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Bell May Announce Departure Next Week

By Natasha H. Leland
of The Harvard Crimson

Weld Professor of Law Derrick Bell, who went on unpaid leave from Harvard Law School to protest the absence of women of color on the school's faculty, may announce his resignation within the next week.

Bell, currently a visiting professor at New York University (NYU) Law School, said yesterday that he may leave Harvard for good. "I'm still mulling it over...I'm in the last throes of deciding," he said.

Bell said he would probably announce his decision before a gathering of law students. He added that he would definitely inform Law School officials soon so as not to cause scheduling problems.

Bell said his main reason for deciding not to return would be the school's inaction. "Nothing has changed and that's a disappointment," said Bell. Since he left in April of 1990, no minority faculty members have been hired.

The agitating professor said he believes it is especially important for Harvard to hire a woman of color. "Because Harvard is Harvard that absence [of a woman of color] is significant in a negative sense," he said.

Dean of the Law School Robert C. Clark could not be reached for comment.

Law School Spokesperson Michael Chmura said the school hopes Bell will return, and continues to work on finding Black women faculty members.

Even if Bell does break off ties with the Law School, Chmura said, he would still be able to come back. "He already left in '80 and returned in '86," Chmura said. "Other professors have left and come back."

Bell said the tenuring of a Black woman now would affect his decision. "I would be influenced if Professor Anita Allen '84 or someone else received a tenure offer," he said.

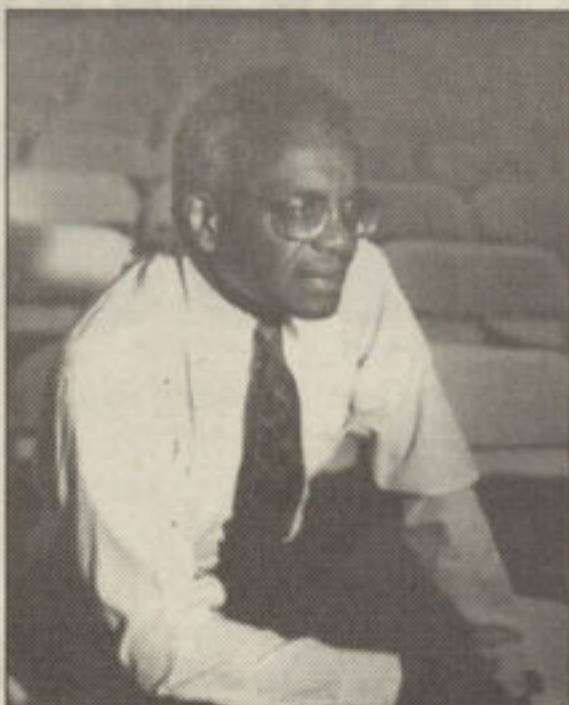
"I would have thought she'd have gotten tenure long ago," said Bell, who called Allen "an outstanding individual."

The Law School faculty recently decided to table the issue of whether to hire Allen, according to BLSA president Charisse A. Carney '92. "It's 99.9 percent sure she won't be [tenured] by the end of this year,"

"I don't think we should make decisions under threat," said Professor of Law Charles Fried. "But I would regret it if [Bell] didn't come back," he added.

Bell said he is not sure what he will do if he decides to sever ties with Harvard. "I've had a pleasant visit [at NYU], but the future is still up in the air," he said.

Bell also discussed the upcoming trial in which Harvard



Weld Professor Derrick Bell

Law students are attempting to sue the school for discriminatory hiring practices. "I think it's a worthwhile case," he said.

Laura E. Hankins '92, one of the members of the coalition that is suing the Law School, said that Bell has been particularly supportive. "He knows that one of the reasons he was [originally hired] was because of student activism," she said.

Appreciates Support

Bell said he appreciates the support students at the Law School have given him. "Students have done as much as they could. They can't go out and block Mass. Ave.," he said.

Carney said she believes law students support Bell. "I hope he comes back," she said. "I'm extremely upset and disheartened by the inaction [on the part of the faculty]."

of the University.

The national conference was first held at Yale Law School, after a group of women came together and decided a public forum that addressed the specific situations of women of color was needed. The students wanted to broaden the discussion on race, gender and economic issues by looking at social-economic justice from a broader angle and with an emphasis on women of color.

The conference was next held at New York University and last year five HLS students,

Please see CONFERENCE,

CCR Holds Public Meeting

Stressing the Importance and Difficulty of the Case, Student Litigators Explain Their Strategy

By Lisa Zornberg

The mood was serious as more than thirty students gathered Wednesday night to discuss upcoming events in the discrimination suit pending against Harvard University. Members of the Harvard Law School Coalition for Civil Rights (CCR) chaired the public meeting, held in Pound 101.

John Bonifaz headed off the meeting enthusiastically. "This is an unprecedented case," he declared. "Never before have students taken their school to court. Never before....This is the Brown v. Board of Education of the 1990s - make no mistake about it!"

On November 20, 1990, CCR, which represents six minority student groups and the Women's Law Association, filed suit in Massachusetts state court, charging the University with violation of Massachusetts anti-discrimination laws in its failure to hire women and minority faculty members. But on February 22, 1991, the trial court granted Harvard's motion to dismiss the case on grounds of standing. The dismissal, which did not judge the case on its merits, held that the students had no legal right to bring the suit.

But surprisingly, the students' suit was resurrected when the Massachusetts Supreme Judicial Court agreed last month to hear the students' appeal directly. Oral argument is scheduled for Tuesday, March 3, 1992, when two CCR representatives will debate against Harvard's in-house counsel, Daniel Steiner '58, before the Court.

The only question to be argued is whether students can legally bring the suit.

"If we get by this obstacle," explained Bonifaz, "the case will go back to the trial court to be heard on the merits."

A reversal of the lower courts' decision on Tuesday would also mean that CCR will gain access to private Law School personnel

records that deal with its hiring practices.

Laura Hankins and Caroline Wittcoff, both third-year students, will argue the appeal. The two women talked strategy and substance on Tuesday night as they answered student questions about the upcoming event.

Their main argument will challenge Harvard's assertion that students cannot bring suit under Massachusetts anti-discrimination laws because this legislation pertains to employees only.

"Students are such a part of the University," asserted Wittcoff, "that to say that students cannot sue, but that employees can, is to place a formalistic obstacle between students and professors. The interaction between students and professors is what makes this a law school."

