTIL TWELVE O'CLOCK AND THEN FIGHT TO THE DEATH FOR THE PRINCIPLES THEY BELIEVE IN. This seems to be the only answer that is consistent with the past actions and views of the leaders of both sides. But does anyone honestly believe that this is what our leaders (or theirs) would actually do?

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

AIDS Report: Past, Present, And Future

To date, AIDS, acquired immunodeficiency syndrome, has killed 125,000

By Ed Joy
RECORD Columnist

people in the United States. It is estimated that another 1.5 million people are infected with the HIV virus and that all of these people will eventually die from AIDS. Like many crises before, this one has torn through the facade of our nation to reveal fundamental flaws that lie beneath.

Samples taken from gay men between the ages of 35 and 45 in San Francisco indicate that 40-50% of these men are HIV+. Similar samples in Boston and New York indicate an infection rate of 30-40%. Samples within the last several months, again taken in Boston and New York, reveal a 10% rate of infection among gay men 20 to 25 years of age.

In spite of this decimation of the gay community, the straight community has largely stood by and silently pondered when AIDS would truly become a threat. If similar absolute numbers of heterosexuals had been afflicted, the response to AIDS would certainly have been more substantial and more urgent. This disparity in response can only be explained by the reality that gay lives are not seen to be as valuable as straight lives in our society.

The AIDS crisis has also revealed the sexist nature of our health research and care systems in the United States. These systems are so out of touch with the medical needs of women that most

women die of complications from AIDS before they meet the Centers for Disease Control's definition of AIDS. To put it bluntly, men don't have vaginas, and most medical research is done on men, so death by vaginal cancer related to the HIV virus has not been studied and, consequently, is not on the list of diseases that would qualify one as having AIDS. Without having CDC defined AIDS these women do not qualify for medical treatment programs that would prolong their lives. Incredibly, women do not have AIDS, they just die from it.

The AIDS crisis has revealed a health care system that is not accessible to the African American community. Even though AIDS has disproportionately hit blacks, (African Americans account for 29 percent of all AIDS cases in the U.S., but only 12 percent of the population) they cannot get AIDS treatment. Health care is only for those who can afford it. Census Bureau figures showed 30.7 percent of black people nationwide live below the poverty level in 1989, while 20 percent lacked any form of health insurance. Combine this with the expensive cost of AIDS treatment, \$7000 a year for medication alone, and a sad, but telling fact results: the lifespan of a black person with AIDS is half that of a white person.

Now, almost half of the people infected with HIV are People of Color and three-fourths of the women infected are People of Color. It looks as though AIDS is about to claim its next minority. A well chosen one at that, since nongay People of Color, seem to rate just a notch above

gays and lesbians on society's bigoted scale of life.

Who is next? Most health experts see teenagers as the next major risk group. Some indications are already there. STDS, sexually transmitted diseases, are up significantly among teenagers and such STDS have been accurate predictors of a higher incidence of AIDS in the past. One sample of students at the University of Texas revealed that 1 out of 100 students are HIV positive. When will we know for sure? In about ten years, when the symptoms of AIDS begin to show up.

One hundred twenty-five thousand already dead, 350,000 expected to be dead within the next two years and at least another 1.5 million with little hope of survival. Why, you would think such a deadly disease would have drawn a dramatic and effective response from the White House. But until Magic Johnson, AIDS was not been a major issue in the polls, hence, the President does not respond. Besides, the underlying issues of sex, sexuality and drug use are major taboo. Say no to sex, say no to drugs and say no to any policies that reflect the realities of the world we live in. Read on for sterling examples of effective AIDS prevention policies.

Louis Sullivan, Bush's Secretary of Health, cancelled a study on teenage sexual activity because it contains questions on homosexuality. Would he rather have a "scientific" report on potential causes of HIV transmission among our youth that ignores one of the

causes?

The next barrage of the government's public education campaign, "America Responds to AIDS," will contain no reference to condoms and their role in preventing the disease. Efforts to include this information vital to prevention of the disease, were vetoed by Dr. William Roper, director of the US Centers for Disease Control.

