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Lincoln's Inn Wins A Round In Fight For Survival

Weiss '92 Says Charges Against Social Club Mere "Piffle"

The Cambridge License Commission decided by a vote

By Malcolm Harrison
Special to the RECORD

of 3-0 that a December 12 get-together at Lincoln's Inn did not violate any laws or conditions for the club's continued use of its premises at 44 Follen Street as a lodging for seven of its members.

Marc Rodwin, the Inn's long-time adversary who lives at 50 Follen Street, asserted that a December 1991 "get-together" actually constituted a party.

During the event, Rodwin peered into the door as people were entering and leaving and counted approximately seven people standing around with drinks in hand and a bar set up for service.

Under the terms of the license which allows the Inn to house seven of its members on its Follen Street

premises, before there can be more than 50 people on the first floor, the social club must receive a certificate of occupancy from the commission.

In reviewing the get-together, though, the commission determined that only a pre-party get together, consisting of only 11 to 18 people, was taking place before a formal party at the Taubman Center, and that this did not violate the terms of the lodging house license.

In a letter written to Adam Weiss '92 after the January 21 disciplinary hearing, the Commission stated that it had found no evidence that the Inn had actually sponsored a "party" on its premises.

"The commission's decision was a complete refutation of Rodwin's wild claims," said Adam S. Weiss '92 who is the Inn's neighborhood relations chair. "I

don't know what his problem is and the licensing commission did not see it either. The Lincoln's Inn has not been a molestation to anyone in this neighborhood since 1990."

"Lincoln's inn has been as silent as a crypt for the last year and a half," Weiss continued. "I can categorize any claims that Rodwin makes as piffle. No one had lodged any complaints about loud parties here."

Even though the board did not find that the Inn violated its lodging license, it did require the social club to obtain a certificate of use and occupancy for the first floor by April 10, 1992 if it is not to lose its lodging house license. Weiss said that the first floor plans have already been drawn up and that after sending in an application to Inspectional Services the matter should be resolved.



Lincoln's Inn member Kent Sevner '92 is confident that the social club will receive the necessary certificate of use and occupancy.

Former U.S. Attorney Ed Meese Addresses HLS Forum Warns Students To Guard Against "Politically Correct" Speech Codes

Former U.S. Attorney General Edwin Meese III faced a restless crowd on February 10, 1992, during

By Lee Gordon
Special to the RECORD

his lecture for the Law School Forum. Meese is now a Distinguished Fellow at the Heritage Foundation and the Hoover Institution think tank and is the author of a nationally syndicated column. His lecture was entitled "Freedom, Free Speech and the Courts."

He began with a joke: "You might all have learned that the definition of an economist is a person who lacked the personality to become an accountant," Meese said. Putting economics and punch lines aside, he quickly set forth a simple outline of First Amendment issues, carefully crafted so not to offend anyone (except, perhaps, economists).

The intended moral of Meese's lecture was that the First Amendment is first for a reason; it is the

most valued right of our democratic society. He listed three propositions for his audience:

- 1) Legal protections for free expression are as strong today as they were when the First Amendment was adopted.
- 2) The kind of issues which fall under the banner of free speech are more varied today than ever before.
- 3) The biggest threats to free expression today come from outside of any governmental or judicial context.

He distinguished regulation of content from regulation of time, place and manner, assuring the audience that the Supreme Court still greatly protects against government regulation of content.

Meese then identified modern cases that he believes typify the diversity of First Amendment claims. Some examples include a cross burning case used to challenge a hate speech statute and a nude dancing case challenging a no-nudity ordi-

nance. He made a concerted effort to keep his particular opinions outwardly indifferent, while reiterating the motto "we mustn't stifle freedom of expression."

Meese then directed his focus to free expression in intellectual debates, saying, "I believe that the greatest threat to civil liberties today is on our nation's campuses, posed by politically correct speech codes." He warned his listeners that "suppression of language rarely combats the underlying problem."

Students were eager for Meese to "reconcile" his purported view with current Supreme Court cases. More than one student asked, "How do you explain the court's denial of free speech in the planned parenthood case?" Meese explained "the court's view" that requests for government funding "often come with strings attached." In this case, the court prohibited planned parenthood doctors

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Death Penalty Scholar Speaks Responds To Weld's '70 Proposed Reinstatement

Hugo Bedau, Chairman of the National Coalition Against

By Steve Yarian

the Death Penalty and Professor of Philosophy at Tufts University, spoke Tuesday night about the merits of capital punishment. The Harvard Law School Civil Liberties Union, the Death Penalty Project, and the Criminal Justice Institute sponsored the event largely because of Governor Weld's proposed reinstatement of the death penalty in Massachusetts which will be debated in the state legislature this month.

Rather than listing new arguments against capital punishment, Bedau focussed on refuting the four main arguments for the death

penalty. First, he dismissed what he called the "taxpayers argument," that it is cheaper to execute citizens rather than incarcerate them for life. He cited various studies including those from the General Accounting Office to show that the data on the cost-effectiveness of the death penalty is at best inconclusive. Bedau did not reject the notion that spending less to do what is just is valid in principle, but rather noted that it begs the question of what is just?

Next, Bedau conceded that the death penalty could potentially have some deterrent effect, stating that "All forms of punishment are likely to deter some people from doing some things."

But he said that despite robust death penalty studies over the last fifteen or sixteen years, no evidence has emerged from any jurisdiction that clearly supports the deterrence theory.

Even more troubling, said Bedau, is the utilitarian argument upon which the deterrent theory relies. He argued that society would not be prepared to support torture and dismemberment if they would deter crime. "Though we all want punishment to play a part in crime control, the problem is the evidence does not support the theory that the death penalty controls crime," Bedau claimed. He noted that it is dangerous to believe that

Death Penalty page <None>

Professors and Students Predict Fate of Roe v. Wade

If 1991 was a hot year for the abortion debate, 1992

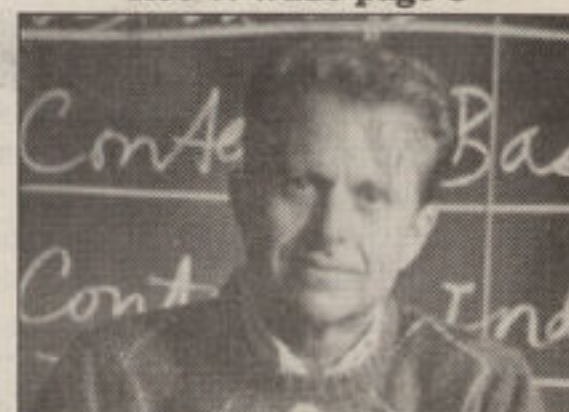
By Lisa Zornberg

promises to be sweltering. Most of the heat now centers around the recent Pennsylvania case, *Planned Parenthood of Southeastern Pennsylvania v. Casey*, which challenges the constitutionality of a Pennsylvania abortion-restricting statute.

On October 21, 1991, the Federal Court of Appeals for the third circuit upheld as constitutional four of the five amended provisions of the controversial statute. The provisions were: mandated physician counseling discouraging abortion, requiring a woman to wait twenty-four hours before obtaining an

abortion, mandated consent of one parent or a court order before a minor female may obtain an abortion, and a narrowed definition of "medical emergency" to situations which present a risk of death or substantial and irreversible impairment of a major bodily function. The Court based its ruling largely on the "undue burden" stan-

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Professor Larry Tribe

Legal Briefs



Law School Council Auction: Law For Sale

How would you like to have an autographed copy of Justice William Brennan's opinion in *Texas v. Johnson*, the controversial 5-4 flag-burning decision and one of his last from the bench? Or how about a copy of the script of the pilot episode of "L.A. Law," autographed by every member of the cast?

If the answer is yes, make plans to attend the annual Law School Council Charity Auction, which will be held Friday, February 21, from 2-6 p.m. in Austin North. The auction's proceeds will benefit the Roxbury Boys' and Girls' Clubs.

On the auction block this year will be an array of faculty donations, ranging from the bizarre to the ridiculous, as well as items donated by national celebrities.

Among the faculty items, Professor Laurence Tribe has donated a

copy of the brief submitted to the Supreme Court in the recent abortion-funding case, *Rust v. Sullivan*. Professor Charles Ogletree, on the other hand, will be baking two of his legendary sweet potato pies. Dean Sarah Wald will provide lunch and a fashion consultation to the highest bidder.

Besides the Brennan opinion and the "L.A. Law" script, the Council will be auctioning off a signature mug from Senator Edward Kennedy's office, an autographed photo of Harry Hamlin of "L.A. Law", and an autographed copy of David Brinkley's latest book.

Items to be auctioned will be on display before the auction, which will begin promptly at 2:00 p.m. So bring your checkbooks next Friday and help support the Roxbury Boys' and Girls' Clubs.

ELS Petitions for Spotted Owl Hearing

The Harvard Environmental Law Society recently joined a host of the nation's environmental groups in petitioning the Endangered Species Committee for a public hearing to be held in Washington, D.C. regarding the Bureau of Land Management's (BLM) request for an exemption from the Endangered Species Act (ESA) for certain timber sales which threaten the endangered northern spotted owl.

The petition letter claims that, "A public hearing in the Nation's Capital, apart from the administrative proceeding underway in Portland, is certainly warranted in this matter..." because the protection of the endangered species and the ancient forest

ecosystem on which it depends is of "demonstrable national" importance. Also, the letter states that, thus far, "the flow of information to the Committee and its staff regarding BLM's exemption application has been tightly controlled by Interior Department representatives."

The petition for public hearing was made pursuant to Section 7(g)(6) of the ESA, 16 U.S.C. §1536(g)(6), and Section 555(b) of the Administrative Procedure Act, 5 U.S.C. §555(b). The National Wildlife Federation, the Wilderness Society, CLF, EDF, Defenders of Wildlife, and the National Audubon Society were among the other signatories to the petition.

Nader '58 Promised Job by Jerry Brown

Jerry Brown has sought to consolidate the support of other anti-Washington candidates for his own insurgent campaign by appealing for support from backers of former RECORD President Ralph Nader '58. If elected president, Brown said he would give the consumer advocate a White House job.

Nader is running a write-in campaign in New Hampshire, and he is on the ballot in Massachusetts. Nader, through a campaign aide, declined Brown's offer.

Brown and Nader both say the political system has been undermined by big money. Both seek more public media access and both oppose nuclear power. Brown has contended that he and Nader were both part of an anti-incumbent crusade.

Brown reached out similarly to another political insurgent, Rev.

Jesse Jackson, who ran in 1988. Brown has said several times that he would name Jackson as his running mate if he gets the Democratic nomination.

In an address to the New England Community Action Association last week, Brown told about 300 delegates, "I'm not saying vote for Ralph Nader, because he's not on the ballot...I'm saying, if I'm elected, I'll bring Ralph Nader into the White House and he'll help run the government."

Nader, after 20 years of consumer activism, is probably more favorably regarded than many of the mainstream Democrats and initially drew larger crowds. He has said repeatedly that he would not endorse any candidate, although he has praised Brown. Compiled with information from the Boston Globe.

Controversial CUNY Professor Gives Speech At The College

In a speech to a crowded Sanders Theatre on Wednesday, February 5th,

By Stephen E. Frank
Crimson Reporter

embattled City University of New York (CUNY) professor Leonard Jeffries denied charges that he is a bigot and an anti-Semite and called on Harvard students to become "critical thinkers" in their study of history.

Jeffries, who began his three-hour lecture with a libation to the ancestors of present-day African-Americans, said that Western scholarship has too long been dominated by Eurocentric versions of history.

Jeffries, who refers to Africans, native Americans and other dark-skinned peoples as "people of the sun," said that Africans as a group value peace and equality more than lighter-skinned "people of the ice" do.

"The scientific data points to the fact that there is one human race, and it is the African race."

Jeffries also said that Blacks' and Whites' differences are the result of genetic influences.

"If you know anything about mixing genes, African genes are dominant genes and European genes are recessive genes," he said.

Focus on Enslavement

Much of Jeffries' speech focused on the history of the enslavement of Black Americans, which he called a "genocide" and a "holocaust." Jeffries said slavery has been downplayed by most scholars of American history.

"At the feet of the Statue of Liberty are the chains of enslavement," he said. "Nobody has the story of struggle for liberty and justice that the Africans have."

Jeffries — who said that the "merchant community," including both "Jews and Gentiles," was responsible for facilitating the slave trade — defended attacks on his account of history as anti-Semitic. He cited his involvement with a Jewish fraternity while a student at Lafayette College as evidence that he is not prejudiced.

The attacks, he said, come from White supremacists who exhibit "anti-Kemetism," which he defined as "an inability to deal with Africans of the Nile Valley." "Kemet" is a term that Jeffries said means "Black land."

"The real issue is anti-Kemetism, not anti-Semitism, anti-African, not anti-White," he said.

During an often heated question-and-answer period moderated by Williston Professor of Law Roger Fisher '48, Jeffries strongly denied controversial statements attributed to him in several national publications.

Jeffries said that Crimson editor J. Elliot Morgan, an Extension School student, lied about an interview which Morgan claimed ended with

Jeffries threatening his life and confiscating a cassette tape.

"He never had an interview," Jeffries said, though he acknowledged that Morgan had visited CUNY and attended one of his lectures.

When a student asked whether Jeffries realized that his "pyramid analysis" system was similar to one Adolf Hitler used, Jeffries said, "Adolf Hitler was a problem of the Europeans. Adolf Hitler is not my problem."

But in answer to another question, Jeffries said that he understands and sympathizes with the Jewish people.

"I know your your history, brother, I know your pain," Jeffries said. "Do you know mine?"

A question about the current enslavement of Black Africans in some Arab nations generated a flurry of shouts from the audience.