CCR's original complaint alleges that the Law School's exclusion of women and minority teachers from its faculty has directly harmed women and minority students by stamping a "badge of inferiority" upon these groups. Furthermore, they allege that all HLS students have suffered from their deprivation of the educational benefits gained through association with an integrated faculty.

"The injury stems not so much from the fact that there are no women of color on the faculty [for example], but that they are not here because of discrimination," Wittcoff stated.

CCR also maintains that students' direct involvement with the administration, by sitting on student/faculty committees and by participating as alumni, for example, entitles them to bring suit under the Massachusetts discrimination laws.

Hankins will argue CCR's contract claims before the Court. The theory, she explained, is that all Harvard Law School students' contract with the institution for

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Women of Color Conference Slated For This Weekend

By Glennis Gill

Tomorrow, February 29th, Harvard Law School is hosting the Fourth Annual National Women of Color and the Law Conference. The event has been organized by a small group of law students that are an off-shoot of the Women of Color Working Group. This group is comprised of Linda Dunn '94, Patti Lau '94 and Sumi Shin '93, who initially began organizing the conference, as well as Nathalie Augustin '94 and Terri James '92, who have helped in the later stages.

Initial work on the conference had to be centered around fund-raising since the Law School only gave \$1500 towards the conference; the remaining \$7,000 - \$8,000 dollars was donated by other student groups and departments. These co-sponsors include: La Alianza, ALSA, BLSA, Education for Action (Undergraduate), Korean Association of Harvard Law School, Labor Law Project, The Law & Medicine Society, NALSA, the Office of Student Life Counseling, the Women of Color Working Group, WLA, WLJ and the Women's Studies Department

Dershowitz Takes Fifth on Tyson

Chutzpahlean Professor "Not Ready To Speak About" Appeal

By Johanna Davis

As of Thursday morning, Professor Alan Dershowitz is still refusing to confirm or deny reports that he has agreed to defend former heavyweight champion boxer Mike Tyson on appeal from a rape conviction.

According to HLS Communications Officer Mike Chmura, "the only source" for those reports was Barbara Walters, who broke the story on the ABC news magazine last Friday night. Chmura said that CNN "may have also reported it," but the Law School had received no official confirmation from Dershowitz. Dershowitz has refused to comment to University reporters on the matter as well, telling the Crimson, "I'm not

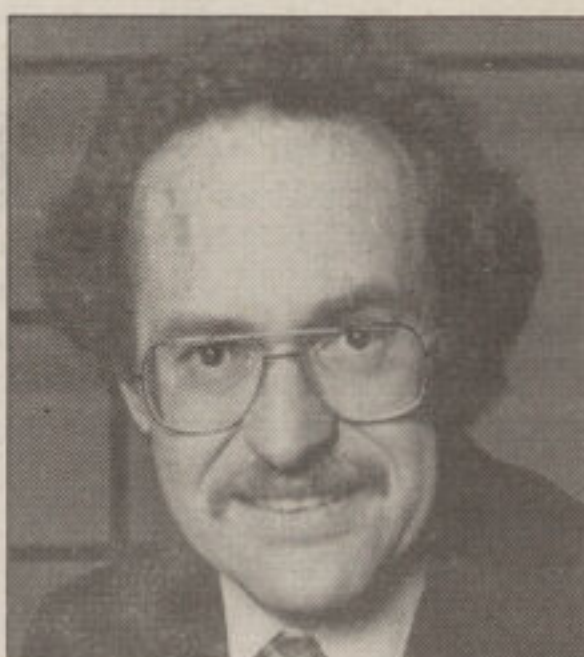
ready to speak about it."

However, while being interviewed on the Dennis Miller show last Thursday, February 22, Dershowitz commented extensively on the case, criticizing the verdict as "unjust." He said he thought the court was wrong for preventing three witnesses who would have spoken favorably for Tyson from testifying. Dershowitz said to Miller, "We'll never know the truth. Americans want the truth. They don't want out on a technicality."

In anticipation of Dershowitz actually taking the case, LL's Michelle Greene, James McNasby and Ashley Barr have formed an ad-hoc committee urging students to "practically or symbolically" volunteer their services to the prosecutor in the case. To

protest Dershowitz representing Tyson on his appeal, they have been soliciting students' signatures by passing around sheets in classes (including Section 4 which

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Prof. Alan Dershowitz

Student Fellowships Call for More Funds

By Andrew Greenblatt
Special to the RECORD

Student Funded Fellowships (SFF) completed its annual Phone-a-thon this week, raising over \$60,000 in pledges. This money will be given to Harvard Law School students who will be working this summer with people who might not otherwise have access to legal assistance.

SFF was started in 1974 to raise money to help fund students who take summer jobs paying little or no money. It was the first organization of its kind in America and has since been copied in over 80 law schools across the country. SFF remains one of the most successful of them, raising over \$60,000 last

year.

Most of the money raised by the group comes from students.

"We get some support from faculty and law firms," said Jill Newman '93, member of the SFF steering committee, "but over 90% of our money comes from students." And most of the students' money comes from the Phone-a-thon, said Newman. Volunteers called HLS students from Feb. 23 through Feb. 26 and asked them to donate a day's pay from their summer job.

Another member of the Steering Committee, Sheila Malkani '93, explained, "Our motto is 'This summer, spend a day working in the public inter-

Please see SFF, page 5

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Columnist Attacks "P.C." Movement

By Juli Pardell

Special to the RECORD

U.S. News & World Report columnist John Leo spoke at Harvard Law School on Monday, February 24, concerning the dangers of the politically correct movement on college campuses. Leo, whose talk was sponsored by the HLS Republicans, writes a weekly current events editorial column for the magazine on topics ranging from Pat Buchanan's anti-Semitism to the rights of the homeless. His column often exposes noteworthy examples of "P.C.-ism," such as the outrage over Presidential candidate Bob Kerrey's joke about Jerry Brown and the two lesbians.

Noting that it would be a mistake to call the politically correct movement "a trendy phenomenon," Leo linked it to the recent push for racial and gender diversity at academic institutions. Both movements, he stated, "divide individuals into tribes," and thus stifle individualism.

To exemplify this idea, he referred to a Native American who sang the national anthem at a Washington Redskins football game last year without insisting that the team change its name.