The Congress has also provided shining examples of how it can perform under crisis situations. With the epidemic crying out for some type of national plan for treatment and prevention, the Senate passes, by an overwhelming majority, the "Kimberly Bergalis" bill. This bill would have imposed a ten year prison sentence on health care workers who transmit the virus to their patients. The probability of such an event occurring is one in twenty-three million. I'll sleep better tonight knowing the Congress is developing real solutions to the AIDS crisis.

Maybe there is some hope. Congress and the White House established a bipartisan National Commission on AIDS two years ago. Health experts have lauded the recommendations on AIDS prevention made by the committee. There is one problem however, almost none of these recommendations have been carried out.

AIDS, brought to you by a homophobic, sexist and racist society, co-sponsored by an ignorant and leaderless government, coming soon to a neighborhood near you.

Boston's Southie Product Ray Flynn: The People's Mayor

The folks down at the Globe and the Phoenix like to pick on Ray Flynn. They

By Rich Wareing '93
RECORD Columnist

love to point out all the problems with the Boston Police, they love to lambast Flynn for his views on abortion and birth control, they love to point to crime and poverty and suggest that the mayor has not done enough, and they just love to bring up Ray's rather checkered past when it comes to school integration and busing.

From the sound of it, you'd think Ray Flynn was a first-class jerk. You'd never know that he was just re-elected with 75% of the vote, the biggest margin in the city's history. You'd never know that Flynn has served more consecutive time in City Hall than any man except his predecessor, Kevin White. You'd also be hard pressed to find out that in either of the last two elections, the only ward he has failed to carry was his own, South Boston, and that was because he gave the order to integrate the D Street public housing project. You'd also be hard pressed to find out that all this was done without a dime being spent on

high-tech glitz.

That Ray Flynn could be so unpopular with the literati, and yet so popular with the everyday citizens of Boston, black and white, at a time when "politician" is a worse epithet than "lawyer" suggests to me that the people supposedly in the know once again have their heads in the sand.

O.K., Ray Flynn is not a Rhodes Scholar. Anyone who read what he said about the distribution of condoms in the public schools could tell you that. Nor is he a great manager. The way he lets his old pal Mickey Roche diddle around as Police Commissioner is a disgrace. I'll also admit that Ray Flynn makes Dersh look camera shy when it comes to the evening news. None of this is a secret to most people in Boston, yet they love Ray Flynn anyway. People like Ray Flynn in spite of all this, and they trust him, because he is one of them.

He was born and still lives in South Boston, a working class, Irish neighborhood, where family, friends, and neighborhood are still words that mean something. He has tried to bring those values to every part of the city, to bring hope where there is none, and to give the tools of self-respect and self-determina-

tion to those without. Flynn, like Southie, is a little old-fashioned and provincial. He sometimes says and does wrong-headed things, but he has moved a good ways from the narrowness and bigotry that once disgraced him.

His critics hate to admit it, but Flynn now trounces his opponents in African American and Latino neighborhoods because he applies to these neighborhoods the values he learned in Southie. Unlike most bigwigs, Flynn actually spends time in these places, talking, listening, hanging around, even playing a little hoops. He has grown beyond the fear of the unknown, the fear of change that paralyzed him twenty years ago. He has come to stand for the proposition not that Southie must go, but that everyone should be able to live in a place like that. A place where the streets are safe, where people are actually neighbors, and where they care about what happens to each other.

People also like Flynn because they know he understands what it is to do without, to work hard for what you've got. When Flynn talks about tough times, he talks not as Bill Weld or Ted Kennedy, but as one who knows the

meaning of the words. His father was a longshoreman and his mother washed floors, and on those pay envelopes they raised a family. Flynn went to Providence College at a time when there were no GSL's or scholarships, because he was one hell of a basketball player, who scrapped for loose balls and manufactured shots. When Flynn speaks about the need to increase opportunity, working people know it's not Bushspeak. When he talks about equity and hard times, they know it is not Crit babble.