"Anti-Kemetism is as much a part of the culture of Arabs as it is part of the culture of Whites," Jeffries said. "There is slavery in Saudi Arabia...Don't worry about them."

Responses to Jeffries' speech were as varied as they were emotional.

"I thought it illuminated much of the obscurity that surrounded him, and much of what is unjustified," said Cinque Henderson. "I cannot think of anything he said where he slipped up or misstated."

But Eric G. Reis, former editor of the Harvard Salient, said, "I don't believe him. I think he's trying to cover up for his racism and anti-Semitism, and I don't think he did a very good job."

Eli Z. Fishman said he was concerned by the sharp divisions he saw in the audience, which were made more noticeable by the fact that members of the three sponsoring organizations — the Black Students Association and two graduate student groups — were seated at the front to Sanders, in a separate section from the rest of the audience.

"I didn't think it would happen here," Fishman said. "I wonder whether the groups which were listening to the speech can understand each other. I feel like crying now."

Harvard College Dean of Students Archie C. Epps III and Dean of the College L. Fred Jewett, while refraining from comment on the substance of Jeffries' speech, said they were satisfied that it had ended without incident.

"I was pleased that the meeting went off in a responsible way in the sense that there was an opportunity for Dr. Jeffries to speak and for those who wanted to raise questions or comments to do so," Jewett said. "In that sense the goals of the University were met."

Natasha H. Leland contributed to the reporting of this article.

Death Penalty

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deterrence is the reason we maintain a death penalty system, pointing out that most opinion polls indicate the public would support the death penalty even without any deterrent benefit from it.

He then moved to the incapacitation argument—that a particular criminal would be prevented from future criminal acts simply because he was dead. Largely because of the finality of the death penalty, the truth about whether a person sentenced to death would commit another crime can never be known. Bedau dismissed charges that recidivism was higher for those sentenced to death and questioned how this premise is implemented in our current justice system.

Bedau noted as an aside that of the 600 people whose sentences were

commuted after the Supreme Court decision in *Furman v. Georgia*, only about three have killed again as of 1992. This, among other evidence, demonstrates the difficulties inherent in identifying repeat offenders, and undermines the whole incapacitation rationale for the death penalty.

Bedau also addressed the retributive aspects of the death penalty. While he believes wholeheartedly that more severe crimes deserve more severe punishment on a relative scale, Bedau finds no compelling argument for placing death as the ultimate punishment. He said he did not feel that there were other alternatives available as long as society maintains the most severe punishment for the most severe crime.

While not offering specific alternatives, he rejected the contention that a penalty of death was necessary in modern society to signify the value we place on life, suggesting he hoped there were other ways society could express its reverence.

In speculating about a perfect system of commensurate justice, Bedau

stated, "I give up as society has long ago given up on it."

He pointed out that the system fails to provide punishment that actually fits specific crimes in many areas; for example, we don't rape rapists or embezzle from embezzlers. He found it impossible to match crime for crime as the state calculates when it executes people, while those sentenced to die often did not act with the same deliberation in killing their victims (such as the felony murderer in an armed robbery).

In response to prosecutors oft-voiced argument that "the defendant deserved to die," which juries often find compelling, Bedau posed an interesting theory. He found each of our births somewhat fortuitous and found it difficult to articulate any criteria that would entitle a person to be born much less to continue living. In that context, Bedau observed that it was especially troubling to suggest that murder somehow was sufficient criteria for disentiitling someone from their right to life.

Finally, he questioned anyone's ability to decide what is justice, arguing that, "no theory of social justice on the market has come up with the answer to the question of who deserves to live."

Marty Rosenthal of the Criminal Justice Institute said Bedau's speech that the Massachusetts legislature is split evenly on the reinstatement question, and that the battle to prevent restoration of capital punishment within the state could be won if enough people could be enlisted to oppose the measure.

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Write for the RECORD

Groundbreaking For New Building Slated For Feb 24

Construction crews will begin digging to provide electrical service to

By Johanna Davis

the new Holmes Field Building on February 24. The electrical redistribution project will be the first step toward completing the faculty office and classroom building, with a projected completion date of December 1993.

Massachusetts Bay Electrical Corporation won the contract last Friday with a low bid of \$146,260. They will redistribute electrical service around the site of the new building and lay down one new connecting cable. "The work is necessary for two reasons," said Frank Lamentea, HLS Director of Building Operations. "The old lines go across the area where the new Holmes Field building will be built, so it needs to be moved. Also, the new lines will supply additional power for Langdell when it's renovated."

Lamentea said that he did not anticipate any loss of power during the work. "The switch over to the new lines will probably occur after students leave. When we put in a new line, it won't affect the old one until we switch the power source."

Paul Donham, the Project Manager of the Harvard Planning Group anticipated no heavy, loud machinery on the site. "It should be fairly quiet, with just some workers digging a trench and maybe a back hoe, which is a tractor with a scoop. There may also be a small two wheeler trailer for the workers to keep warm." He stated that if the ground remains solidly frozen, the project could take longer than the six weeks now anticipated.

The electrical redistribution is the first step on the long road to completing the as-yet-unnamed Holmes Field Building. The architects, Kallmann, McKinnell & Wood, will not finalize their plans for the building until May 1, according to William Fisher, Chairman of the Building Committee. Kallmann is a small but well-respected architectural firm whose design credits include the American Academy of Arts and Sciences, Hines Auditorium, and the Back Bay T Station.

Fisher stated that after Kallmann's plans were in, "Six contractors will look at the documents, and they'll have one month to bid. Then we'll pick a contractor by June first, and the real construction will begin one week after Commencement." He stated that

most of the "noisy construction" would take place during the Summer and Fall of 1992, and by winter, the work would be taking place inside the shell of the new building. Fisher said that by December 1993, construction should be complete on the five-story building.

The new building will be located between the Aiken Laboratory and Langdell North. Rather than disrupt the open space of Holmes Field, Fisher felt that the building would actually "complete a natural quadrangle. When this is built, all the buildings around the square will be five stories high with compatible architecture." Plans call for the new brick building to have a stone base and a distinctive leaded copper trim around the top.

The Holmes field building will house student computer facilities in the basement, small classrooms on the first and second floors, and faculty offices, lounges, and secretarial bays on the

third through fifth floors. Fisher was especially enthusiastic about providing more small classroom space, noting that, "Over half the courses taught here have less than fifty students. Now, classes must be taught in classrooms too large for the amount of people in them. This will make for a better learning environment."

Fisher touted other amenities of the new building, including full air conditioning, increased audio visual capability in the classrooms, and handicapped accessibility. "The outside doors will all be on a grade, and an elevator serves all the floors of the building," reported Fisher.

The five-member building committee which also includes Professor Charles Nesson, Assistant Deans Sandra Kollman and Paul Upson, and Elizabeth Moreno '92, consulted frequently with faculty and staff over the past year to get suggestions about the new building. Fisher asserted that the meetings were

helpful and that their input affected some aspects of the layout and structure of the building.

He said the new building's design was meant to be "humane," noting that all offices and secretarial bays had windows. Fisher contrasted the new building with its skylight-lit staircase and bay windows with Griswold, which he described as a intimidating "fortress" with heavy doors. "We want to provide faculty members quiet, good study areas and also provide an accessible, open feeling for the students," he said.

Still unresolved is from where the over \$10 million needed to erect the building will be drawn. Fisher admitted, the money will come from the capital campaign, not tuition. But which portion of the campaign is unclear. We don't know who will contribute enough money to get their name on the building, or to purchase classrooms...

New Law Review Masthead In Place

On Sunday, February 2, Emily Schulman was elected President of

By Todd Hartman

the Harvard Law Review. In a process that has been known to take days, Schulman was selected from a field of 11 candidates in the relatively short time of 9 hours. She becomes only the third woman in the 105 year history of the Review to be elected to the publication's highest position.

"I don't know what to say," said Schulman. "I wish I could come up with some profound statement, but right now I'm just trying to orient myself to the responsibility."

Schulman does not see her election as a major change in the publication's attitudes. "On the one hand, I am not unaware of the significance of being the third woman president, for me and others," she explained. "Yet, I know it wasn't the women as opposed to the men who elected me."

Instead, Schulman hopes her election will change the public's perception about a woman law review president.

"I think people notice when a woman is elected more than when a man is," said Schulman. "I guess if I would change anything this next year, it would be to break down some of these assumptions about what law review is and who can be on it, for others who

may wish to pursue law review."

Pursuing law review was never something Schulman had in mind entering law school. After graduating from Harvard College in 1985, she used her Social Sciences degree to direct an alternative education program in downtown Boston before coming to the Law School in 1990.

"Law school was always something that was in the back of my mind, but at times, I doubted I would ever make it to law school," recalled Schulman. "I came to law school with largely social concerns and law review was never really for pursuing my interests."

As with her gender, Schulman's public interest background represents another public perception about law review she'd like to see changed. While many see the Review as part of an older, classic academic tradition, she argues such is not the case.

"It's a false distinction to assume all students on law review are pursuing academic careers. Law review is not monolithic."

"Law review is thought of as having a man for president and I'm a woman. Law review is thought of as uniformly academic and I am interested in social service. My academics are formed by broader social interests."

All other Review elections began on February 7, lasting into the next day. In what was described by one participant as

an extremely competitive atmosphere, over 18 editorial and administrative positions were decided during the 20-plus hours of elections.

The results of the board elections were as follows: Sam Hirsh, Treasurer; Chris Younger, Managing Editor; Adrienne Yermule, Shelley Simms, Jerry Kang, and Mark Goldman, Supervising Editors; Patrick Chang, Dave Smith, Mark Popofsky, and Mike Rosenthal, Executive Editors.

Office Chair positions were filled by: Analyse Riles and Sam Bagenstos, Articles Office; Elizabeth Wolstein and Russ Lamont, Books Office; Arthur Long and Karin Greene, Supreme Court Office; Doug Berman and Bob Loignan, Developments Office.

Review officers are elected through a work evaluation process where an elections committee submits a composite of the work done by each candidate for the evaluation of the voting body. Despite the exacting process, many voters still find distinctions difficult.

"The elections become almost arbitrary," noted one participant.

"In the end everyone does good work and trying to evaluate based on only one semester's experience can be futile," summarized Schulman. "Many exceptionally strong and capable candidates were disappointed."

All officers are from the Class of 1993.

Roe V. Wade

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dard put forth by Justice O'Connor in *Akron* which states that unless the law is "an absolute obstacle" or "severe limitation" to abortion, it will be upheld as constitutional.

The Supreme Court of the United States recently granted writ of certiorari to review the holding, and in doing so is expected to reevaluate its holding in *Roe v. Wade*, the historic 1973 case which gave women a right to privacy in matters of procreation and child rearing, and which made abortion during the first trimester of pregnancy legal.

Professors Predict the Outcome

The RECORD asked three constitutional law professors the following question: "Will the Supreme Court overturn *Roe v. Wade* in the upcoming judicial term?" Here is what they had to say:

Tribe: "Wrong Question"

Professor Lawrence Tribe gave the following response: "The main thing is that what you're asking me is overwhelmingly the wrong question. It is easy to predict that the *Pennsylvania* decision will split the Court in four or five different directions, the combined effect of which will be increased burdens on women, and ease with which states can restrict abortion."

"Those looking for fireworks are

looking for the wrong thing. A direct overturning of *Roe* may never come. And in the meantime, people will become increasingly used to more restrictions on women's access to abortion. It's tragic that the one concern that could galvanize [the issue of] reproductive freedom for women - the express overruling of *Roe* - is very unlikely to happen."

Professor Tribe asserted that the right question to be asking is "What is most likely to happen to women's reproductive freedom in light of the Supreme Court's *gradually diminishing* protection, and over what period of time?"

Field: Depends on Meaning of Roe

Professor Martha Field: "The answer depends on what you mean by 'overturned.' In some ways the Court has already suggested that it might not stick with the rigid trimester framework put forth in *Roe*. On the other hand, a more significant question is 'Will the Court preserve any constitutional right to abortion?' This question addresses not so much the Pennsylvania statute as more strict ones, ones in the working, that define life from the moment of conception and provide for no elective abortion."

"This year the Court would not go that far, and it might never."

"If you take *Roe* to mean that the Court recognizes a woman's constitutional right to choose, than that may be preserved, just for a shorter period of time."

Parker: Never Before the Election

Professor Richard Parker responded: "You're asking the right question, it's just too easy."

"No. Not this term, although the Court will overrule *Roe v. Wade* eventually. The Court would never do it before November. The Justices know it would have a major effect on elections - they read the newspapers. They've got plenty of time."

Student Leaders Address the Question

The RECORD posed the same question, "Will the Supreme Court overturn *Roe v. Wade* in the upcoming judicial term?", to student leaders of law school organizations that have express concerns in the eventual outcome.

Elizabeth Moreno, Co-Chair of the Women's Law Association had the following to say: "It's my impression that it has been taken for granted that *Roe* will be overturned. Now many women's groups are only hoping that it will happen before November so that it will have an impact on elections."

"It will refocus us on what we should have been doing all these years. We were lulled into complacency by the Warren Court and Justice Brennan; now we need to look to legislatures as the only thing that will save us." She stated expressly that WLA does not take a group stand on the issue of women's reproductive rights.

Jim Bowen, President of the Harvard Republicans, predicted that "the third circuit ruling will be affirmed. The only thing even remotely controversial is the 'undue balance' test proposed by Justice O'Connor. *Roe v. Wade* will continue to be the law of the land, except narrowed a bit."