Leo noted that the designation of skin color in the team's name understandably offends Native Americans. Yet he pointed out that the singer suffered, "the worst P.C. insult of all — to be called a betrayer of your tribe, 'when Native American activists claimed she was 'not a real Indian.'"

Leo next argued that the P.C. movement relies on bias and guilt "to leverage tradition out of the university" with its

demands that multicultural courses dominate the college curriculum.

"Bias now overrides academic issues at colleges and forces administrations to change former curricula" that had adequately educated American students.

Finally, Leo criticized the double standards of the politically correct movement. He observed that gay-rights organizations such as Act-Up have chosen Roman Catholicism as the victim of their "hate crimes." Particularly, gay-rights activists in New York have pelted priests with condoms and held parades down 5th Avenue featuring depictions of Christ engaged in sexual acts.

Although several local newspapers refused to report these incidents, "What happens if the Catholic Church makes fun of homosexual beliefs?" Leo queried. "The press jumps all over it."

As a lifelong professional journalist, these examples of imbalance in the press particularly bothered Leo, even though he was convinced that almost all were unintentional.

Political correctness is currently "amorphous, and needs to be shaped into a coherent ideology" by its followers, Leo concluded. "Yet it is a very serious problem."

In the meantime, Leo vowed to continue printing PC anecdotes in his weekly column, as they lend humor to his column with their "self ridicule." In the works, he promised his audience, is an editorial about Catherine McKinnon entitled, "Catherine the Heterophobe."

Civil Rights Leader Muhammad Kenyatta '84 Dead at Age 47

By Toy Chandler

The name Muhammad I. Kenyatta probably doesn't sound familiar to most present day Harvard Law School students. But to a generation of Civil Rights activists, Mr. Kenyatta's name is as familiar as yesterday. For much of his life, he pressed for justice for Black Americans as a man of letters and a man of placards and programs. And as an HLS student from 1981-84, he was a leader in efforts to increase the number of minority students, faculty members and administrators at HLS, and to institute an affirmative action plan at the Harvard Law Review. He died in Buffalo, New York in January at the age of 47.

Born Donald Brooks Jackson, Mr. Kenyatta was raised in Chester, Pa., and attended the Harvard Divinity School, where he was a Merrill Fellow in 1973-74. He received his bachelor's degree from Williams College in 1981, and three years later earned his JD from Harvard Law School. He served as a Harvard fellow in public interest law in 1984-85.

Serving as a visiting professor at the University of Buffalo School of Law since 1988, Kenyatta had long been in ill health, said university officials, who added that the professor had suffered complications from diabetes and was hospitalized at the time of his death.

Teaching civil rights law and history and constitutional law, he was drawn to issues that examined the "tensions between justice and democracy and between majority rule and minority rights and participation," said a university statement.

In the mid to late 1960's, Kenyatta was an organizer for the Head Start program for impoverished children, a program for which President Bush has proposed increased funding. Kenyatta also worked then for the Mississippi Freedom Democratic Party, a group that encouraged Black participation in Southern politics. It was at this time that he received a letter found to have been forged by three F.B.I. agents working in the Cointelpro program that was aimed at disrupting and discrediting people considered dangerously radical.

The letter threatened Mr. Kenyatta with warnings to stay away from Tougaloo College in Mississippi, where he had been a student. He left Mississippi, but later sued the Federal Government in 1969 for harassing him under an F.B.I. counterintelligence program for violating his constitutional right to free speech. A university spokesman, Arthur Page, said the suit finally came to trial in Jackson, Miss., in 1985, but the jury did not decide in his favor.

While a student at HLS, Kenyatta founded the Third World Coalition, a federation of minority student associations, a precursor to the Coalition for Civil Rights (CCR). He served as president of the Black Law Students' Association in 1982-83.

Kenyatta's classmate, Ibrahim Gassama '84, professor of law at the University of Oregon School of Law had nothing but praise for the fallen civil rights leader.

"Muhammad was the best thing to happen to me at Harvard Law School. Many of the younger students looked up to him as a mentor, teacher, and leader. He did more to get Harvard to recognize the need for diversity than any other person in

modern history.

"Many people saw Muhammad as controversial and as a rabble-rouser, but he made people find ways where others couldn't. Whether they liked him or not, they took action."

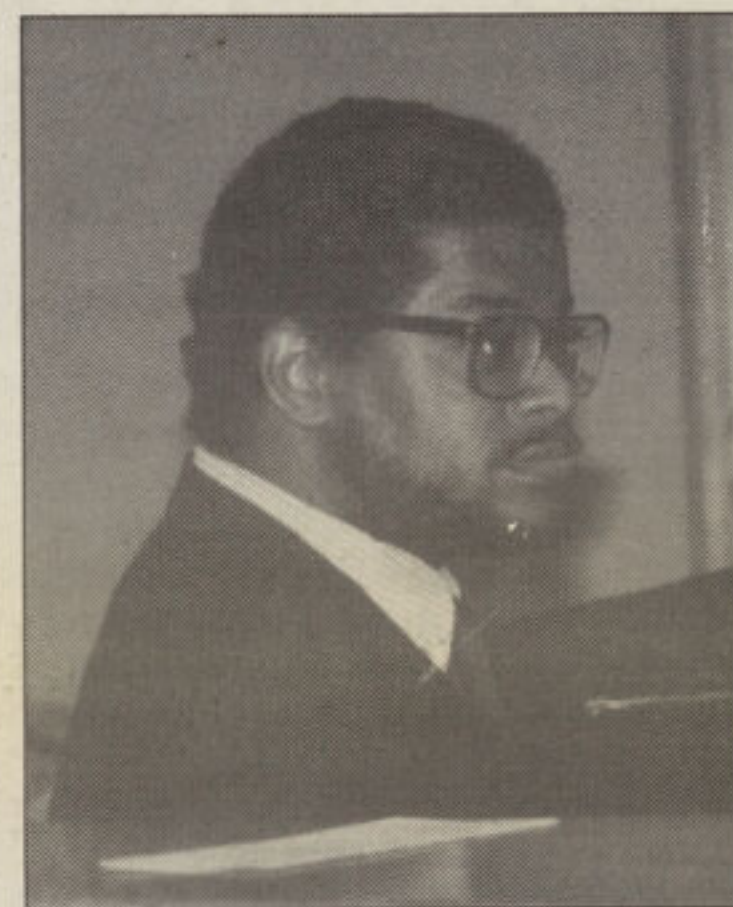
Gassama added, "He was the finest leader BLSA has ever known, and I assure you that if he were a student today, the student body would be much more active and effective in their efforts to get the Law School to hire a woman of color."