People respect Flynn because though he has been in politics most of his life, he is not really a politician. Flynn never was part of the South Boston clique that produced Kevin White, or Billy Bulger, or Joe Moakley. He went from local jock to state representative to city councilor running against the system. When Kevin White was forced to resign because about 90% of the people in City Hall were suspected of doing something shady, Flynn won by beating close to ten other candidates in a brutal election. You didn't then, don't now, and won't ever see too many pictures of Flynn backslapping with the old boys. He was and remains the people's mayor.

Sex, Drugs And HLS: Oh Well, At Least There Is HLS

11:30. Awake. I remember I am still in law school. I pull the blankets back

By Alysse MacIntyre
RECORD Columnist

over my head and return to sleep. I have a nightmare in which Larry Tribe, appropriately dressed and coiffed, dances around rapping, "Ice, Ice baby." Then Charles Fried comes out, wearing Hammer style harem pants, and starts talking about the Constitution, saying, "Word to your mother." I wake up nauseous, covered in a cold sweat.

12:15. Phone call from Karen. She persists in her foolish optimism that there must be a guy in the law school for her. At her insistence we once again leaf through the face book, hoping that Aiden Quinn's picture will have suddenly appeared for her, Jeff Goldblum's for me. No such luck. I agree to meet her for a beer that evening.

12:30- 12:56. Nurse hangover. I hunt for food among bowls of green fuzzy stuff in the fridge.

1:02. My mother calls. I tell her of my current dating woes. She tells me not to worry, that I'll meet my Maury Povich someday, just like Connie Chung. The idea of meeting "my Maury Povich" makes me feel nauseous again. Then she says she has to go. She's late to her *Life Spring* seminar.

1:18. Return phone call to RECORD editor Bob Arnold. Bob wants to fix me up with someone he knows. I tell him absolutely no way am I going out with Fenno. He says he's made several good matches before. I am wondering if this is his way of telling me he's tired of my columns about the state of my sex life when he mentions that he's hoping to generate a future client base for when he's a divorce attorney. I admire Bob's stunning ability to "think like a lawyer."

Bob also tells me that last year's editor, Dan Greaney, has complained that I've gotten soft. I say that I can't help it,



I'm being silenced by the HLS Republicans.

1:38. Joanne calls to tell me that after I left the party of the previous evening she overheard someone describe me as "that girl who writes columns for the RECORD about how she can't have an orgasm." Indignant, I respond that I have plenty of orgasms. My problem is that no one is ever there to share them with me. She tells me about the guy she picked up at the party. She says that when she insisted that he wear a condom he promised to pull out in time. We laugh that some men still use this line.

2:18 - 2:54. The Ex calls from California. He tells me that he met someone at a dinner party the night before who graduated from the law school last spring and who told him all about my columns. He lectures me on the social responsibility of the press, makes me

promise never to mention him in a column. I promise. Then, to get off the phone, I lie again and say I am in the middle of studying.

3:10 - 3:45. Go jogging. Realizing that it is an exceptionally inefficient way to meet guys, I vow to take up weight lifting.

4:13. Go down to get the mail. The first lesson of my correspondence course "How to write like Fran Leibowitz" has arrived. I accidentally lose the Visa bill in the garbage, along with a postcard from Hawaii from The Other Ex, currently on vacation with his new bimbo. I mean girlfriend.

4:26. Karen phones again. She's been shopping at Hubba Hubba, the leather store down on Mass Ave. She describes her purchases. We discuss the need for a female equivalent for the male term, "hard-on." I suggest "wide-on." She

prefers the phrase "I'm lube-ing."

4:40 - 6:30. Study. I can't remember what.

6:57. A man calls. It's the wrong number.

8:00. Have dinner with Michael, a friend from Los Angeles who's in town with his boyfriend. We discuss the fax machine he got for his car. He raves about his new acupuncture-herbalist. He tells me about straight men he knows whom he wants to fix me up with, including the acupuncture-herbalist. I malign life in New England. We agree that there's not enough sushi in Boston. I ask him to send me a copy of his screenplay when he gets a chance. We kiss on the cheek and say good-bye.