Andrew MacLaughlin, President

of the Harvard Law School Democrats, took a different stance. "I subscribe to George Mitchell's comment in response to Clarence Thomas's appointment that that event marks the death knell for *Roe v. Wade*. Thomas is the most right-wing Justice in recent memory, and the views of four other Justices are fairly well known as well. If it's not directly overturned, it will at least be essentially overturned." Chief Justice William Rehnquist, and Associate Justices Antonin Scalia, Byron White, and Anthony Kennedy have indicated their willingness to overturn *Roe*. Associate Justices Harry Blackmun, who wrote the original *Roe* decision, John Paul Stevens, and Sandra Day O'Connor support abortion rights, although O'Connor's proposed "undue burden" standard would allow for restrictions. Finally, the views of the Court's most recently appointed Associate Justices, David Souter and Clarence Thomas, are least well known on the issue.

David Strickland, Vice President of the Black Law Students Association (BLSA), expressed his concern for "the huge impact on the Black community" if *Roe* is overturned, as he expects it will be. "Most members of the Black community lack the resources to move from state to state" in search of legal abortions. Likewise, he expects that "welfare pressures on the black community will increase since, fortunately or unfortunately, many poor black women do use abortion as a means of birth control, although this might be medically unwise." He stated expressly, however, that BLSA does not take a unified stand on this issue."

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Robert C. Arnold
Editor-In-Chief

Alex Haley Remembered

Last Sunday night I rented the first two episodes of *Roots* from City Video and watched them for the first time since they originally aired in 1978. I watched them with purely aesthetic interest in this grand drama that came about on network television of all places.

While the directing was not nearly as impressive on second showing, the acting remained as powerful and touching as ever. Tears welled in my eyes again at the end of the second episode as Fiddler tended to the slashed body of Kunte Kinte.

"What do you care what the White man call you," said a tearful Lou Gosset Jr. "You know who you be. Kunte Kinte. That's who you'll always be. There'll be another day...There's gonna be another day."

The next morning I woke up to learn the Alex Haley had died of a heart attack at age 70.

Whatever the cosmic significance of this coincidence, it set off in me a stream of consciousness that others must have shared. As a White male growing up in the Midwest, I knew two people of color before entering high school. One was a neighborhood friend named Paul Ramnerine who was often called "nigger" by the some of the White neighborhood boys on those rare occasions when we all got in arguments over the rules of Red Rover or something like that. Paul was constantly trying to explain that he wasn't a "nigger" but from India although nobody ever really got the difference when tempers rose.

The only other non-White I knew was Terry Beasley who we all admired for being the fastest kid in school yet all feared for the class rumors about his temper and different home life. I don't think I ever saw his parents.

But I did see *Roots*. I along with 130 million other Americans watched all eight episodes in amazement. There I was, eleven years old, in suburban Minneapolis, sitting in front of the television sobbing with anger while Kizzy was being taken from her family, perched with anxiety wondering whether I could stand another setback before Chicken George led his family to freedom, questioning my parents why this ever happened.

There were maybe three Black families within fifty square miles. Selma, Washington and Chicago were other worlds and I doubt that any of that struggle ever really reached our parents. For us, nothing before or since ever hit us the way *Roots* did.

I was probably a more impressionable and melodramatic child than most. For that reason, I'm thankful I saw *Roots* before moving to Chicago and seeing the ugliness of the racial tensions there. Still, I remember sitting in Race, Racism last semester and listening to the frustrating debate over the 1991 Civil Rights Bill. I read Bush's veto of the original proposal with that omni-present legislative preface: "Racial discrimination is intolerable to the concept of a free nation but..." I said to myself, "See, even George knows the country won't stand for it. Sooner or later something will change." There'll be another day.

For many people this knowledge came from life and politics. For me and others like me, it came from TV. Thanks Alex. Thanks for the help.

Todd G. Hartman
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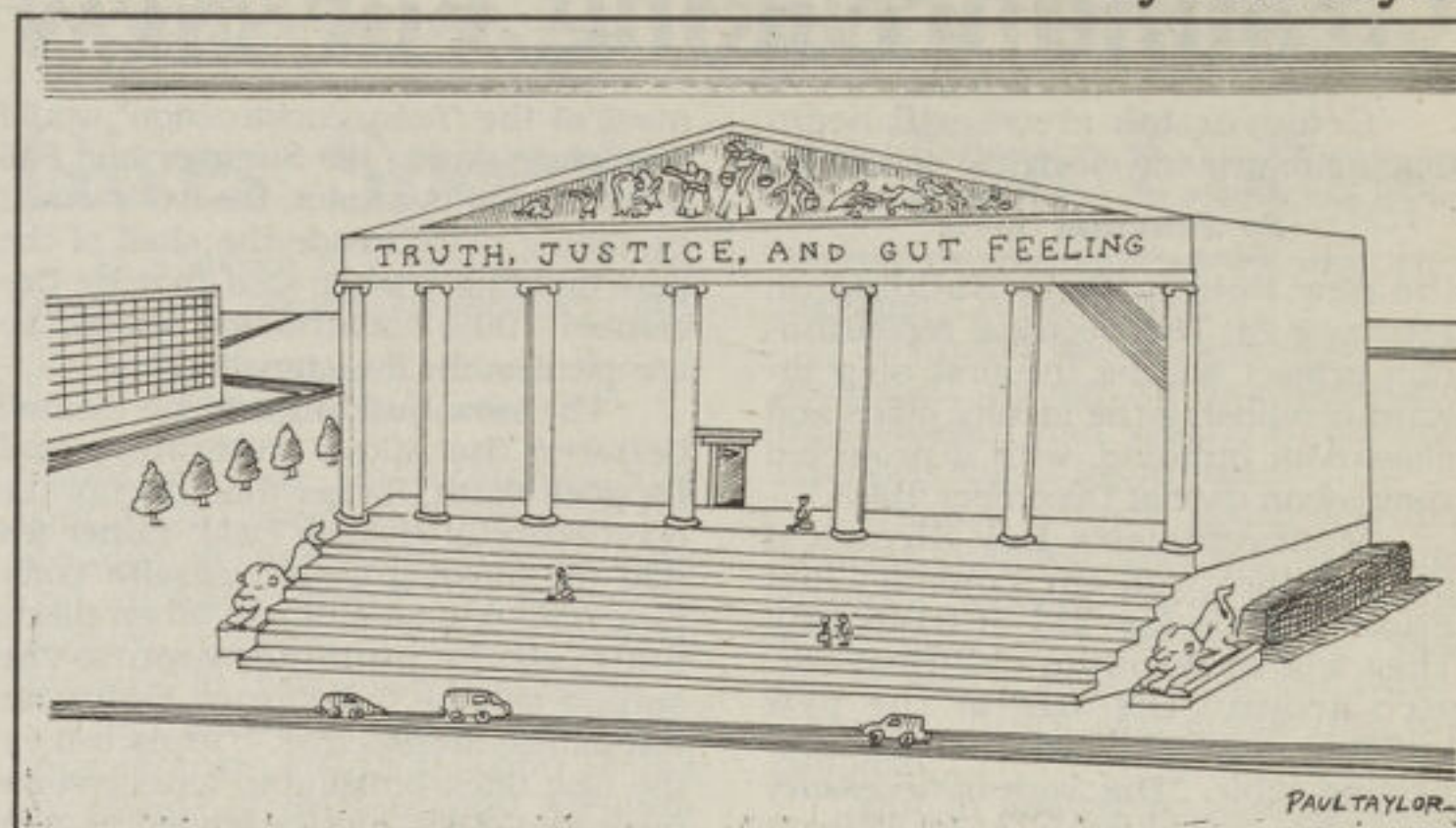
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FIRST AMENDMENT, U.S. CONSTITUTION

Liabilities

By Paul Taylor



Salomon's Comment Naive Or Devious?

To the Editor:

I'm not sure whether to laugh or shake my head at Claudia Salomon's comment regarding students' reluctance to express their views in front

Does it reflect naivete or scheming ambition? Besides, even without the camera, a lot of people are there; or does one plan to claim that others don't remember correctly (and hope that no one happened to be taping the session)? In any event, this kind of person will hardly make an effective or honest advocate in later life and is hardly suitable to hold any office of public trust.

Robert Kantowitz '79
December 5, 1991

Letters To The Editor

of a TV camera: "Some people do think about their actions in terms of confirmation to the Court or running for political office in thirty years [RECORD November 22, 1991]."

Women Fill Important Leadership Positions On Campaign And At HLS

To the Editor:

Jamienne Studley's article in the February 7th [page 7] issue expressed concern about the lack of women in leadership roles for the current Harvard Law School fundraising campaign.

Since the public announcement of The Campaign for Harvard Law School in June 1991, two women have joined the Campaign's leadership steering committee: Ann Pfohl Kirby '53, and Kathleen Smalley '81. This fact is critical to the article and was available if the writer had called to check her facts. I am disappointed that such important information would not have been included in an article published months after the appointments occurred.

The creation of our Campaign leadership committee is an ongoing process, with appointments being made both prior to and following the launching of the Campaign. We expect more women volunteers in the near future and over the course of the five-year Campaign.

Alumnae of the School are playing an increasingly important

role its management and funding. The current president of the Harvard Law School Alumni Association is Carolyn C. Clark '68, a partner with Milbank, Tweed, Hadley & McCloy. Five alumnae serve on the Visiting Committee that provides oversight to the School. The Harvard Law School Fund, which is the annual fundraising program for the School, has 13 alumnae serving on its reunion gift committees, two of whom serve as committee chairs. Additionally, 28 alumnae serve as class agents. They have a vital role in the Campaign. The Fund is projected to raise at least \$30 million of the \$150 million sought by The Campaign for Harvard Law School.

Women at Harvard Law School now make up approximately 43 percent of our full time, J.D. students. Five women serve on the permanent faculty; a sixth will be joining as assistant professor in September.

Deborah W. Little
HLS Director of Communications
February 7, 1992

Stress The Profound, Not The Profane

To the Editor:

The RECORD's recent report that the Harvard Law Review is publishing "Frug's Profanity" does a disservice to Mary Joe Frug, the Harvard Law Review and the Harvard Law Record itself. I would like to take this opportunity to clarify this matter.

The March issue of the Harvard Law Review will include an unfinished article of Professor Mary Joe Frug's entitled "A Postmodern Feminist Manifesto." It is a piece of legal scholarship that I think your readers will find thought provoking and informative. I was dismayed that the RECORD ignored the rigorous and academic nature of the upcoming article by characterizing it simply as profanity. An editorial note prefaces Frug's article not because it contains profane language, but because the Law Review accepted the piece after Professor Frug's death and therefore could not obtain the author's approval for any editorial changes that might otherwise have been suggested. The introductory note to the piece acknowledges that Frug's work is

being published as an unfinished draft and does not adhere to the Law Review's traditional editorial conventions.

I encourage your readers to read Professor Frug's article and the commentaries accompanying it in the March issue of the Harvard Law Review.

Emily Schulman '93
President, Harvard Law Review
February 12, 1992

Author Responds

To the Editor:

I am pleased that following my correspondence with Dean Clark women were added to the Campaign Committee. While I regret that I did not check on the Committee's current composition, these appointments do not diminish the importance of scrutinizing selection criteria for selections of all kinds.

Jamie Studley '75
February 10, 1992

Buchanan Candidacy Raises Moral Issue

It is immoral for any decent American to support Patrick Buchanan for

By Alan M. Dershowitz

President, even if one agrees with his political program. Buchanan has disqualified himself from receiving the support of decent people by his bigotry and anti-Semitism. His racism includes the denigration of Black life and suggestions that Blacks are intellectually inferior. His anti-Semitic utterances range from his admiration for Hitler and Franco, to his support for the SS and assorted Nazi war criminals, to his mockery of the suffering of Holocaust survivors and his revisionist suggestions that Jews were not gassed at Treblinka. It is too late in history for any moral person to say "I agree that Buchanan is a bigot and anti-Semite, and I disagree with him on those issues, but he is entitled to my vote on the basis of his positions on other issues."

That is how Adolph Hitler was elected in Germany, it is how David Duke won election to the Louisiana legislature, and how Louis Farakhan maintains his base of support among so many African-Americans. The majority of people who voted for Hitler in the 1932 election were not anti-Semites; they voted for Hitler because they agreed with his economic policies; but they did not disqualify him, as they should have, because of his anti-Semitism. Many Duke voters do not share his support for the Klan or Nazi party; they agree with his views on affirmative action and other issues; but they are willing to vote for him despite his bigotry. The same

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is true of most Blacks who support Farakhan; they do not support him because of his anti-Semitism, but rather because of his Black self-help programs; they simply refuse to disqualify him because of his anti-Semitism. I hear many of Buchanan's supporters making a similar argument.

A variation on that theme was sounded recently by William F. Buckley, whose intellect I respect. He wrote a long essay on anti-Semitism for the National Review in which he assessed Buchanan's statements about Jews. This is what Buckley said about his old friend and fellow conservative:

"I find it impossible to defend Pat Buchanan against the charge that what he did and said during the [recent] period under examination amounted to anti-Semitism...." [Buchanan has] said things about Jews that could not reasonably be interpreted as other than anti-Semitic in tone and substance."

Buckley ended his essay by asking why Buchanan has "survived" these legitimate charges of anti-Semitism — charges that have been docu-

mented by conservative *New York Times* columnists William Safire and A.M. Rosenthal as well as by several respected journals. Buckley concludes that Buchanan would not have survived ten years ago, but that he does today because of "a creeping cultural-political insensitivity to anti-Semitism that is both [morally] wrong and alarming."

Two cheers for William F. Buckley. But hold the third. Shortly after publishing his comments about Buchanan, Buckley was asked the following question by talk show host Charlie Rose:

"If you were a citizen of the great state of New Hampshire and you had an opportunity as a Republican to vote in the Primary, would you vote for Pat Buchanan?"

Buckley said that he would! Then he explained why:

"on the grounds that I as a conservative have found out a way to finally register my disappointment with George Bush...."