Northeastern School of Law Professor Hope Lewis '86 was as equally enthusiastic in her reflections of Kenyatta.

"I had the greatest respect for Muhammad. His death is a great loss. The most important thing about Muhammad is that he not be forgotten. He had a lasting impact."

"In addition to being an activist, he was just a good person. When I was applying for public interest jobs, and later for professorships, Muhammad was very helpful and very caring. Meeting people like Muhammad along the way has made a big difference in my life."

HLS Professor Charles Ogletree '78 added, "Kenyatta was never reluctant to challenge the faculty. He was one of the



Muhammad Kenyatta '84

strongest political leaders in the history of Harvard Law School.

"His efforts were comparable nearly to the civil rights activism of the 60s the way he was literally willing to put his life on the line. He was instrumental to my coming here. He is responsible for the diversity we see on the faculty."

Kenyatta also led the protest movement resulting in Randall Kennedy's appointment.

For years, Mr. Kenyatta was vice chairman of the Pan African Skills Project, an international education program including the United States, Tanzania and Ghana, and was a permanent representative to the United Nations nongovernmental organizations section.

Recently he helped to organize the Western New York Chapter of Trans-Africa, a Washington-based lobbying group for African and Caribbean interests.

He is survived by his wife, Mary Kenyatta of Buffalo; a daughter, Luana, of Buffalo; two sons, Malcolm, of Philadelphia, and Muhammad Santiago, who lives in Virginia; his mother, Ernestine Bagley of Raleigh, N.C.; his grandmother, Carrie Jackson of Harrisburg, Pa., and three brothers and three sisters.

UJA Fundraiser A Success

By Rich Wareing

The Jewish Law Students Association conducted their annual United Jewish Appeal (UJA) fundraising campaign over the last two weeks. Their phone-a-thon resulted in pledges of \$3500.

"Many students displayed great generosity when called," noted Campaign Chairman Peter L. Gray '93. He added, "The success of the program is also attributable to the fifteen students who volunteered their time to solicit contributions."

The focus of the campaign, as in recent years, was assisting Israel in coping with and accommodating its recent emigres from the former Soviet Union and Ethiopia. Funds are desperately needed as Israel faces this latest wave of immigrants, many of whom are in need of housing, job training, and medical attention.

According to Gray, all of the money going to Israel from the campaign is used for humanitarian aid, and none of it is applied to establishing settlements in the occupied territories.

In addition to Israel, a portion of the contributions is used to benefit Jewish agencies in the Boston area. These organizations provide for such social and community services as Jewish Community Centers, Jewish Big Brother and Big Sister Associations, and summer camps. They also fund educational projects such as primary and secondary schools, as well as college Hillel programs, through the Hillel Council of Greater Boston.

Pride and Satisfaction

Reflecting on the funds collected, Gray said, "Each person who contributed to the campaign should take pride and satisfaction in knowing that his or her gift is being used to build and sustain Jewish communities here and abroad. Charity holds a prominent place in Jewish culture — it's a blessing to give. I'm pleased that students at the Law School have chosen to continue that tradition in our community."

The UJA campaign is still collecting pledges. Anyone interested in contributing, or who would like more information can contact Peter Gray.

Student Steals Meal Card, Faces Police Investigation

By Johanna Davis

Police are investigating an incident in which a student stole a meal card while purchasing one from the Food Service office in Harkness Commons, and then attempted to use it to buy a meal. "We've had persons who have reported stolen cards before, but never from my office," reported Director of Food Services Jill MacKinlay.

MacKinlay stated that about the 29th or 30th of January, the staff suspected that a student stole one or more meal cards while purchasing one from the Food Service Office. On February 4, according to Harvard University Police Chief Paul Johnson, the same student tried to buy a meal with a card that the Food Service knew was not sold. MacKinlay explained, "The cards are numbered, and the cashiers were on the lookout for a certain one." The cashier notified Manager Caroline Backus, who discussed the problem with the student. Later, MacKinlay notified the Deans' Office about the incident.

Dean Sarah Wald said she told MacKinlay to turn the matter over to the

police. "If any act can be construed as a crime, it should go to the police. Then, once the police finish their investigation, if the individual is charged with a crime, the Administrative Board will decide on disciplinary action. The student gets the right to a hearing, and then the Administrative Board decides on a sanction."

Wald said the Administrative Board could administer four types of sanctions. A warning, the least serious, consists of an internal letter in the student's file, and would not be reported to prospective employers or to the bar. The other three types of sanctions, reprimand, suspension, and expulsion, would be reported outside the law school. Wald would not speculate on which sanction, if any, the student would receive because the Administrative Board did not engage in "mandatory sentencing."

Currently, however, the matter is in the hands of the police, and Wald does not know when or if the disciplinary board will take action. She did state that "Activities which are violations related to someone's honesty are particularly significant at an

institution charged with educating lawyers. Honesty relates to lawyers' job and keeping the public trust."

MacKinlay also felt badly about the incident, commenting, "It was an awful thing to go through, dealing with the police. But to let it go by would be unfair to everyone else who pays. Confrontation is never easy."

Gardner Merchant has no plans to change the card system in the near future, but has been checking card numbers more carefully. When cards are reported stolen,

they go on an inactive card list so that it is known that they are inactive. MacKinlay also noted that the cashiers pay attention to patterns, "When they know someone has been using cash or coupons all year, they'll notice if they're using a card." MacKinlay said that despite precautions, "This is the first time we've been able to catch a person stealing a card."

MacKinlay thinks the Food Service will wait until Harvard University adopts a universal magnetic stripe identification system.

LEGAL BRIEFS

Duke Loses Supreme Court Test of Georgia Ruling

David Duke's attempt to rely on the Constitution to get on ballots as a Republican presidential candidate failed yesterday in the Supreme Court.

In an unusual Sunday order, the Court, by a 7 to 2 vote, allowed Georgia Republicans to keep him off of their party's ballot in state's March 3 presidential primary. The order contained no explanation.

Duke said the decision to block access to the Georgia ballot had violated his right of free speech.