10:30. Meet Karen for a beer. We debate going to a law school party. We go anyway. We each have the same "where are you working next summer" conversation over and over. I hear a good joke and write it down for use in a column: "Q: How many University of Chicago Law Professors does it take to screw in a light bulb? A: None. The market takes care of it." I decide to leave early, claiming I have to study the next morning.

12:20. Arrive at a bar and join table of law school friends. We discuss Clarence Thomas. Joanne says if we had gone to Yale we could be smoking pot like ol' Clarence. I remind her that we didn't get into Yale. We discuss "Long Dong Silver," or in RECORD speak, "Long 'You-Know-What' Silver." Having seen photos of his famed member, I attest to its impressiveness. Karen says she heard that they're going to seat Clarence next to Sandra Day O'Connor. We discuss the problem of the diversification of the faculty. We debate whether there is really a pool problem. Karen states that the only pool problem in the law is with the supply of available and interesting men at HLS. We all sigh and agree that if we can no longer have sex and drugs, at least there is HLS.

Horny Horns In a Funky Way Paula Abdul Knocks-Out the Worcester Centrum

Everyone knows the face. Those warm, childlike, vulnerable, and yet seductive

By Eric Blair

eyes are remarkable and unmistakable. Everyone knows the moves. We've seen them a million times on MTV, on commercials, and performed by artists whose moves she has choreographed. As the near-sellout crowd in the Worcester Centrum waited patiently in anticipation of the opening of her show, only one question remained to be answered: Could Paula Abdul live up to the pre-packaged hype that preceded her? As the night unfolded, amazingly, the question seemed to disappear as quickly as it had surfaced. She left the audience in a traumatic state reminiscent of the tour's title: *Spellbound*.

The entire 90-minute set was like a show-business fantasy, playful yet extremely sophisticated and packed with dramatic, dance-pop flair from beginning to end. Disney was never so good. As the lights dimmed to announce her opening, the crowd jumped to its feet and screamed in anticipation.

To open the show, she was lowered from the ceiling amid a towering wall of blinding blue lights. It was very Hollywood, very contrived and yet not at all over-done, just magical. As she landed on the stage and started singing the title-cut from her latest CD, "Spellbound," she was joined on stage by a stirring group of dancers in black and white costumes to match hers. As the crowd stood gripped in a frenzy of uncontrolled emotion, two dancers walking on twenty-foot tall stilts were lowered onto the stage from movable risers to join the whirling dancers and create an unexpected spectacular. It was breathtaking to watch them all flow in perfect choreography with Paula as the centerpiece.

She was sincerely stunning as she moved from one song to the next.

The fast-paced show-stopper "Vibeology" followed the opening number in a glittering blur of motion that dazzled and amazed. The hyperkinetic routine on the Prince song "U" was as rapid-fire as an Uzi sub-machine gun, and yet as finely-crafted as Swiss timepiece. The dancers seemed to ooze more energy than cold fusion. Your eyes were never allowed to rest as one high-voltage number followed the next. But at the same time, amidst all of the fantasy, there was Paula. She commanded the stage beautifully.

When she slowed it down to sing her well-known ballads, the show seemed to lay in suspended animation. When she playfully asked the crowd "Will You Marry Me," the title of a song from the CD, the voices of the teeny-boppers who made up the majority of the audience were drowned out by the distinctive bass tones of the men who would have done anything for her at that moment. She smiled and devilishly teased, and continued to let them eat out of her hands.

The much-publicized vocal lessons had paid off. She sang her girlishly zesty songs with more confidence and more force than her reputation would imply. She fielded an endless number of bouquets of roses from the audience, and thanked them at every turn for supporting her and giving her the string of successes she had experienced.

As I watched the show, I was able to forget about all of the bad jokes about her lack of talent. I was able to forget about the plastic surgery. I was able to forget that I was watching a packaged and well-marketed Hollywood creation. It all felt good. I felt good. And I felt good for Paula.

Color Me Badd opened the show to the delight of the teenage girls in the crowd. Though a bit juvenile and predictable, they put on an awesome performance as well.