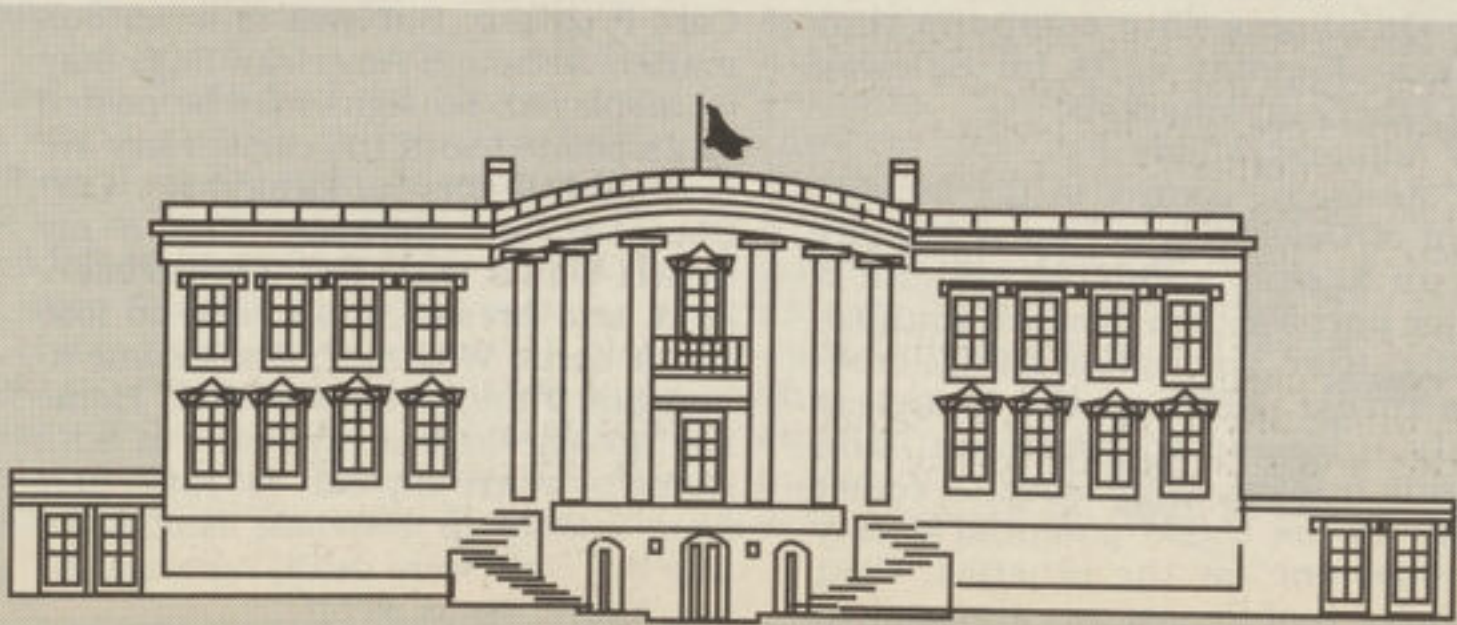
Think of what that means. William F. Buckley is willing to vote

for a man who he has found guilty of anti-Semitism. To be sure, it is only a protest vote. But a protest vote, in combination with other votes, could help elect Buchanan as President. Even if that seems unrealistic, every vote for Buchanan helps to legitimate his anti-Semitism.

Buckley, himself, is thus contributing to the "creeping cultural-political insensitivity to anti-Semitism" which he finds morally "wrong and alarming". I hope he will reconsider and declare that he would not — under any circumstances — cast his ballot for a man whom he cannot defend against legitimate charges of anti-Semitism.

Nor can there be any doubt that many bigots are supporting Buchanan precisely because of his bigotry. They see in Buchanan a champion who is willing to say in print what they whisper among themselves in barrooms and on street corners. Several racist and anti-Semitic newspapers — such as *The Spotlight*, for which Buchanan once wrote, and the *Post Eagle* — favor his candidacy. My current mail includes anti-Semitic letters promising that Buchanan will finish what Hitler began.

Recently, a group of independent New Hampshire voters — mostly white Christians — established a Committee Against Bigotry, which is urging voters who wish to protest to do so without casting a ballot for bigotry. The moral campaign against Buchanan seems to be catching on. As one pollster put it: "It is not only Jews and [B]lack who are concerned. [W]hite Christians don't want to elect anti-Semites and racists....either." Now that's a moral application of the Golden Rule that deserves three cheers.



Fenno

After two rounds of Scorpions at the Hong Kong, Fenno wanted some action. Where could he go to meet fabulous babes—preferably ones who had never met him before?

"Hey Fenno," slurred one of his buddies while trying to suck up a pink plastic monkey with his straw, "There's a party tonight at Story. Want to come?"

God do I ever, thought Fenno.

"C'mon Fen, it should be great. Free booze and fabulous Wellesley women!"

"Did Lincoln's Inn airlift them in?"

"Who cares you moron! As long as they don't know our reputations what does it matter?"

"How will I know if the women are from Wellesley?"

"That's easy—they're the ones with the big hair who put their makeup on with a trowel."

At the bash, Fenno kept his eyes peeled for any sign of a Wellesley woman. He wandered in and out of various dens of iniquity, taking drinks wherever they were offered. There were all kinds of hot babes there, but Fenno had already unsuccessfully tried his luck with many of these in the past.

Fenno decided to try the dance floor. His favorite song was playing—"Sue your friends," one of the lesser known songs by the Bee Gees—and Fenno could hardly contain himself. He danced around wildly until he heard a scream, "Stop you idiot! You're dancing on my girlfriend's face."

"Gee I'm sorry," Fenno said sheepishly as he offered to help the poor woman up. "Is there anything I can do?"

"I'll have your ass for this," Replied the boyfriend. "Looks like an intentional tort to me."

"Is there a lawyer in the house?"

Fenno asked.

The crowd backed off and pretended not to hear him.

After Fenno finished giving the irate couple his name, rank, and COOP number, he didn't feel much like partying anymore. He decided that it was time to leave.

Fenno started to make his way through the crowd when suddenly he found himself standing outside a door which read "Sex on a beach." This was a sign if Fenno had ever seen one. Pushing open the door into a hazy room, Fenno saw her. Or rather Fenno saw her blonde poofed hair sticking up above the mass of short Harvard bodies. This had to be one of the infamous Wellesley babes.

Fenno's hopes were confirmed when he heard her tell someone that she went to Wellesley.

"So sweetheart," Fenno began as he sidled up to this luscious beauty. "What say you and me go for a nice long walk back to my place?"

As Fenno pulled out his Binanca, the woman exclaimed "Hey butthead! Don't you know that spraying one of those things causes damage to the ecosystem?"

"Hey wait a minute!" Fenno responded in a shaking voice. "I thought you were a Wellsley babe."

The woman laughed. "You heard wrong you sexist bastard. I'm from Wesleyan!"

Horrified at his mistake, Fenno cried and pleaded with her to shave her legs.

Quote of the Week

"After weeks of watching the news and trying to read articles about the presidential race, all I know is I hate Bush, I hate Buchanan, Clinton may have had sex, and Tammy Wynette is pissed."

Comedienne Paula Poundstone

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Transitional Housing: Mobile Home Carts For The Homeless

Homeless persons who are provided with the projected Jean Valjean

By Charles O. Porter '47
Guest Columnist

Homeless Cart, 1991 model, may find the quality of their lives improved, with the conditional loan of a mobile home, scant but efficient, a token of how much we really care.

The Jean Valjean Homeless Cart Program is calculated to relieve the supermarkets of the ever more tiresome chore of trying to protect their shopping cart inventories. It will also demonstrate that abject personal poverty is not ordained by God as a test for the good people or a punishment for sinners.

The Cart is similar to a supermarket cart, but larger, a 42-inch-high single wire basket with sides that drop down to form a bed platform. Tent poles fold up at each corner to support a plastic tent. A metal ring just under the push handle is for hanging a nylon mesh sack to hold the collection of returnable cans and bottles.

The Cart's Accessories

1. Food. Desert Storm rations. When the surplus runs out, more should be made available.

2. First aid kit. Contains aspirin, dental floss and a Kevorkian cocktail with instructions that the JVC (Jean Valjean Carter) is forbidden to ingest this terminal tippie just because he or she may be temporarily depressed on account of hunger, loneliness, cold, or fear. It is only to be used if the JVC rationally decides that he or she would prefer not to face another day.

3. Bed pans. A plastic unisex model is expected to be available soon. JVC's are not permitted to use public lavatories because citizens with homes become uncomfortable in their presence.

4. Beeper. The trouble with providing cellular telephones is that the JVC's will call their housed spouses,

relatives, friends, and public officials. All involved will end up more miserable. A beeper will notify the JVC annually to return to his or her particular GULAG (acronym for "government under law and God") headquarters for the annual cart inspection and repair, delousing and shower, mail, food, and a taped pep talk.

5. Bed. There is a two-in-thick pad inside and across the bottom of the cart to form a mattress when the sides are folded down.

Financing

Government funds, we are repeatedly advised, are needed for priorities like national defense, foreign aid for Central America and the former Soviet Union, education, crime control, farm subsidies and infrastructure repair. Transitional housing has a low priority. The supermarkets of America will be asked to pay for the carts. In return, they will get tax credits as well as the opportunity to pass the expense on to their customers. JVC's will be ordered to stay away from their parking lots and store interiors. They will be encouraged to take garbage from the rear of the stores.

Each cart with the plastic tent, the mattress pad, first aid kit, and nylon mesh bag will cost \$100.00, based on information from Unarco, the Oklahoma City company that makes shopping carts for Safeway and other supermarkets.

Administration

Assigning control to the Department of Defense is not an act of pity for an agency suddenly without a major purpose. The Soviets, until recently, were our nation's only credible threat. Now, as the homeless daily increase in numbers, and nightly in rage, they move to center stage as the U.S.'s potential enemy number one for the nineties. Czar Nicholas II of Russia, his government similarly riddled with graft, was overthrown in 1917. The Czar's policies

led to food riots, but to date, no food riots have erupted in the United States. The Defense Department, assisted by the FBI and the CIA, will strive to control the JVC's without too much erosion of their constitutional rights. Transitional housing requires a firm and fair administration.

Regulations

1. A person, to qualify for the loan of a cart, must be either a U.S. citizen or a lawful resident and have at least 60 days' soloing as a homeless person. He or she may have no assets or expectations.

2. There will be a securely attached ID card on each cart showing a mug shot, fingerprints, and bar and genetic codes. The registration number is to be tattooed on the JVC's right forearm in blue ink.

3. JVC's must at all times stay with their loaned carts. They are strictly liable for any damage to or misuse of the carts.

4. No more than three JVC's may assemble in the same 200-yard radius at any one time except by direct written order of a U.S. military officer or noncom, or when reporting to their assigned GULAG, which will be a military facility. Radio locator devices permanently installed on each cart will locate the violators, insuring immediate apprehension.

5. Levity is not permitted in the Cart Program. Survival is a serious matter. Although American flags may be displayed, no signs may be posted or associated with the carts. Here are examples of what is forbidden: Cart Blanche; Cart me away; Cart o' my heart; Down with the Czar; Peace, land, and bread; All we have to lose is our carts; Why me?; Don't come a-knockin' if the cart is a-rockin'; Home like no place; I lost my home in S.F.; Home is where my cart is; Push cart from misery to oblivion; That's the way the carts were dealt; America the beautiful?; Jesus wept!

The present Administration will regard the cart program as a way cal-

culated to lift millions of Americans out of the gutters and alleys by generously furnishing them with free transitional housing and the essentials for survival for an indefinite period of time.

6. Enforcement

The carrot: JVC's who report violations of regulations or whose ID numbers are drawn in a monthly lottery will be awarded two hours of dental work to supplement their aspirin and dental floss rations.

The stick: Effective punishment is a puzzle for persons who have so little to lose. Federal guidelines will be prepared to provide that any violation of the regulations will result in, first, a sentence of one year's incarceration in a federal prison.

This sentence will mean that the convicted JVC will have a roof over his or her head, a warm bed every night, three nutritious meals daily, medical care, exercise, recreation, a social life of sorts, and less fear of assault.

That does not alone constitute effective punishment for an erring, destitute homeless person.

The second portion of the sentence directs that a convicted JVC, after serving his or her warm and well-nourished year in prison, will be paroled for ten years. During that period, he or she is excluded from the Jean Valjean Mobile Cart Program.

He or she is back to pushing an unmodified shopping cart, scrounging for food in dumpsters, depending on overburdened local handout programs, breaking into empty buildings, and hunting for an uncrowded warm air grate. Back to flossing with beer can tabs. No handy Kevorkian cocktail. Paradise lost.

Should the paroled JVC then violate any of the many conditions of his or her parole, it's back to prison, which, if not paradise, is for him or her a limbo kindler and gentler than those mean streets without a Jean

Firms Increase Efforts To Hire Gay And Lesbian Lawyers

Interviewing with firms is stressful for anyone, especially in today's

By Glennis Gill

economy. But for gay and lesbian law students, the process and the decisions associated with it are even more difficult.

When one looks through the Employer Directory there is a noticeable absence of openly gay and lesbian lawyers. In the 1990 Directory, only 27 out of approximately 800 firms had openly gay and lesbian lawyers.

However, according to an article published in last week's *New York Times* ("Firms Step Up Hiring of Gay and Lesbian Lawyers," Feb. 7, 1992) some firms are actively trying to change this statistic. In the past couple of years many firms have initiated policies to actively recruit gay and lesbian lawyers.

According to the *Times*, recommendations from local bar associations have partially prompted this "step up" in recruiting gay and lesbian lawyers. For example, several San Francisco firms have followed the recommendations of the Bar Association by stating that the firms do not discriminate on the basis of sexual orientation, offering educational programs on sexual orientation topics and adding an openly gay

or lesbian attorney to the hiring committee.