Although the Court's action dealt only with Georgia and was not a final ruling on Duke's constitutional claims, time probably will run out before he could get the court to give a final ruling.

Senate Passes Bill On Education Aid

By a vote of 93 -1, the Senate, on February 24, passed a \$57 Billion, five - year higher education package that significantly expands financial aid to college students from lower and middle income households.

The Higher Education Act, which now goes to the House, would extend Pell grant eligibility to students from families with incomes of \$42,000 or less. In addition, the act would eliminate consideration of home and farm equity in determining the income the qualification. The limit is now about \$30,000, and the calculation includes such property.

Sen. Edward Kennedy (D-Mass), a principle architect of the bill and chair of the Labor and Human Resources Committee, estimated the change would make Pell grants available to an additional 600,00 students. About 3.6 million individuals now qualify for the direct assistance which is designed to augment student loans.

The size of the Pell grants, created in 1972 for Senator Claiborne Pell (D-R.I.), would increase from the current \$2400 to \$3600 in 1993 and \$4800 in 1997. A total of \$8.4 billion would be spent on the program next year.

Senator Jesse Helms (R-N.C.), the sole dissenter asked, "What are we doing to the American people when Congress engages in such reckless spending?" The program is estimated to cost \$18 billion in fiscal 1993.

Justice Stevens Treated For Prostate Cancer

Justice John Paul Stevens has prostate cancer but will continue working and is expected to recover fully, a Supreme Court spokeswoman announced on Monday, February 24.

Justice Stevens, who is 71 years old, has begun radiation treatment at Georgetown University Hospital, said the spokeswoman, Toni House. She said the cancer was at an early stage and was limited to the prostate. The cure for this cancer is essentially 100 per cent if the malignancy is removed when it is confined to the gland.

"Justice Stevens is expected to continue to participate fully in all the cases to come before the Court during and after his radiation treatment and to make a full recovery without any residual effects," Ms. House said in a statement. Justice Stevens was appointed by a Republican President, Gerald R. Ford, in 1975 but often votes against the increasingly conservative majority.

Justice Stevens, who underwent open heart surgery in 1974, has been in good health in recent years and is an avid tennis player. The tumor was detected after a blood test for a routine physical.

Philanthropic Student Bob Daut '93 Scores in Chicago

Bob Daut '93, Advertising Manager of the RECORD, retrieved Scott Sanderson's first grand slam after the homer sailed into the right field seats at Chicago's Wrigley Field in September, 1982. Daut was among a group from Boys Hope, an organization that provides homes for disadvantaged and abused youths.

When Daut heard it was Sanderson's first home run, he went back to the park the next day and presented the ball to the then Montreal Expos pitcher.

Sanderson was so impressed that he sent Daut an autographed ball and a thank you note. The pitcher also became a solid supporter of Boys Hope.

Sanderson widened his grand slam horizon after hitting a homer for the New York Yankees in January of this year. Daut continues to expand his philanthropic horizon, serving as a Co - chair of the Harvard Big Brother/Big Sister program.

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the educational benefits they receive.

"Because women and minority students are stigmatized [by discriminatory hiring practices and the lack of an integrated faculty]," Hankins demanded, "they are unable to enforce their contracts as equally as White men. Their education is undermined by stigmatization. As a Black woman, I cannot enforce my contract equally because I am stigmatized."

Asked what they expect to be their greatest weakness on Tuesday, Hankins responded that, "explaining the injury suffered by students will be the hardest part. It is hard to articulate, and it will be hard for the Court to understand."

Hankins admitted that in certain courts, "that's a compelling argument." She continued, "This suit requires the Court to envision the type of loss we're talking about. We're asking the Court to see what it's like to have it [an education free of stigmatization and with the full benefits of an integrated faculty], and what it's like not to have it."

CCR will argue its appeal before a

panel of five of the Massachusetts' Supreme Judicial Court Justices, although it has yet to be announced which Justices will sit on the panel. All of the Justices, with the exception of one woman, are White men.

The members of CCR expressed confidence in receiving an open forum before the Court. "The Massachusetts Supreme Court has a history of protecting civil rights," commented Bonifaz. "It's a pretty liberal court as far as courts go and in recent years it has distinguished itself as a better forum for civil rights cases than the United States Supreme Court."

The oral argument will take place at the new courthouse near Government Center. At Wednesday's meeting, CCR members encouraged all students to attend, and asked for help in distributing maps to the courthouse around campus.

"This is history," Bonifaz reemphasized.

Asked her opinion at the meeting's end, first-year Robin Fitch predicted, "I think they're going to have a tough time beating Harvard." But not for lack of trying.

Sister Souljah Emphasizes Black Heritage

By Anna D. Wilde

of The Harvard Crimson

Sister Souljah, a self-described "rap-tivist" who is a member of the group Public Enemy, spoke on February 24, at the Law School on the need for Blacks to rediscover their African tradition and return to its values.

The rap performer told the audience of approximately 150 in the Ames Courtroom that Blacks need to learn about African tradition and return to its values.

In Africa, she said, fathers passed knowledge on to their sons and mothers did so to their daughters.

"Young people today forget what is the proper definition of what is manhood or womanhood," she said.

White Society Waging War

Souljah also said White society is waging a war against Blacks today.

"A state of war exists anytime a state, society or person takes anything that is rightfully yours," she said. "Our ability to control our own ideas...to control our own culture, to control our own economy, to be free as physical persons, has been declared war upon."

The rap artist also said that it is necessary for African peoples around the world to come together and empower themselves to stand against the White "new world order."

"Everything that does not presently exist in the African community is something that you have to build," she said. "It is our turn to build something."

The rap performer encouraged students to make an effort to "save the Black community."

Souljah had harsh words for some prominent Black political leaders. "I think that [New York City Mayor] David Dinkins is disgusting," she said, decrying those who

have "White minds in Black bodies."

Souljah said relationships between individuals are important in building a unified Black community.