The Harvard Real Estate and Urban Development Forum is pleased to announce **The Forum Article Competition**. The author of the winning submission will receive a cash award of \$250 and be published in the *Real Estate and Urban Development Journal*.

The competition is open to graduate students in any discipline at Harvard and at MIT. The article may concern any aspect of real estate or urban development, and must be original. Pieces written in order to satisfy course or degree requirements are welcome. The panel of judges will consist of *Journal* members.

Articles should be 15-20 pages in length (typed, double-spaced). Any bylines should be removed. Photographs, diagrams, and finished drawings may accompany articles. Prospective candidates should submit their articles on an IBM or Macintosh disk as well as in hard copy form by **5 p.m. on Friday, February 28, 1992**. On a separate cover sheet attached to each entry, contestants should include: signature, name, address, phone number, school, and date of graduation. Decisions will be announced on **Wednesday, April 1**.

Responses and inquiries should be sent to:

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Playoff Action Set For HLS Intramural Football Finale Championships Feature Two Perennial Favorites And Two Upstarts

It's not the NFL, or even the WLAF, but intramural flag football is alive and

By Bob Daut '93
Special to the RECORD

well at HLS. This year, however, DSAC's inability to find a commissioner until mid-September ensured that the playoffs would occur during the glacial cold-snap of mid-November. Compounding matters, this year's commissioner, Frank Harper '92, perhaps thinking that he was overseeing the NHL, instituted rules under which full-contact became vogue and exactly half of the league's sixteen teams advanced to the playoffs, all in the name of parity!

This year, the sixteen teams were divided into two divisions of eight teams each. In order to avoid allegations that he stacked the divisions in favor of his team, the *Black Plague*, Frank Harper fed information into an advanced model random generator housed at MIT. Nevertheless, the dames of fortune failed to lift Shawn Sullivan's team over the hurdles of ill fate, and his team wound up having to battle both the *Learned Hands* and the *Black Plague*, two perennial favorites, just to make the playoffs. Meanwhile, in the other division, lady luck continued to shine for the two-time contenders *Short Puds* and *Skinny Dorks*, as their schedule allowed them to play games with the tortuous handicap of hangovers.

Speaking of hangovers, this year's surprise One-L team (and all One-L teams that do well are a surprise by virtue of their fresh arrival) captained by Mike Newman, but led by Hunter Bates, played its first playoff game one man short as only five players showed up for the 11:00AM matchup. Despite a constant one-man advantage, the *Dream Team*, a 3L team founded by Curtis Payne when he was a 1L, landed on the disappointing end of a 32-6 score, thus

ending their HLS intramural career. John Lawrence '94 turned in a spectacular effort for Newman's team, snaring two interceptions on the day, but he also flubbed a play as he landed on his ass after receiving the handoff on a reverse. Philip Koski '94 provided the spark on the defensive line by sacking the *Dream Team* quarterback on three consecutive plays. In scoring the lone points for the *Dream Team*, Paul Clement '92 took a handoff at midfield and barreled straight up the middle for a touchdown. Noting the *Dream Team*'s gradual progress over its three years, Eric Sacks '92, commented that the *Dream Team* may continue its quest for a championship by returning next year as LLMs!

Meanwhile, the two-time defending champs *Learned Hands* (though last year's title wasn't without question!) cruised to an equally lopsided victory over a tough team led by Shawn Sullivan '93. Due to a last minute change in the playoff format, Sullivan's team found itself in the unenviable position of having to arrest the explosive tendencies of an experienced team. Kurt Alme '91 quarterbacked his posse to a 33-6 victory. Despite the scoring difference (or perhaps because of it), both teams managed to have fun. On one play, a *Learned Hands* player in-

tercepted a pass and seemed certain to be headed for an uncontested touchdown. Howie "Wheels" Widra '93, however, had different thoughts as he came off the sidelines to give pursuit, but an "oh-so-close" dive did not stop the *Hands* from tallying another six.