Of the twenty-three Bar Association suggestions, McCutchen, Doyle, Brown & Enersen adopted sixteen and Morrison & Foerster adopted twelve. The *Times* also pointed out that last summer the Association of the Bar of the City of New York appointed a panel to address this issue.

Increased recruiting of openly gay and lesbian law students is also due to efforts by law students and law schools. The 1990 amendment to the bylaws of the Association of American Law Schools, which added a prohibition against discrimination on the basis of sexual orientation, stressed the importance of this issue to firms, as does the questionnaire from Harvard which asks firms how many openly gay and lesbian lawyers they employ.

As Trent Norris '92 states, "I think it's great that Harvard includes that question on the questionnaire. I think it has helped firms to focus on this issue."

Even though this question by Harvard has helped emphasize the issue, the fact that so few firms report having openly gay or lesbian attorneys is disconcerting. These zeros are practically meaningless because the firms don't do anything to

find out.

According to Bruce Deming '92, "Firms don't want to collect that information," and justify this with not wanting to pry. But Deming thinks this information is important and "could be collected without invading privacy. The firm could send around a survey asking if the attorney would be willing to be reported as openly gay or lesbian in the same way that racial minorities or women are."

Although many firms have improved their efforts, they can do more to recruit gay and lesbian law students. Firms that attended the Minorities in the Law Panel this Fall were given suggestions written by COGBLI. These suggestions included being attentive during interviews to indications on the resume that a student is gay or lesbian and commenting positively on these. COGBLI also recommends interviewers use inclusive terminology and mention if the firm has a nondiscrimination policy.

Some firms, including the New York firms, Paul, Weiss and Skadden, Arps, have changed their anti-discrimination policies to now include sexual orientation. In addition, firms can be more open about these policies with all candidates, whether or not something on their resume said "gay" or "lesbian."

Norris points out that firms should recognize that "there are people who don't want to be out but are still interested in a supportive atmosphere." He favorably recalls an interview with the San Francisco firm Heller, Ehrman, before he was "out," when the interviewer talked about the firm's policies towards gay and lesbian lawyers.

Despite some firms' new policies, many students feel that being openly gay or lesbian will hurt their employment opportunities. Deming asserts that "overall, for the vast ma-

jority of firms, interviewing as openly gay or lesbian is a negative. But if you're a strong enough candidate, they'll still hire you." Deming gives the firm he worked for one summer as an example. It was one of the 20 biggest law firms in the country, but Deming was the first openly gay person to work there — he was not reported in the directory statistics.

Moreover, according to Peter Cichino '92 "it is not a matter of course that people who belong to COGBLI will be out on their resume."

This is a big decision; although COGBLI's meetings are not generally well-attended, the meeting at the beginning of this year dealing with the issue of whether to be "out" on one's resume was very well-attended. Some students fear it will hurt their chances, as one man in COGBLI who said he decided not to be "out" on his resume after he talked to a partner at a big NY firm who said it would decrease his employment possibilities.

Deciding to be "out" on one's resume is a personal decision, but Deming, pictured and quoted in the *Times* article, would encourage other gay or lesbian law students to do so. One may have to tailor his or her job search, but according to Deming "Harvard students can be 'out' on their resume and still get a great job." Both Deming and Norris point out that Harvard students are lucky in the sense that firms really want them and will, for the large part, still hire these candidates, even if being openly gay or lesbian is seen as a negative.

Norris asserts that "if I were interviewing now, I'd absolutely interview out. Being closeted in a firm is a horrible feeling. So frequently things come up about your personal life. I want to work with a group of people with whom I could casually mention my partner."

Roe V. Wade

continued from page 1

from recommending an abortion as an option to those patients. Many listeners were dissatisfied to hear that the case does not involve First Amendment issues.

Finally, Meese addressed similar student concerns over funding for the National Endowment for the Arts.

He personally proposed that we do away with the NEA, and instead make certain donations to the arts tax deductible. "Having been in Government," he said, "I know that government is no place to decide what is good or bad art."

Overall, Edwin Meese III was professional, articulate, tactful and all too ready and able to agree with one and all. More than once, Meese chose to avoid controversy by saying, "That's the court's view, and it makes sense, though it wouldn't bother me if the court ruled otherwise."

Things that Make You Go Hmmm

I have a little joke I share with friends: Alysse MacIntyre answers all

By Alysse MacIntyre
RECORD Columnist

her fan mail. The joke is, of course, in the amount of fan mail I receive. To date, I have received 3 bonafide fan letters, and there have been a few other letters to the paper that at least praise me in passing. To my amazement, positive letters regarding my column have actually outnumbered the negative. I'm obviously slipping in my ability to annoy Republicans. But, hey, the semester is young.

If the fact that some people actually like my columns enough to write isn't a terrible shock, this certainly is: two of the letters are from alumni. Why would you want to read the Record after you get out of here when most people don't read it while they are here? Reading the Record as an alum is twisted. Unless, of course, you're one of my alumni fans out there — you guys are really awesome, a real credit to the law school (Confidential to B.H., '84, in Seattle: Are you married? Do you still have your hair?).

While my first two fan letters were nothing to sneeze at, my third fan letter was, shall we say, a real thrill. It came from a 2L who wishes to remain anonymous and included a present — a 7 inch battery powered vibrator. Needless to say, I am deeply touched. I am not sure that I can truly articulate just how touched I am. Really.

It's not that I didn't appreciate the gift, but battery powered vibrators don't have the same, shall we say, kick as the electric plug-in models. How do I know? I could lie and say I read it in the Good Vibra-

tions Catalogue. But, all modesty aside, I would have to admit that I would qualify as an expert on the matter under Federal Rule of Evidence 702 ("...a witness qualified as expert by...skill [or] experience...may testify thereto in the form of an opinion or otherwise"). And I heartily recommend to every other girl out there that she too become an expert. She won't be disappointed.

Never one to look a gift horse in the mouth, however, I sent a note immediately. I thanked the gen-

I pointed out all the advantages that a vibrator has over her last boyfriend: vibrators never blow off class and then complain that they can't read your notes, they never leave you waiting around the Hark for them, they never keep you up all night with their snoring.

tleman in question for the "nice little gift." He responded, "I think your note may give some insight into why you have been unable to find satisfaction at Harvard...you refer to a 7 inch vibrator as a 'little gift'." So you go figure.

As much as I was amused by this gift, I did find the idea of using a vibrator given to me by a reader whom I don't even know reminiscent of one of those psycho-fan/exploitation movies. Or maybe it even felt like the weak premise of a cheap porn movie whose full plot I am sure you can imagine on your own. Or I hope you can imagine on your own, but, then, at HLS you can never be too sure (Forgive me,

Catherine McKinnon!) At any rate, I decided that one good turn deserved another, and I offered it to a friend. She would never think of using a vibrator, but I told her she really ought to. I explained that right after specialization, convenience is the number-one trend of the 20th Century. As Lily Tomlin says, "It simply takes the guesswork out of having an orgasm." And when you're talking about us busy law school girls, you just can't underestimate the value in that.

I pointed out to her all the ad-

vantages that a vibrator has over her last boyfriend: vibrators never blow off class and then complain that they can't read your notes; they never leave you waiting around the Hark for them; they never keep you up all night with their snoring. Granted, they're not great conversationalists. But, then, most guys just fall asleep afterwards anyway. Still, she is not persuaded. So I guess I'll just keep it for my oc-

casional house guests. In the meanwhile, I've been thinking that if my adoring fans are going to start buying me presents, I ought to go down to Hubba Hubba to register for some things I need, lest I end up with a closet full of vibrators.

Of course, not all my mail has been positive. I still continue to displease some conservatives. One of them, an alum in California, was very unhappy that I referred to Nancy Reagan as a "bitch" in my druggie column. He (or She; I do not know which, for s/he was too cowardly to sign a name) wrote, "If Nancy Reagan is a bitch as you twice indicate, then you're a son of a bitch." I can only say one thing in response to that — You are obviously confusing me with Ron Reagan Jr. I am the one with the better hair cut. And I probably now own more sex toys, too.



Broken Contract: Lastest "Memoir" By Former HLS Student

It's finally here; the Contemporary Experience of the Harvard Law

By Alysse MacIntyre

School: Broken Contract by Richard Kahlenberg, HLS '89. What does this novel/memoir/kiss and tell-all confession mean for you? It means that from now on, no one will ask you "Is it really like The Paper Chase? Is it really like One-L?" They're going to ask you, "Is it really like Broken Contract?" And that means that even if I and everybody else in town gives it a bad review, you will still probably want to go ahead and read it.

Broken Contract is worth reading if only because it does to Harvard Law School what the Warhol diaries did to New York. Unlike One-L, Broken Contract names names. That's right. None of this thinly masking Arthur Miller as Perini. When Kahlenberg thinks that Louis Kaplow is a nerd, he just comes out and says it. And, fortunately, Kahlenberg attended HLS at an interesting time. He was here for the height of the Crit vs. Conservatives faculty battles which culminated in the appointment of Robert Clark as dean and left one casualty, Professor Clare Dalton. Thus the book includes the stories of the reaction of professors and the press, even an internal memo on the matter. Don't get me wrong, this is no All the President's Men, nor does it try to be. If anything, Kahlenberg could have explained more about the Bob Clark and the Gang of Five's actions that resulted in Clare Dalton's being denied tenure. But for most students, who know little if anything about the recent period of HLS history, it is informative and interesting reading.

One of the strengths of the book is that Kahlenberg is mostly fair in his treatment of faculty, staff, and classmates. He seems to have no axe to grind against anyone, and the criticism he gives is, for the most part,

relevant (yes, maybe even the the comment about Kaplow. Sorry, Lou. You know I love you, but honesty is so efficient). He consistently criticizes many of the professors he likes, and praises many of those he doesn't.

That Kahlenberg is quite conscientious in his efforts to be fair is important because he has taken on the difficult task of telling a political story. Kahlenberg entered HLS in 1986 a liberal democrat whose greatest hero was Robert Kennedy, and whose goal was to use the law in noble ways to help the disadvantaged. The book tells the personal tale of what happens to his politics, goals, and priorities in a law school that subtly and systematically leads students into big corporate firms and away from the public interest.

Yet this is not just the story of a public interest do-gooder fighting the evil corporate forces that are attempting to coerce him into Covington & Burling or Ropes & Gray (yes, he names firms, too). Kahlenberg's negative experiences with HLS liberals are just as important a feature of his story. He struggles with the inability for meaningful debate within the left due to silencing and also with the hypocrisy of and contradictions within the Critical Legal Studies movement. Again, his treatment is, all around, fair and balanced.

The downside of this book is its accuracy. Do you really want to plunk down your precious \$22 and spend your hard-to-come-by free time reliving every terrible thing about law school? If not, avoid this book like the plague, because it is all in here. From struggling to reconcile your politics and goals with the legal job market, to the nightmare that is the first semester of the first year, to the insecurity and inferiority of no longer being the best, and even to the agony of visits to the Charles Hotel and trying to choose from dozens of seemingly fungible firms that all

claim to be different. I mean, it's all here, from that horrible feeling when you're trying to answer the professor's question and hands start going up to let you know that you are blowing it, to being rejected from law review and clerkships. Is this a pleasant way to spend an evening? Hell, no.

Certainly the best parts of the book are the gossip parts and they do, to some extent, make up for the dazzlingly accurate descriptions of the things you'd rather not remember. My favorite chapter "Liberal Chic," describes in embarrassing detail Charlie Nesson's midlife crisis, an event triggered by the outrage of his students as a result of his discussion of rape in Evidence class. Nesson's proclamations of mea culpa, along with his incredibly self-indulgent and seemingly endless public soul-searching, irritated even his supporters (I thought that this chapter really shed light on Alan Dershowitz' behavior last year; he was probably trying to avoid looking as foolish as Nesson, but of course he only succeeded in looking foolish in a different way.)

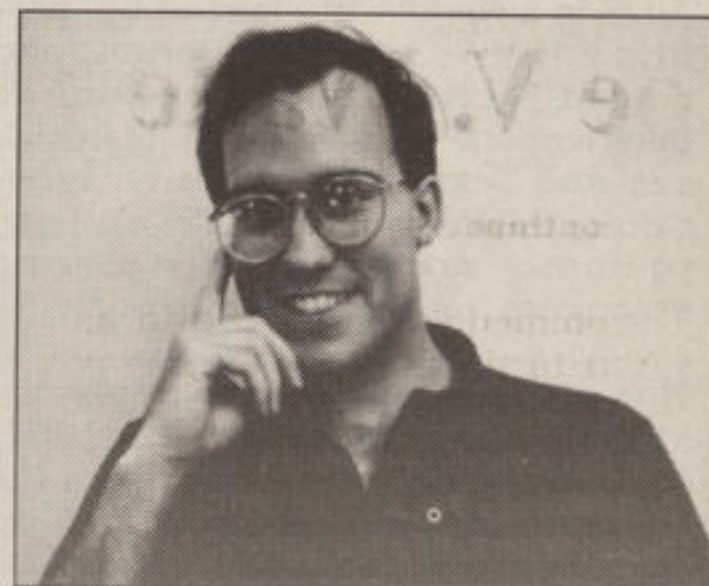
Dean Wald is reportedly one of those who is happy to find that she is not included in Broken Contract, and I can't blame her. Despite his strongly leftist leaning, feminist intent, and otherwise fair treatment of individuals and topics, Kahlenberg is occasionally unfair and differential in his treatment of women. While he complains about the distance and cold demeanor between faculty and students in other instances, he turns around and repeatedly knocks Martha Minow for being too friendly. In the incident involving Nesson's discussion of rape, it is never quite clear what Nesson said. Since I find it hard to believe that so many students got angry at nothing, I presume that Kahlenberg's omission is due to his not taking it seriously. Not surprisingly, when he is assigned

Mary Jo Frug's treatise on the Dawson, Harvey, Henderson Contracts case book, it completely escapes him. "Mary Jo Frug's article did seem to stretch its case, but the other CLS readings assigned for class were perceptive, lucid and thought-provoking" (Emphasis mine.) Maybe he had some special attachment to the Shirley MacLaine photo; I don't know. I'm also sure he could have omitted the references to the make-up habits of HLS women without doing damage to the over-all integrity of the narrative.