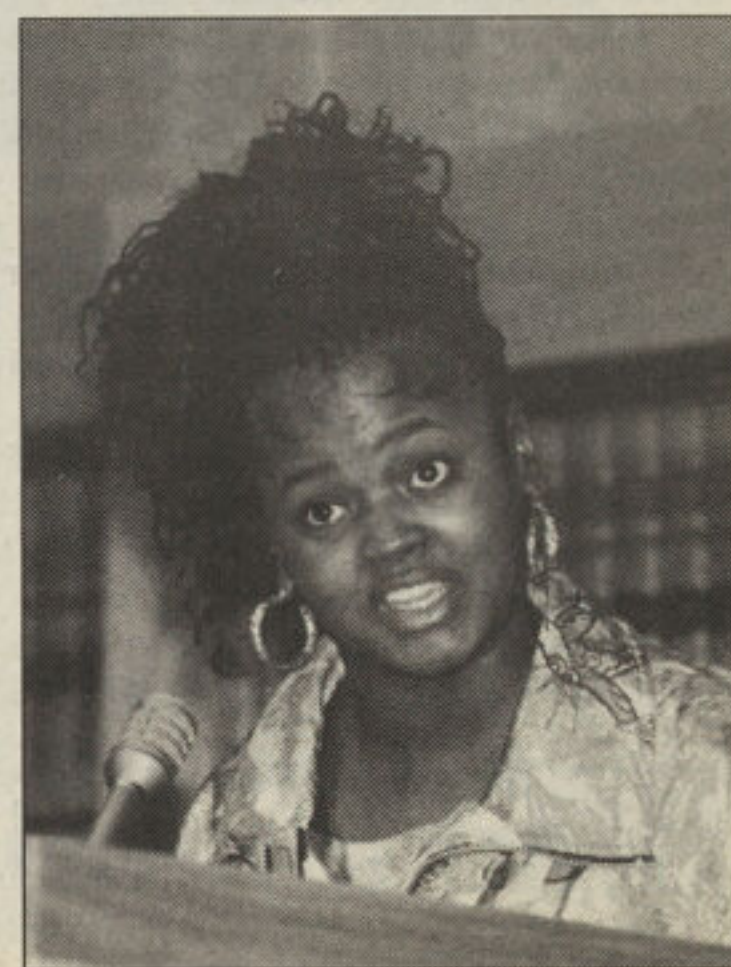
"You cannot be nationalistic if you can't love each other," she said, urging students to avoid interracial romantic relationships.

Souljah also discussed the issue of Black-Jewish relationships in the United States.

"Black people have been made to feel guilty for revealing relationships between Zionists and oppressed people around the world," she said.

She said that Blacks must not "rearrange the furniture" of their beliefs every time someone objects to them.

The speech was sponsored by the Black Students Association of Harvard College and the Black Law Students Association.



Sister Souljah

Women of Color Conference

CONFERENCE, page 1

Michele Anglade '92, Patricia Arzuaga '92, Casandra Butts '91, Peggie Smith '93, and Lori-Christina Webb '92, attended the conference held at Stanford Law School. At the end of each year's conference, there is a meeting to decide who will hold the next conference and the five women attending Stanford's conference decided that HLS would host this year.

This year's conference will include about fifteen women of color speaking on a wide range of issues, including immigration law and domestic violence, lesbian battery, substance abuse, maternal rights and fetal rights, abortion rights and lesbian mothering. The keynote address will be given by Kimberle Crenshaw '84, a tenured professor at UCLA, who has authored cutting edge works on critical race and gender studies. Only one speaker will specifically address legal education; the rest will deal with other issues.

One woman, a doctor in the South Bronx, will discuss poor women who are pregnant and addicted, a member of the U.S. House of Representatives from Alaska will address issues facing native Americans in Alaska, and the woman who prosecuted and won the first lesbian battery case will also speak.

In addition to the many excellent speakers, the organizers stress that participation by those attending will be crucial to the conference. The format chosen, roundtables with moderators, will provide

for lots of interaction. After brief openings by the speakers, the discussion will be open, and the organizers are hoping hear a wide range of views.

Although the speakers are all women of color, the conference is open to everyone and all are encouraged to attend.

The conference will conclude with an evening of poetry lead by Kate Rushin, a renowned local poet and the author of The Bridge Poem, part of the compilation of works by women of color entitled The Bridge Called My Back: Radical Writings By Women of Color. The evening has been designed as a time to relax and reflect.

The conference costs \$15 for law students and registration begins at 8 A.M. on Saturday. The Keynote Address will be delivered at 9 A.M. and those who wish may pay \$3 to attend only that part of the conference. Likewise, tickets for the evening of poetry can be bought separately for \$2.

Patti Lau '94, one of the organizers, sums up the importance of the conference: "One of the reasons I chose Harvard in the first place is that from the information sent to me it seemed like there was great faculty diversity, and when I arrived I was quite disappointed."

"I think the issues that have a disproportionate impact on women of color, especially poor women, are rarely discussed in classes and the general law school forum. I'm hoping this conference will ignite some kind of positive change toward real diversity and intellectual discussion."

barely audible amidst the scuttlebutt

495-4418

Write for the RECORD

LSC Auction Raises \$1300 for Local Charity

By Johanna Davis

The bids flew fast and furiously at the annual Law School Council Charity Auction, which raised almost \$1,300 for the Roxbury Boys' and Girls' Club. About sixty people in Austin North bid on items from Senator Edward Kennedy's signature coffee mug to a squash game with Professor Jackson. The high bid of the day was \$405 for a signed copy of Justice William Brennan's last opinion, *Eichman v. U.S.*, which struck down an anti-flag-burning statute.

Raphael Russo, a 1L, purchased the opinion after winning a high-stakes bidding war with 2L Francis Philip. "It got bid up higher than I thought or hoped it would," admitted Russo. "Once the bids went over \$200, it was just the two of us. But I'm glad I got it," he said. "I'm going to frame it, hang it up, and show it to my grandchildren." Russo was surprised at the price he paid for the opinion, but subscribed it to fate. "The night before the auction, I was in the library looking up cases for my moot court brief, and this was one of them. It seemed fortuitous, like a sign," he claimed.

Beverly Brown, 2L, and Mike Imbroscio, 2L, organized the event for the LSC. Imbroscio felt generally pleased with the results, commenting, "A few more people could have turned out, but we were happy with the amount of money raised."

Imbroscio was enthusiastic about donating the money to the Roxbury Boys and Girls' Club. "We gave the money to the International Red Cross last year, and although that was a good organization, we didn't make as much of an impact as we will this year. This amount of money can make a big dent for such a small group," he observed.