In another matchup, the *Short Puds* and *Skinny Dorks* squared-off against a 1L team led by Paul Marazita as quarterback-captain. A tight scoring game created a tense atmosphere and plenty of physical contact as this game turned into a turf war reminiscent of the Tyson-Douglas fight, including a bloody nose on one side and a bruised jaw on the other. An injury sustained in a regular season game kept regular

Skinny Dorks quarterback Brad "The Hammer" Mallett '93 sitting on the sidelines nursing a pulled groin, but substitute Reed Herrero '93, rose to the occasion with a flashy display of his running abilities. With a canon for an arm, Marazita spotted his team to a 6-0 lead early in the second half with a perfect pass ahead of beautiful coverage by Dave Kim, '93. The *Skinny Dorks* fought back, however, driving the length of the field for a game tying touchdown as Mike Walsh '93 capped off the drive with a crisply executed center sneak into the endzone. Under tough defen-

sive pressure, led by the rushing duo of Phil Kerwin '93 and Reed Herrero, Marazita's team failed to strike back and the *Skinny Dorks* regained possession with six minutes left. Under the tutelage of "coach" Hammer, the *Skinny Dorks* implemented a hurry-up offense on the last drive. With time expired, and one "free" play left, the *Skinny Dorks* broke the tie with a quarterback sweep to the left corner of the endzone. Cinderella's shoe remains intact!

John Hamill's *Enrico Pallazzo* faced BLSA's *Black Plague* in the remaining game. The swirling winds could not ground the *Plague*'s air attack. Quarterback Frank Harper directed an aerial assault that knocked *Pallazzo* for a loop as the *Plague* flew to a 34-6 victory. Offensively, the *Plague*'s Neven Elam '92 turned what appeared to be an inconsequential incomplete pass into a stunning reception and touchdown while Derrick Honore '93 marshalled the defensive forces with a blistering rushing attack that helped the *Plague* get two interceptions. *Pallazzo*, playing without key members Seth Rosenthal '93 and Bruce Campbell '93 still managed to exploit the *Plague*'s defense for one touchdown on a pass from Navid Mahmoodzadegan '93 to Bob Dow '93. Eric Wilson '93 added some zest and flavor to the losing cause by making a variety of one-handed, backhanded and otherwise unbelievable catches.

What does it all mean? It means that even twenty-five year old law students like to pretend they are still kids sometimes. Be a kid, too, and watch the semifinals, with the *Black Plague* playing *Learned Hands* and Mike Newman's team facing *Short Puds* and *Skinny Dorks*, Saturday, November 23, at 11:00 a.m. The final will start at 12:30 following the semis on the fields just south of the football stadium across the bridge on JFK.

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Letters To The Editor

Ezekiel

continued from page 6

prefer to bury their heads and pretend their parents' sins have had no effect on contemporary race relations rather than solving the problem of eliminating the vestiges of their parents' racism.

Like intergenerational liability, the "deep pockets" philosophy the respondents deplore moves the debate beyond the finger-pointing stage to the problem-solving stage. Although an omnipotent god conceivably could execute the threat that "the wickedness of the wicked shall be upon him," we lowly humans are less adept at extracting punishment from the judgment-proof. Exculpatory rhetoric may well serve our clients, but it will not necessarily redress the injury at issue.

That the "deep pockets" philosophy is already common in modern tort law should lay to rest the respondents' hyperbolic rhetoric that such a view is "alien" to our system of justice. Even in literature, Shakespeare wrote that the father's sins shall be "laid upon the children" in *The Merchant of Venice*. And in the Bible, the very source of the respondents' argument, God plays both sides of the fence. Unlike the Ezekiel passage the respondents rely on, in Exodus 20:5 God says, "I the Lord thy God am a jealous God, visiting the iniquity of the fathers upon the children..." It should not surprise the respondents that reasonable people (not to mention God itself) have long differed on this intergenerational sins debate.

Keith Boykin '92
November 17, 1991

Was There Any Noise?

To The Editor:

I am a constant reader of the RECORD. The last issue was a pip. Has anyone let out a yell? What about the faculty? Has the closet opened?