I don't want to give the impression, however, that Kahlenberg is another William Styron. This is an occasional problem that only rarely gets in the way of enjoying what is otherwise light, fast-paced reading that's written reasonably well.

Is Broken Contract the contemporary story of Harvard Law that needed to be told? Maybe yes, for Kahlenberg's point is not to update the Paper Chase image (however, like The Paper Chase, our protagonist here also throws up due to classroom stress. Is this going on all the time and no one is telling me?) Rather, his mission is to encourage the law school to make it easier for us to head into public service and public interest. Will they listen?

Will pigs fly?



Richard Kahlenberg '89

Racism And Homophobia: No Difference Except The Times

Many reject the essential equivalency of racism and homophobia as forms of

By Ed Joy
RECORD Columnist

prejudice. Blacks, after all, are a race of people whereas gays and lesbians are defined by their behavior. Such behavior is condemned as immoral and sinful by the Bible and the Judeo-Christian ethic. In sum, gay rights must be opposed, not because of bigotry, but in order to maintain the moral fabric of our society.

In spite of the supposed separation of Church and State, the courts repeatedly assert religious and moral tenets as their rationale for discriminating against gays and lesbians. A Florida appellate court made the following statement in awarding the custody of a child to its father over her lesbian mother, "[t]he wife has chosen for herself and for her child, a life-style unacceptable to her father and to society." Similarly, a Virginia court denied the right of two gay men to marry: "Almighty God created man and woman. And but for the [unnatural] interference with this arrangement there would be no cause for such marriages." For others, marriage is recognized as a fundamental right, for gays and lesbians it is seen as counter to God's divine plan.

Those who oppose gay rights depict us as a major threat to societal morals. The following quote from a Fundamentalist Christian illustrates this point. "The homosexual has degraded American morality. We cannot have any moral standards with so many homosexuals running loose. Most every homosexual is promiscuous. Sex is the basis of the whole problem." As

would be expected, irrational paranoia accompanies prejudice such that a minority is seen to play a crucial role in the downfall of the majoritarian culture.

Unfortunately, many Americans would concur with the courts and the Fundamentalist Christian above. In actuality, however, these statements were made during another time and referred, not to gays and lesbians, but to African-Americans. There was no lesbian mother in the custody case, but rather a White woman who remarried a Black man. (In *Palmore v. Sidotti* the Supreme Court over-

Not surprisingly, segregation was deemed natural as well as ordained by God. Kelsey refers to this former argument in his book, "The naturalness of segregation is...defended by reference to an instinct in the White man and a bodily condition of the Negro. The stimulus of the White man's aversion is...a very disagreeable body odor which is natural to the Negro." Blacks were considered repulsive in much the same way gays and lesbians are viewed to engage in disgusting unnatural acts today.

In each period there is a disenfranchised group which suffers from

Blacks were considered repulsive in much the same way gays and lesbians are viewed to engage in disgusting unnatural acts today.

turned the appellate court in 1984.) Similarly, the *Virginia* case was about inter-racial marriage, not gay marriage. (Again, the Supreme Court overturned the state court in *Loving v. Virginia*, a 1967 decision.) Finally, the last statement was not a characterization of gays and lesbians, but black women of the 1950s as noted in a book called *Racism and the Christian Understanding of Man* by George Kelsey. While the terms referring to race were altered, the bigoted rationale was left untouched.

The incidents of Judeo-Christian support for racism were not limited to the above. Even slave-masters turned to the Bible for support of their trade in humans. "Let all who are under the yoke of slavery regard their masters as worthy of all honor." (I Timothy 6:1)

discrimination. In the past African-Americans endured slavery and segregation. Social, economic and political forces all lined up against Blacks to focus blame and exact retribution. As we human beings look back over history we would like to believe that the bigots of our past differ fundamentally from us. We are not like the Southerners of the Segregationist or Antebellum periods. They were evil and we have progressed beyond such prejudiced atrocities. The truth is that the people of those times were blinded by their prejudice from seeing the enormity of their wrongs. They could not see the human toll exacted by their prejudice because their bigotry had reduced their victims to less than human.

Current society uses the Bible and traditional moral values to jus-

tify its discrimination against gay people. The biased rationale that once supported racism, now has been adopted by modern day anti-gay bigots. Yes, African-Americans are a race, but gays and lesbians are also a people. We are a people defined, not by our conduct, which, like heterosexual conduct, ranges from celibacy to promiscuity, but by our sexual orientation. That is, we share the characteristic of being primarily attracted, sexually and emotionally, to members of the same gender. This characteristic is no more separable from us than skin color. The Bible does not advocate anti-gay bigotry any more than it advocated racism, slavery or segregation. Again, human beings simply read their own prejudices and biases into the Bible. If people want to find the true source of their bigotry and hatred, then they need look no further than their own flaws and weaknesses.

But, we now believe that we have risen above such bigoted feats and take great pride in our advancement. No, I would contend, modern human beings still possess the same inherent strengths and flaws as our ancestors and we are as likely to blindly claim a modern victim just as our ancestors claimed past victims. Sadly, those who indulge themselves in the arrogant belief that we have truly progressed beyond our ancestors are most likely to repeat their mistakes.

Maybe someday we will all accept humility and recognize the inherent equality and dignity of all our human brothers and sisters, but for gays and lesbians, and many others, that day has not yet come.

AIDS Is Not A Gay Disease

"AIDS is not a gay disease." Most of you have heard this by now.

By Jeffrey Byrne '92

and undoubtedly many of you understand that, though gay men have been disproportionately infected with HIV (human immunodeficiency virus, the suspected cause of AIDS) in the United States, AIDS is no more a "gay disease" than it is an "African disease" or a "low income disease" or an "urban disease." AIDS is a public health crisis. Ten years into what has become a global epidemic, however, disturbing recent events on both the national and local levels indicate that there persists widespread ignorance and misinformation concerning the transmission of HIV, the progression of "HIV disease" (which includes all stages of HIV-related illness, from asymptomatic HIV infection to full-blown AIDS), and the demographics of those individuals infected with HIV.

The remarkable number and unsophisticated nature of questions received by AIDS hotlines in the wake of Magic Johnson's recent announcement that he is infected with HIV revealed an appalling lack of basic knowledge about HIV transmission — across the nation, people apparently have not been getting the message. And in what can most generously be characterized as a counterproductive argument based on a selective presentation of facts distorted by a myopic world-view, the staff of *Peninsula* ("a publication of students at Harvard College") recently published an article by an author whose thesis was that AIDS is a gay disease spread by "positively HIV — hateful, ignorant, and violent" homosexuals unwilling to take responsibility for their high-risk sex and sexual promiscuity. Ignorance, misinformation, and anti-gay prejudice are apparently also no strangers to our own purportedly

well-educated backYard.

The truth about the AIDS epidemic is sobering. Approximately 1.2 million cases of AIDS have been reported worldwide, 400,000 of these people are children, many have died (over 125,000 in the U.S. alone, so far), and the rest are not expected to survive the disease. With no readily accessible "cure" for AIDS on the horizon, the true enormity of the epidemic is only properly understood by considering the 8-10 million individuals presently infected with HIV. The World Health Organization predicts, optimistically, that 6 million new cases of full-blown AIDS will be reported in the 1990's — roughly half of those cases will be people presently infected with HIV, but the other half will be people who first become infected during this decade. In the U.S., the fastest growing rate of HIV transmission is among teenagers, primarily through unprotected heterosexual sex. Given our understanding of the typical "lifespan" of an epidemic, AIDS is a relatively new epidemic.

The conservative estimate of 8 million HIV-positive people includes 3 million women and 5 million men. Sexual transmission accounts for 75% of all HIV transmission — with four cases of heterosexual transmission resulting from every one case of transmission resulting from gay sex.

Yes, many gay men have died from AIDS, but the estimated 6 million people infected with HIV in sub-Saharan Africa are certainly not all gay men, and the one million children worldwide who were born HIV-positive are not gay men. Should we blame the gay community for this disease? Should we blame men and women of color as well because they — especially their children — have also been disproportionately struck by AIDS? Should we blame those who do not have access to adequate health care, those whose lives are gripped by intravenous drug addiction, and those who have not practiced safer sex, all because they have contributed to this epidemic?

Blame, like the inevitable conspiracy theories, is a tempting way to avoid the challenge of combatting a

lethal retrovirus that we don't fully understand. If the point of blaming is to encourage everyone to take personal responsibility for halting the spread of HIV, countless means of encouragement other than "blame" are more productive, more compassionate, and less wasteful of precious time and energy. Communities hit hardest by HIV need to mobilize against HIV transmission like the gay-bisexual-lesbian community has done during the past ten years (infection rates are slowing, for example, among gay men in some metropolitan areas), but AIDS also cries out for world superpowers to accept some responsibility for the world health that is threatened by a pandemic now spreading at an exponential rate of infection. Blame will not preserve lives and will not address the complex issues that are inextricably at the heart of this pandemic: funding research, access to health care, treatment expense, discrimination and bigotry, behavioral modifications, and respect for human rights.

A common red herring in the struggle for additional AIDS research funding is the simplistic response that more people die from cancer than from AIDS, that statistic is misleading — the more appropriate measure is the comparatively vast number of people who will die from AIDS in the future absent some medical breakthrough. Cancer research over the years has produced major advances in treatment success, has exhausted many avenues of medical inquiry, and has become increasingly specialized. AIDS research, on the other hand, is in its infancy. As a retrovirus, HIV is little understood because no infectious retroviruses had ever been found in humans prior to the mid-1970's and researchers had good reasons to believe that none would ever be found. Researchers now need money to explore theories that will hopefully lead to a greater understanding of HIV and other viruses. Medical research is fundamentally prospective in nature, designed to discover ways to extend

lives that have not yet been lost to a particular disease. Allocation of U.S. government funding for both cancer and AIDS research is not logically inconsistent, nor imprudent given the devastation of human lives which will otherwise continue and grow in the future, nor impossible when viewed as a still relatively small piece of our \$3 trillion budget. We don't have to choose between cancer research and AIDS research.

The bigger point is that we all need to wake up and realize that HIV disease is a complex world health crisis that both directly and indirectly affects a wide variety of lives, and is disproportionately destroying socially, politically, and economically marginalized peoples. Each of us — male, female, gay, bisexual, lesbian, straight, African-American, Anglo-American, Asian-American, Hispanic-American, Native American, Christian, Jewish, Muslim, Buddhist, atheist, higher-income, lower-income, older, younger, Democrat, Republican — owes it to at least oneself to become better educated when it comes to HIV disease. Educate yourself for the sake of your own health and the health of those you care about, because AIDS' slow ravaging of body and mind can be prevented. Educate yourself as a concerned citizen, because AIDS is a global health crisis that continues to impact human beings on societal, medical, cultural, economic, legal, and behavioral levels. Educate yourself because, tragically, this epidemic is going to get worse before it gets better.

Editor's Note: In January of this year, the Centers for Disease Control reported that the number of U.S. AIDS cases counted through the end of 1991 reached 206,392; the number of U.S. AIDS deaths, 133,232. The first 100,000 cases were counted in eight years, while the second 100,000 cases came in only two years, and the next 100,000 cases are predicted to come even more quickly. Seven percent of the newer cases were attributed to heterosexual transmission — up 44 percent compared with the first 100,000 cases.

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Dean Clark Is Off The Mark On The Peninsula

Dean Clark's December 2 letter criticizing *Peninsula* has left some of my fellow

By Sean Brady
Guest Columnist

students wondering how I could write for a journal which asserts "that homosexuals are incapable of love," or which asserts positions "antithetical" to Dean Clark's belief "that gays and lesbians contribute in important and positive ways to our community, and should be treated as full and valued members."

I can assure you that I would never support a journal which made such assertions. That is why I write for a journal "*Peninsula*" which posits the opposite of these assertions, a magazine which argues that "All human beings, regardless of the accidents of their natures ... are rational beings capable of love" [p. 37]. That some members of the Law School community think otherwise may be due to a mistaken impression of the magazine derived from (among other places) the Dean's letter.

Consider, for example, the Dean's introductory paragraph:

Because of a recent series of articles in the independent campus newspaper, *Peninsula*, some students have raised concerns about the status of gays and lesbians at the Law School. It seems important, therefore, to remind everyone that the law school will protect their rights.

From the fact that the Dean felt it "important" in responding to *Peninsula* to assure protection of the rights of gays and lesbians, some have concluded that *Peninsula* wishes that the Law School would call the status of homosexuals into question, or fail to protect their rights. This is not so. The only suggestion that *Peninsula* makes regarding University policy is to say that "the University ought to encourage positive, voluntary programs to aid those who want to control or overcome their homosexuality..." [p. 5, emphasis added].

Of course this statement implies some highly controversial ideas. But it does not imply that the University should restrict anybody's rights. In fact, compare the Dean's introductory paragraph with the second half of the sentence from *Peninsula* quoted above: "... while at the same time re-affirming the basic respect and dignity that all members of our community deserve" [ibid]. Perhaps some of those who actually read *Peninsula* thought the Dean's reaffirmation of the rights and status of homosexuals was a response to *Peninsula's* request for such a reaffirmation.

The third paragraph of the Dean's letter reads:

The articles and editors' introductions in the *Peninsula* issue take a number of controversial positions: that homosexuality is a disease; that homosexuals can and should be helped through counseling to change their sexual orientation; that homosexuals are incapable of love; and that "homosexuality is bad for society and... can harm even those who might not otherwise seem affected by it."