The bidders showed the most interest in L.A. Law-related paraphernalia, including an L.A. Law script signed by Harry Hamlin

that went for \$35, and an L.A. Law pilot script signed by all the cast members with a photo that sold for \$100 to 2L Wayne Herndon. Herndon thought of the purchase as a donation for a good cause as well as a savvy investment. "At the price, it was a good value. I'm far from an L.A. Law fan...But you figure there's twenty-eight signatures of major stars: that's less than \$4 a signature," Herndon stated. A plain signed photo from Hamlin sold for \$6.50 to Jennifer Walker Elrod, perhaps bearing out Herndon's signature-pricing theory.

Professors' cooking also commanded a high price. Professor Ogletree's sweet potato pie sold for \$17 to Camille Holmes, and Professor Meltzer's brownies went for \$19 to Wayne Herndon. Hank Fincher bought Professor Rakoff's spice cake for \$22. An authentic French dinner from Professor Wise sold for \$50 to Libby Crutcher.

Many professors' Supreme Court briefs were also put on the block. Professor Tribe's brief in *Rust v. Sullivan* went for \$50 to Steph Sowell, and Professor Ogletree's brief in *Ford v. Georgia* went for \$55 to Laura Boudreau. Professor Shapiro's American Hospitals brief sold for \$15 to Marc Zwillinger.

Students also bought more esoteric items, such as Professor Murray's Maine lobster tie, Steve Wagner's legal lyrics, and Professor Heymann's Pittsburgh Steelers' jacket.

But Alex Pustilnik arguably brought home the buy of the day, paying \$1.26 for a letter from Chief Justice William Rehnquist indicating his refusal to participate in the charity auction. Imbroscio noted that he had sent out many letters to "so-called famous people," asking them to donate things, and only about half responded. Yet he chose to put only Rehnquist's refusal on the auction block because of "everything it represented."

Dershowitz Has No Comment

DERSH, from page 1

was taught by Dershowitz last semester) and staffing a table at the Hark.

Their petition states their theories plainly: "Mike Tyson has the right to appeal. Professor Dershowitz has the right to represent him. And, as members of the HLS community, we have the right to speak on behalf of justice."

Signers volunteer one hour of their time to the prosecution, hours which may actually be accepted by the Indianapolis D.A.'s office, according to Greene. "We contacted the private attorney who's been working with the D.A.'s office, Jay Gregory Garrison. His office said that they appreciated what we were doing, and that they had to assess their needs to see what had to be done. They're going to let us know what we can do," said Greene.

The students offering their time to the prosecution questioned Dershowitz's motives for defending Tyson. Barr said, "We found ourselves saying, 'Why on earth would he do this? It's abundantly clear that power and money are issues, and influence and prestige and attention and controversy.'"

Barr said that Dershowitz's reputation for handling rape in class made her and many other students feel uneasy about his taking on Tyson's defense. She said, "It's my understanding that many women have noted that he seems to be fixated on the rape issue as an example to use consistently in class, as a cause that needs to be spoken of, not critically or interestingly, just spoken of. For him to put himself at the forefront of this rape trial is very suspicious."

Greene agreed, "Dershowitz has had a reputation for being insensitive about the issue of rape and overusing it in his class and on his exams as an example of crimes. We want to show that it wasn't the best decision for him to take the defense for such a prominent rape case."

Barr admitted that by openly volun-

teering their services, they were adding to Dershowitz's notoriety, and in some ways "playing into his hands." But she felt offering students' services to the prosecutor would be more effective than simply staging a conventional protest. "We wanted to do something practical in response to a visceral reaction against Dershowitz and supporting Desiree Washington...We were fighting the connotation of the standard dismissible activist protest," said Barr.

Greene said the response to the petitions has been positive. "Part of the purpose was just to let people know. It's stimulated dialog on the issues in general. The case isn't just about rape, but about race, too. Why did William Kennedy Smith get off but Tyson got convicted?" Barr noted that their table at the Hark sparked "a lot of fruitful discussions with members of the Black community at Harvard Law School."

Greene stressed that the volunteers were not, "Anti-Dershowitz," but rather supportive of Desiree Washington and rape victims in general. Barr concurred, "We want to let him know that there are people in this community that are not persuaded that Tyson is the only one who he needs to be concerned about here. With a long history of accused rapists being acquitted, it's important that the other side be represented and heard as well."

Tyson was convicted on February 10 in Indianapolis for raping 19-year old Desiree Washington, a Miss Black America contestant. He will be sentenced March 27, and most commentators believe he will serve six to seven years in jail, which will end his boxing career.

The team which represented Tyson at trial was led by prominent Washington attorney Vincent J. Fuller, who built his reputation defending John Hinckley after Hinckley attempted to assassinate President Reagan in 1981.

Dershowitz has defended such notorious clients as Klaus Von Bulow, Jim Bakker, Michael Milken, and Leona Helmsley.

Scales of Justice Debuts March 5

By Brian Carlson

HLS' newest student organization, the a cappella singing group "Scales of Justice," will perform their first concert on Thursday, March 5 at 8:30 p.m. at the Backbench Pub in Harkness Commons. They will perform with the Countway Bassies, Harvard Medical School's all-male a cappella singing group.

Co-founder Gail Javitt stated that Scales of Justice's mission is "to bring harmony to the HLS community." Although there are many undergraduate a cappella singing groups at Harvard, some of which allow graduate students to audition, the founders felt that HLS students were

effectively precluded from participation due to the demanding rehearsal schedules of these groups. Scales of Justice tailors its schedule to the whims of the members' lives. The group currently rehearses twice each week for two hours in the Wyeth Common Room.

Last spring, Gail Javitt, 2L, decided to start an a cappella singing group. During this past fall, she and Ellen Chubin, 2L, co-founded the group, holding auditions. The co-ed group is now eleven members strong, and includes former members of undergraduate a cappella groups, such as Dartmouth's "Dodecaphonics," and current members of other singing groups such as the Radcliffe Choral Society, the Zamir Chorale of Boston, and the Spectrum Singers. Several members are also active in the Harvard theater community, such as the HLS Drama Society and the Lowell House Opera.

Ironically, neither Javitt nor Chubin had had previous a cappella experience, but both had sung with different groups before forming Scales of Justice, and thought it would be fun to try a cappella. Javitt stated,

"The time was just right to do it."

Scales of Justice sings music ranging from traditional "doo-wop" a cappella music (e.g., "The Lion Sleeps Tonight") to recent pop music by the Nylons and Yaz. The group also plans to premiere an original song about the HLS social scene.