Sincerely,

Samuel Becker LL.B. '25, S.J.D. '26
November 9, 1991

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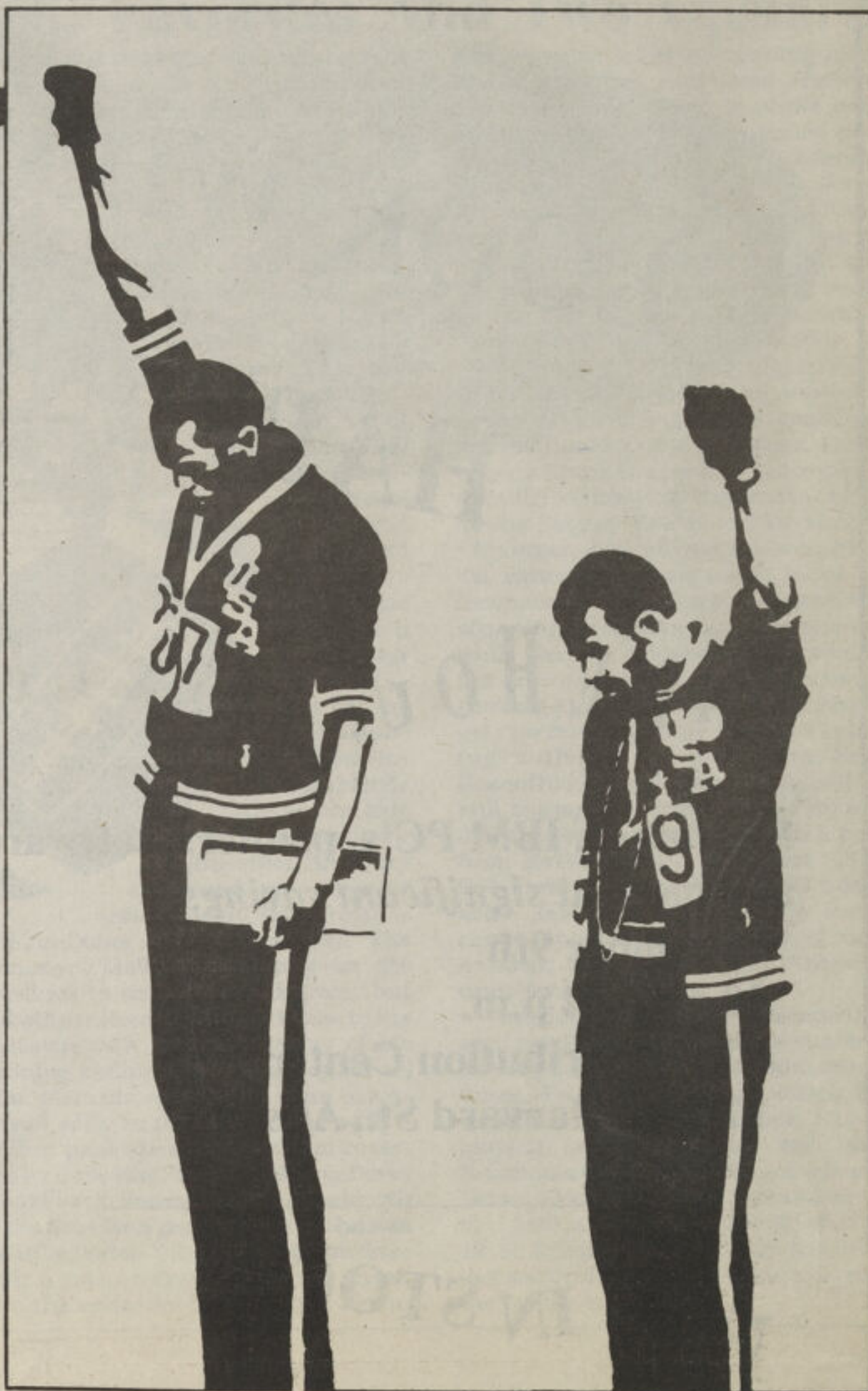
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