The clause "that homosexuals can and should be helped through counseling to change their sexual orientation" led some to conclude that *Peninsula* thinks that, in general, homosexuals can and should be helped through counseling to change their sexual orientation. In fact *Peninsula* notes that, even if they wanted to, only a minority of homosexuals could achieve a complete change of orientation through treatment [Introduction to Part 3, p. 29]. And, while *Peninsula* notes cases of homosexuals who have changed their orientation through various religious programs [pp. 30-31], it also notes the position of the Catholic group "Courage" which "believes it possible for such a change to take place" but thinks that "the incidence is not high enough to make it a goal for all members" [p. 31]. (The primary goal of Courage is to help those who wish to control their homosexual inclinations, not change their orientation.) In addition, *Peninsula* points out that clinical treatment to change sexual orientation (based on conditioning theories) "has met with only low yields" [p. 44].

Perhaps this explains the differences between *Peninsula's* actual quotation on this subject ("the University ought to encourage positive, voluntary programs to aid those who want to control or overcome their homosexuality..." [p. 5]) and the

summary of this position in the Dean's letter.

Dean Clark lists the idea "that homosexuals are incapable of love" among the controversial positions taken in *Peninsula*. From this fact, many got the impression that *Peninsula* posits that homosexuals are incapable of love. Contrast this impression with the following quotation from *Peninsula*: "All human beings, regardless of the accidents of their natures, deserve to be viewed with caritas [Latin for charity] because of what the essence of their nature is: they are rational beings capable of love and able to reach perfection in God" [p. 37, emphasis added].

What the articles in *Peninsula* in fact posit is that true romance is incompatible with homosexuality, as it is with promiscuity. According to these articles, this is so because human sexuality is designed with both male/female compatibility and a true and lasting bond in mind. I understand that this is a highly controversial proposition; I do not argue that *Peninsula* is not controversial. But this proposition is not the equivalent of saying "homosexuals are incapable of love." Were I to say that true romance (in the human sense) is incompatible with the life of a celibate nun, would anyone take me to mean that Mother Teresa is incapable of love?

On the off chance that any could possibly be confused on such a simple point, one article explicitly draws a distinction between "sexual love" (eros) and "unconditional altruistic love" (agape) [p. 50]. It then clearly states that unconditional altruistic love can be found in homosexual relationships: "That said, it is important to note that there is no inherent reason that homosexual partners cannot also feel true agape for one another. Anyone who has seen a healthy homosexual taking care of his afflicted partner succumbing to the throes of AIDS cannot doubt that" [pp. 50-51].

The fourth paragraph of the Dean's letter reads:

I have been asked about my own opinions and I am happy to indicate them briefly. My views are antithetical to the assertions in the *Peninsula* articles, which strike me as mistaken and cruel. I do not see homosexuality as an evil or a disease. I believe that gays and lesbians contribute in important and positive ways to our community, and should be treated as full and valued members.

Because Dean Clark states that his views are "antithetical" to the assertions in the *Peninsula* articles" and then, as one of the two views he lists, states that "I believe that gays and lesbians contribute in important and positive ways to our community, and should be treated as full and valued members," some have gotten the impression that *Peninsula's* views are "antithetical" to the Dean's view on this subject. Thus, some have assumed that *Peninsula* somewhere posits that homosexuals should be treated as less than full and valued members of the community.

Contrast this assumption with some quotations from *Peninsula* articles: "Boswell argues, and rightly so, that the Christian community of the day was compassionate, charitable and forgiving toward homosexuals. Kudos to Boswell for finally pointing this out. Many would do well in our modern times to follow the example of the early Christians depicted in Boswell's work" [p. 17]. "It would be disingenuous to claim that society is as caring and understanding toward homosexuals as it should be..." [Introduction to Part 2, p. 18]. "In particular, the words of hope and wisdom from Dr. Aardweg above can only come to pass in a society which understands the needs of homosexuals, and which supports and cares about them" [Introduction to Part 3, p. 29]. "Our primary task is to deal with whatever personal prejudice or visceral fear of homosexuality constricts the gospel law of love of neighbor" [p. 32, quoting Jeffrey O'Keefe, a psychologist who counsels homosexuals].

Consider carefully the following quotations; they are the ones which most directly address the issue of how others are to be treated. "From a Christian perspective, it is for this reason that all human beings deserve to be treated with the respect due to any being that reflects essentially the nature of God in the way that human beings do" [p. 37]. "In the end, homosex-

uals must be treated with the same consideration with which we treat all human beings. As Alexis de Tocqueville noted, Christianity reminds us that all are alike in the eyes of God. And if we treat homosexuals with less charity than we treat other human beings, we will have failed to heed the second central tenet of Christianity: to love your neighbor as yourself" [p. 38, emphasis added].

Perhaps it would be more appropriate to say that the Dean's statement on this matter is a synthesis of the articles' clearly stated positions, rather than the antithesis. And instead of being "cruel and mistaken" perhaps *Peninsula's* actual arguments on this subject are both true and charitable.

Last spring Professor Harvey C. Mansfield Jr. described homosexuality as a "misfortune," and stated that it should not be a qualification for special recruitment or affirmative action. In a marked display of poor scholarship, Harvard's Liberal Monthly (Perspective) jumped from there to the false conclusion that "Mansfield and his cohorts suggest that gays are somehow less than full members of the community and so do not deserve our respect" [Perspective, Harvard's Liberal Monthly, May 1991, p. 4]. The editors described Mansfield's purported suggestion as "cruel and perverse." [ibid.]

Though he hadn't clearly stated the opposite, Mansfield had not said that gays are less than full and valued members of the community, nor did he question the respect due to homosexuals. (Anyone who doubts Mansfield's true position on this subject could simply ask Andrew Sullivan, the openly homosexual New Republic editor who was Mansfield's advisee while a graduate student at Harvard.) Perspective's statement was therefore a completely unwarranted and unjustified accusation.

Why would the editors of Harvard's Liberal Monthly make such a serious and damaging charge, in the absence of any evidence to support their claim? Some thought the editors did so because it is often easier to construct and defeat a straw man than it is to engage one's opponent on the merits of his actual arguments. It may violate the basic standards of academia, but since they never claimed to be academics, the editors might have seen nothing wrong with putting words in another's mouth and then attacking him for using those same words.

But I disagree. I think they made this accusation simply because they do not

understand the basic Christian principle of hating the sin and loving the sinner. That is, they could not understand how Professor Mansfield could find something wrong with homosexuality, yet still believe in treating homosexuals as full and valued members of the community.

I'm not surprised they were unclear on this point. Basic ideals such as "hate the sin and love the sinner" seem sorely lacking in our society. That is why *Peninsula*, in an issue devoted to comprehensive (and quite strong) arguments against the practice of homosexuality, constantly and very clearly states that one cannot equate criticism of homosexuality with a lack of "caritas," "compassion," "respect," "understanding," "caring," "support," or indeed "love" for homosexuals.

And the reason for this was deeper than just trying to avoid misunderstanding. In researching homosexuality, *Peninsula* writers also discovered the facts about a very real problem homosexuals face: anti-gay violence. As *Peninsula* suggests [p. 36], this violence is often perpetrated by people who find homosexuality wrong but who do not believe in hating the sin and yet loving the sinner.

So, although this letter is primarily devoted to dispelling some confusion surrounding Dean Clark's letter, I hope it will also underscore the very pressing need to distinguish between criticism of actions and vilification of people. In this way, perhaps those who stopped speaking to *Peninsula* members in the wake of COGBLLI's posters comparing us to Hitler and the Dean's letter will reconsider. Of course I can understand why they were upset; taking the first paragraph of the Dean's letter at face value, some thought that *Peninsula's* publication might lead the Law School administration to call the rights or status of homosexuals into question.

On the other hand, even when they thought we held "cruel and mistaken" beliefs, even when they feared that the Law School administration might unjustly refuse to "protect [homosexuals'] rights" because of what we published, I wish they would have distinguished between the sin and the sinner.

Because, after all, even if the head of the Law School administration himself were to one day treat you in a false and damaging manner, even if he should do so with reckless disregard for the truth, you should nevertheless try to treat him with caritas.



Happy
Valentine's
Day

Are You Starved For Sex? Why Don't You Just Sue?

The Gratuitous Quote of the Week comes from the corrections section

By Robert K. Niewyk
RECORD Columnist

of one of America's not-so-major newspapers, the Fresno Bee: "An item in Thursday's National Digest about the Massachusetts budget crisis made reference to new taxes that will help put Massachusetts 'back in the African American.' The item should have said 'back in the black.'"

In 1987 Adam Cohen, then president of the Harvard Law Review, published a rather remarkable note. Cohen argued that it should be illegal to discriminate on the basis of physical appearance. Even more, he wrote, it may *already* be illegal under federal laws prohibiting discrimination against the handicapped.

This was enough to make even the New Republic sit up and take note. Cohen's was a bold assertion, but as Michael Kinsley wrote, "[t]he logic is impeccable." Like race, sex, and handicaps, appearance is immutable and usually doesn't affect your ability to do the job. Customers might prefer attractive salespeople or flight attendants, but if employers can't take customer prejudice against Black or male flight attendants into account when hiring, why should they be allowed to consider society's prejudice against ugly people? Finally, homeliness certainly falls within HHS's definition of "handicap," which includes "a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment."

Short, fat, balding people with

big noses of the world, unite! Before you do, though, consider this: Cohen's logic may be impeccable, but the consequences of following through on that logic would be overwhelmingly oppressive. Society's bias against unattractive people is so widespread and so strong that it's acceptable to make derisive jokes about them. As studies cited by Cohen show, unattractive people are met with lower expectations for success as children, are less likely to have strangers do small favors for them, receive lower evaluations of their academic work or their job performance, and even receive higher sentences in criminal cases.

"Lookism" seems in some ways substantively different from racism or sexism. Racism and sexism can be largely overcome through socialization and education, but our preference for the aesthetically pleasing seems innate and unchangeable (why do we prefer good-looking cars?). And every one of us is not only a "lookist," but also a potential lookism victim. If we expand civil rights litigation to cover the unattractive, every hiring decision for every individual would be open to challenge. The potential for frivolous claims would be enormous.

And how would employers restructure their procedures to avoid discriminating against the "aesthetically challenged"? Cohen suggested interviews by telephone or with the applicant sitting behind a screen, which would still reveal an applicant's "pleasant personality." As Michael Kinsley commented, however, "personality is also largely innate and immutable. What about 'grouch liberation'?" Any way you

slice it, the intrusiveness of government into our private lives would finally approach Orwellian proportions.

Perhaps for these reasons, nothing had come of Cohen's note — until this year. But now comes word from Santa Cruz, California that the city council is considering — you guessed it — the nation's first "anti-ugly" ordinance, which would prohibit discrimination in employment and housing based on looks. The ordinance received preliminary approval by a 5 - 2 vote on January 14, and as I write this tonight (February 11), the council is taking its final vote (results below, after I call the *Santa Cruz Sentinel*).

The source of this ordinance hardly comes as a surprise. Santa Cruz is one of the most, shall we say, "progressive" cities in the progressive state of California, home of the University of California at Santa Cruz, whose student body voted for the banana slug as their team mascot. Even so, the proposal has caused a stir in Santa Cruz itself. And no wonder. Cohen's note restricted its arguments to immutable characteristics and excluded things like "hair length, cleanliness, or nontraditional dress." But when Santa Cruz says "physical appearance," it means not only size 18 dresses and prominent warts, but pierced navels, fuchsia mohawks, nose rings, black bras — indeed, "any . . . bodily condition or characteristic, manner or style of dress, and manner or style of personal grooming."

Critics of the ordinance have deemed it "affirmative action for weirdos" and have asserted that "every geek in the country seems to

be flying, flapping, crawling or hopping into town to squeak and gibber in support of the measure." They haven't lacked for ammunition. One AP reporter interviewed Cooper Hazen, who was fired from his job as a psychiatric aide because, in addition to his purple hair, five earrings, and nose ring, he had a half-inch post pierced through his tongue with metal balls at each end of the post. The reporter speculated that the ordinance would have prevented the firing, and Hazen agreed, saying: "Thith ith wha gah me thired."

Michael Kinsley worried about a slippery slope when he wrote about Cohen's note, but it seems that Santa Cruz has slid (or flapped, or crawled, or hopped) right on by all of Kinsley's *reductio ad absurdum*s. Of course, the slope doesn't stop there. How about this: Sex is certainly a "major life activity," and being ugly no doubt "substantially limits" your sex life. Turned down for a date? Why not sue? Sure, right now the focus is only on jobs and housing, but time is on your side. Private clubs are today's target for other anti-discrimination rules; romance can't be far behind. Exclusive clubs aren't the only way to make business contacts (that's the primary reason given for regulating the clubs); marrying a wealthy spouse works even better. Why should the Robert Mosbachers of the world get to choose the Georgettes and discriminate against the Roseanne Barrs?

...And the final results of tonight's city council meeting: There were no results. Quoth the *Sentinel* reporter: "They had a civic auditorium full of people yelling at each other all

What Happens When The Safety Net Fails

Zakia Cox is ten years old. She and her little sister Malika are about

By Rich Wareing '93
RECORD Columnist

to be sold down the river by a bureaucracy that has choked on its own stupidity. Even though Zakia didn't have a father, her mother was just a kid herself, their "home" in a welfare motel was no bigger than a good-sized lawyer's office, and there was little in the way of educational opportunity or support, she started to do well in school. She did so well that somebody at the city desk at the *Globe* stopped beating his Ray Flynn voodoo doll and actually ventured out into the city and wrote a real story about it. Zakia became a somebody before she was even a teenager. Suffolk University got wind of what was going on and guaranteed she'd go there for free when the time came. People Magazine and ABC's "Prime Time" ran stories about Zakia, and all of a sudden things started to click for the little girls.

When their mother could no longer care for them, the two girls ended up with the Kathy and Tom Harris of Dorchester. The Harris are not exactly the Rockefellers, or even Ward and June Cleaver, but they are two fine people who have raised children of their own and now devote what should be their "golden years" to raising kids nobody else wants. They are not millionaires, but simply good, decent people who care. They gave the girls love and affection and a real home, and made sure that the girls saw their extended family who lived in nearby Mattapan.

Things were looking up for Zakia and Malika until the "experts" at D.S.S. decided that they knew better. After reading a couple of social science journals, they determined that these two girls should be taken from their new home and sent to live with a couple in Canton. Never mind that everyone Zakia and Malika knew in the world lived in

the city or that none of these people had cars and would be able to drive down to Canton to visit. Never mind that the two girls were happy where they were and the Harris were interested in adopting them. Never mind that for once a failing system had produced a happy ending. The experts knew what was best for the girls.

It would have gone down that

way too, if Zakia weren't so resourceful and famous. Knowing something was wrong, she called her court-appointed lawyer and told him the story. He started making a few phone calls, it got splashed all over the front page of the *Globe*, and suddenly, Operation Spin-Control went into effect. Despite the fact that a few documents referred to the Canton couple as "their new family," that the

girls had been sent out to Canton to spend the night, and the Harris had been told that they were "not suitable" candidates for adoption, the caseworker sputtered that nothing was final and the usual, thorough job was being done to take all interests into account. After cutting through the doo-doo, the bottom line was that the agency was "evaluating" the situation and that the girls' future rested upon the judgment of a few self-important snobs who have decided that only people who make a good amount of money are fit to be parents of children with a chance to be somebody.

Now don't get me wrong; I'm not saying anything bad about Canton or that nice couple. Canton is a very nice place, and that couple deserves our respect for wanting to provide for a child who is without a family. The point is simply that Zakia and Malika already have a home, and if the experts had any sense they'd send some kid without one to that nice couple in Canton and leave Zakia and Malika the hell alone.

Unfortunately, that doesn't meet this month's paradigm for social organization. The mix of professional do-gooder condescension and Ivy League snobbery that propels these so-called experts demands that they ignore basic values like love, and family, and friendships and neighborhood, and focus instead upon income tax statements and formal educational credentials and decision-making models and charts and all the other crap that has made government nothing more than a tangled web of self-important imbeciles. You see, these people really believe that they know what's best for everyone, especially the "disadvantaged," when in fact they know virtually nothing of worth because they are so caught up in social theory and planning that they have forgotten about the things that make us truly human.

I don't know what will happen to Zakia and Malika, but I do know that when the system sells out the very people it's there to protect, something is very wrong.

*When the system sells out the very people
it's there to protect,
something is
very wrong.*



Persuading People To Care

During the month of February, the bookstores are filled with books by Black

By Carl Dawson '93

authors, posters of Malcolm X and Martin Luther King, Jr. hang in store windows, magazines feature articles on the rise of racism in America, and talk show hosts invite members of the NAACP and the Ku Klux Klan to talk about race relations on national television. For this one month, many Americans seem genuinely interested in the day to day lives of Black Americans who continue to be discriminated against, live in substandard housing, receive inferior education, and are judged by the color of their skin instead of the content of their character.

Blacks and Whites, Christians and Jews, homosexuals and heterosexuals, Latinas and Asians, and men and women attend forums and engage in debate and conversation on topics relevant to Black history month. But on March 1, the books by Black authors are returned to the slated Afro-American studies shelf, the posters come down, the magazine articles and morning talk shows return to the usual topics, and the discussions about the social conditions of Black Americans, especially among non-Blacks, cease.

This seasonal awareness and temporary caring is not unique to Black history month. The same phenomenon occurs the day after National AIDS Awareness Day or Day for the Homeless. We care about these issues on their designated days, but rarely at other times.

In school, the focus is primarily on self - my work, my needs, my problems. Other than self, we care for those with whom we most closely identify. However, the lines along which we identify are problematic. A social practice of race-based, gender-based, or class-based empathy emerges in which we effectively distance ourselves from those people different from ourselves - different in race, gender, religion, or sexual orientation. We make assumptions about whom we will have the most in common with, be friends with or date based primarily on appearances. Whether this phenomenon is caused by malice or ambivalence, it is, nonetheless disturbing. These superficial differences control who and what we care about.

The symptoms of selective empathy are numerous. The rape of the Central Park jogger, an upper middle class White woman, received front page and national news coverage, whereas the brutal rape and murder of a Black woman that very same week three blocks away in the same city received little attention. The dumping of toxic materials in poorer neighborhoods such as the Love Canal in upstate New York went unnoticed for many years, but now that ecologists have discovered that damage to the environment will affect

all people equally, all classes are more environmentally conscious. Further, most of the general public received the death of hundreds of gay men and IV drug users in the early 80s with indifference, yet when Magic Johnson was diagnosed HIV positive, the public and our government urged for more research and education about the AIDS virus.

The narrowness of selective empathy is quite disturbing when we consider that our color, gender, nationality, and socio-economic status are all a matter of fate. The difference between a Black female student from Harvard Law School and the White homeless man she passes when she walks to Harvard Square is simply chance. We should care about that homeless man because that could have just as easily been us sitting there. Unfortunately, most people only see how different that man is from themselves. But what is the source of that difference?

Given that people seem unable or unwilling to care on their own initiative, how do you then persuade them to care about individuals outside of their own family, their racial or ethnic community, and class? How can we make them care about issues, such as AIDS, racism and homelessness, which may never affect them directly?

Sadly, the answer may be in the film, *The Watermelon Man*. The film stars Godfrey Cambridge and is the story of a middle class White racist who goes to sleep one night only to wake up a Black man the next morning. Only after the now-Black bigot has experienced first hand what it is to be a Black man in America does he care about discrimination and recognize the common humanity that Blacks and Whites share.

Perhaps the problem is that we are afraid of what we might lose if we choose to care. The more time you spend thinking about someone else's problems the less time you have for yourself. If you do something to help this "other" community become stronger economically, then you may lose some of your own economic power. By not caring, you avoid the guilt of knowing that most of the things you are preoccupied with at Harvard are really quite insignificant. And finally, the most frightening aspect of caring is that it may compel us to take action - to give of ourselves for the benefit of someone else.

There is nothing wrong with, and indeed there are a great many benefits to identifying strongly with one's community. Many of us look inward to our community as a source of strength, friendship and understanding necessary to get through life at HLS and beyond. However, in embracing and celebrating our differences, let us not overlook our commonalities. "Their problem" really is "our problem." We can no longer afford to not care.

Enough Hate In Harvard Community

Harvard University boasts one of the world's most venerable and

By Benham Dayanim '93

impressive reputations for academic prowess. As a result, it regularly plays host to a parade of distinguished personages who come here to address the student body, garner a degree of publicity and bask in the added respect and stature that invariably accompanies an invitation to these august confines.

Sadly, the halls of Harvard this season echo not with learned discourse or inspired debate but with the ugly vitriol of hate. Just last week, three student organizations, including the Black Law Students Association, hosted the visit to our campus of Dr. Leonard Jeffries, soon-to-be-dismissed chair of African-American Studies at City College of New York.

Dr. Jeffries has achieved national notoriety with a slew of racist and anti-Semitic public statements. His assertions include attacks on Jews for having orchestrated the slave trade, accusations that groups of "Russian Jews" purposefully worked with the Mafia to perpetuate denigrating Black stereotypes in early Hollywood, and proclamations of Blacks' genetic superiority over whites. When asked to refute charges of anti-Semitism, Jeffries seeks refuge in the well-worn, generic indignation of the bigot - "I'm not an anti-Semite (racist)! Some of my best friends are Jews (Blacks)." As a result of these and many other, similar comments, Jeffries stands to lose his position as department chair, though properly will retain his tenure on the CCNY faculty.

Another distinguished visitor soon may grace our university. The Institute of Politics at the Kennedy School has extended an invitation to presidential hopeful David Duke and awaits confirmation of a convenient date. Apparently, Mr. Duke, who has registered minuscule support in all current polls and has failed to win federal matching funds, nonetheless qualifies for an invitation from our enlightened administrators at the IOP as a "major" presidential candidate in this year's race.

These two disturbing developments, coming in tandem and on the heels of the previous Muhammad/ Saturday School imbroglio, have occasioned a feeling of bewilderment among many Jews at HLS. Several months ago, upon the visit to the Law School by Dr. Abdul Muhammad, national spokesperson for Louis Farrakhan's Nation of Islam, I wrote a column in this paper outlining the hurt and anger felt by Jewish students. The invitation and outspoken support for Minister Muhammad and his insidious brand of anti-Semitism surprised and outraged many Jews here on campus.

In response to the Muhammad visit, the Jewish Law Students Association proposed a voluntary policy of cooperation among student organizations on campus. The policy asked that any group contemplating an invitation to a speaker whom it knows others view as anti-Semitic, racist, or prejudiced in any way, notify, as a matter of courtesy, the appropriate representatives of those likely to find offense. We emphasized that such a policy would not confer upon any organization a role in the other's affairs, but it would enable the sponsoring group to ascertain sensitivities in a more complete fashion and allow those who object sufficient time to formulate a reasoned, deliberate response.

We thought such an idea would address adequately the concerns and needs of all members of our law school community, while affirming the inviolate First Amendment right of free speech. Unfortunately, it has not. We were not notified of Dr. Jeffries' visit until the Saturday night before Wednesday's lecture, after I had attempted to contact BLSA's president to confirm my own information. The BLSA president since

has admitted to me that the sponsoring organizations handled the Jeffries event in a less-than-optimal manner. She also has proposed that BLSA adopt some salutary procedural reforms to address some of the issues that we have raised.

Unfortunately, we at JLSA harbor serious doubts whether procedural precautions, whatever their extent, sufficiently address the root of the problem. The tensions between and among various communities, particularly the African-American and the Jewish, must be addressed in a direct and forthright manner. JLSA sincerely hopes that nascent plans for a dialogue between Blacks and Jews at HLS continue and mature. Several administrative staff members and professors at the Law School have offered their good offices to facilitate communication. We at JLSA reiterate our commitment to such a program. We have advocated it consistently since our elections last spring and continue to believe that focused contacts between members of our groups can help us to appreciate each other's sensitivities and concerns.

On an organizational level, we at JLSA have decided to seek the support of student associations on campus for a joint statement of principle. The statement pledges its signatories to refrain from inviting or hosting any speaker who, in the inviting organization's judgment, "purveys or incites hatred on the basis of race, religion, national origin or sexual preference."

This is not a "hate speech" code. It does not seek to prevent anyone, student or guest, from expressing any belief, no matter how offensive. Each organization would adhere voluntarily to the guideline and would make its own determination as to whether a potential speaker violates the criterion. Hopefully, when coupled with the courtesy provision that we already have advocated, organizations considering an invitation to a Jeffries or a Duke first will avail themselves of the opportunity to ascertain more clearly the nature of another group's objection.

This proposal may not exert much practical effect. A Jeffries or Duke still may arrive on campus. In fact, in a situation such as that of the IOP's invitation to Duke or of Saturday School's invitation to Dr. Muhammad, this policy would not even apply. However, the adoption of the policy by our Law School's student organizations would send a clear signal that we at HLS will not legitimate or promote racism, anti-Semitism or bigotry of any kind. In conjunction with a serious attempt at overcoming the insularity of our various communities, it would symbolize our determination to forge a community of tolerance from among the diverse peoples who attend our institution.

Let us make no mistake: the formal topic of a racist or anti-Semitic figure's discourse matters little. Nor do his or her actual comments while at HLS bear any relevance to the issue at hand. We do not fear a speaker's ability to sway the minds of our fellow students nearly so much as we deplore the mantle of legitimacy conferred upon the bigot by the invitation itself. Would we solicit Adolph Hitler to discuss the industrialization of Germany, even if he promised to omit any mention of Jews?

We respect the right of an organization to bring to campus whomever it desires, but we also recognize the responsibility with which we are invested. I hope that our law-school community will rally behind our goal. In the aftermath of the procession of bigots that has blighted our campus this year, I beseech our fellow groups to support our proposal. Let us finally say "enough."

Enough to the irresponsibility.

Enough to the insensitivity.

Enough to the hate.

Behnam Dayanim

President of HJLSA

Corrections:

From the February 7th issue:

Page 1: Ms. Carole Steiker '86 was not offered tenure as implied by the headline. She was offered a tenure-track associate professorship.

Page 11: Viet Dinh '93 was prematurely and, subsequently, mistakenly reported to have been elected to the position of Articles Editor of the Harvard Law Review.

Editors' Note:

Page 4: The RECORD is happy to report that since the printing of the article entitled "Job Market...", Andrew Kaufman '94 has received two job offers. His story, however, seems to be a bit unusual. Many students have related contrary experiences to RECORD staff members since last week's publication. JD

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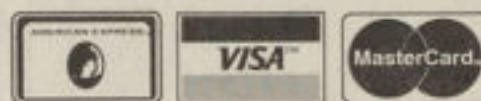
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OBJECTION! was written and programmed by Ashley Saunders Lipson Esq., J.D., LL.M., M.A., As.D., author of *Documentary Evidence*, 1986, and *Demonstrative Evidence*, 1988, both for Matthew Bender Inc., in addition to *Law Office Automation* for Prentice-Hall, 1989, and over 40 articles. He is a 20-year trial lawyer with membership in The ABA, ATLA, Mensa Lawyers, Volunteer Lawyers For The Arts, The College of Computer Lawyers, and several bar associations, including California and Michigan.