Gail Javitt reported that convincing Dean Clark to be their faculty sponsor was



Scintillating singing sensation, Scales of Justice.

easy. "We'd heard that Dean Clark likes music, and has serenaded his corporations class with his guitar in the past. He agreed to be our faculty sponsor. We offered him guest solo spots whenever he wanted, but so far he hasn't taken us up on it."

Commented Dean Clark, "I'm absolutely delighted that there is such a student organization. I just wish I had time to participate in it myself."

Scales of Justice fills a musical void at HLS. Harvard Medical has two a cappella groups, one co-ed and one all-male, yet until now, HLS had never had an official a cappella group. Scales of Justice plans to host free concerts on the law school campus as well as at other locations. Javitt said simply, "We hope to sing at as many places as we can."

Javitt is a soprano, and Chubin sings alto. The other members are sopranos Funmi Arewa, 1L, and Tara Koslow, 1L, alto Elaine Lu, 1L, tenors Marc Channick, 1L, Joan Pepin, 3L, and Julie Lythcott, 1L, and basses Jamie Bouldin, 1L, Ed Ducayet, 2L, and Thao Cung, 3L.

Student Funded Fellowships

SFF, from page 1

est. "We hope that students who have high-paying jobs working for people who can afford to pay them will realize that some people can't afford a good lawyer."

Revenues from this year's Phone-a-thon seem slightly behind last year's, explained Steering Committee member Marie-Louise Ramsdale '93. "A lot of 1L's don't have summer jobs lined up yet, so many of them pledged contingent on getting a job. We are counting on these pledges."

Ramsdale also said that 2L's have been hard to reach at home. "Some people have told me that they want to give but haven't been home when SFF called. We are hoping these people will pledge next week when we leave a pledge sheet in their Hark box."

The Office of Public Interest Advisement estimates that there are still over 150 HLS students who have applied for summer funding and have not received any. These are students whose employers are unable to pay them enough to live on this summer.

Even some of the people who have received some money for the summer still need help. The Wasserstein grants [RECORD, February 7] give students \$1,800 for the summer. Mr. Wasserstein hopes that employers will be able to give summer interns enough supplementary income that they will be able to afford a summer's living expenses. But often these employers can't afford to pay anything. SFF tries step in at this point and subsidize these students by giving them roughly another

\$1,000 for the summer.

Broad Definition

All recipients of SFF funds work for either government agencies or 501(c)(3) not-for-profit organizations and must have some financial need. Beyond that, the definition of "public interest" is rather broad. Last year, recipients went to work for Legal Services Centers, Migrant Legal Action, and the Environmental Defense Fund, to name just a few.

Perhaps SFF's greatest success story involves The Legal Action Center for the Homeless (LACH) in New York City. This organization gives direct legal assistance to homeless people at soup kitchens around New York. The group consists of four full-time lawyers and several legal assistants. Of the four lawyers at the center, three attended HLS, and two of these first worked with LACH during a summer funded with an SFF grant. Last summer one of LACH's summer interns was once again an SFF recipient.

Pat Horvath '87, a former SFF recipient, stated, "Without SFF and groups like it we would have to dramatically reduce the number of people we serve. Perhaps 600 more homeless people would not get any legal assistance each summer."

Most recipients of SFF grants say that it gave them the financial ability to take a job that helps people who normally can't afford legal assistance.

"It allowed me to take a Legal Services job even though I'm a divorced mother of one," explained Andree Gagnon '92.

Gagnon intends to continue working in either Legal Services or for a District Attorney when she graduates in May.

Harvard Law RECORD

Founded in 1946

Robert C. Arnold
Editor-In-Chief

"Appearance overpowers even truth."
Greek poet Simonides of Ceos

"Remember, it's not how you feel. It's how you look."
Billy Crystal's 'Nando on Saturday Night Live

Image is Everything

There he is...Moving commandingly on the television screen...Smashing television sets to oblivion...Selling American tennis shoes.

Turn around...There he is again...Looking urban chic in his sunglasses and sport utility vehicle...Selling Japanese cameras on a billboard. All smiles, lots of babes, tres cool.

We see an awful lot of American sports star Andre Agassi. His critics will tell you he's not worthy, he's not even a good tennis player. He's never won a Grand Slam title, he's made it to the final round of every Grand Slam event and he's choked against lesser opponents every time. He's an overrated cry baby.

The critics don't matter to the Madison Avenue endorsers who line up to make him one of the most sought after and well-paid spokespersons in the world. He's got the radical, multi-colored shirts and way cool, blue denim shorts. He's got the long hair and requisite James Dean attitude. So what he's a loser. It's not whether you win or lose, it's how you look while playing. He, himself, will be the first to tell you; Image is everything.

I recently had a conversation with a female friend, who's had her breasts surgically enlarged, about the current commotion over implants. I asked her, delicately, how she felt about her operation given all of the negative press. She said she tried not to think about it because it would surely make her feel depressed. I then asked if she had it to do over again would she still get the implants. She unhesitatingly responded, "Yes. Without them I would look like a little boy."

It's not how you feel, it's how you look. People are persuaded more by appearances than by truth. Image is everything.

The current CCR v. faculty debate has produced some very interesting information about Harvard Law School's faculty hiring process. HLS doesn't solicit or accept applications. Instead, the Appointments Committee relies on a secretive, nebulous, and patrimonial word-of-mouth network. CCR attempts to prove that the network is discriminatory.

The lawsuit combined with Bell's protest has produced a negative, and even hostile, image to outside observers. The question looms: Is HLS' hiring system discriminatory?

In its 174 year existence, the network has produced no women of color, no Latinos/Latinas, no Asian Americans, no Native Americans, no openly lesbian, gay or bisexual persons and no persons with physical disabilities. Potential candidates in these categories, possessing all of the ostensible, requisite, yet unstated, qualifications are shown to exist, however, none calls Harvard Law School their place of employment.

I don't mean to place HLS in the same category with breast implants, and a pampered superstar tennis player, and I don't mean to belabor the point, but appearance is truth.

Look at the appearances once again. In its 174 year history, the system has produced no women of color, no Latinos/Latinas, no Asian Americans, no Native Americans, no openly lesbian, gay or bisexual persons and no persons with physical disabilities. Again, the question looms: Is HLS' hiring system discriminatory? The answer lies in observing. Image is everything.

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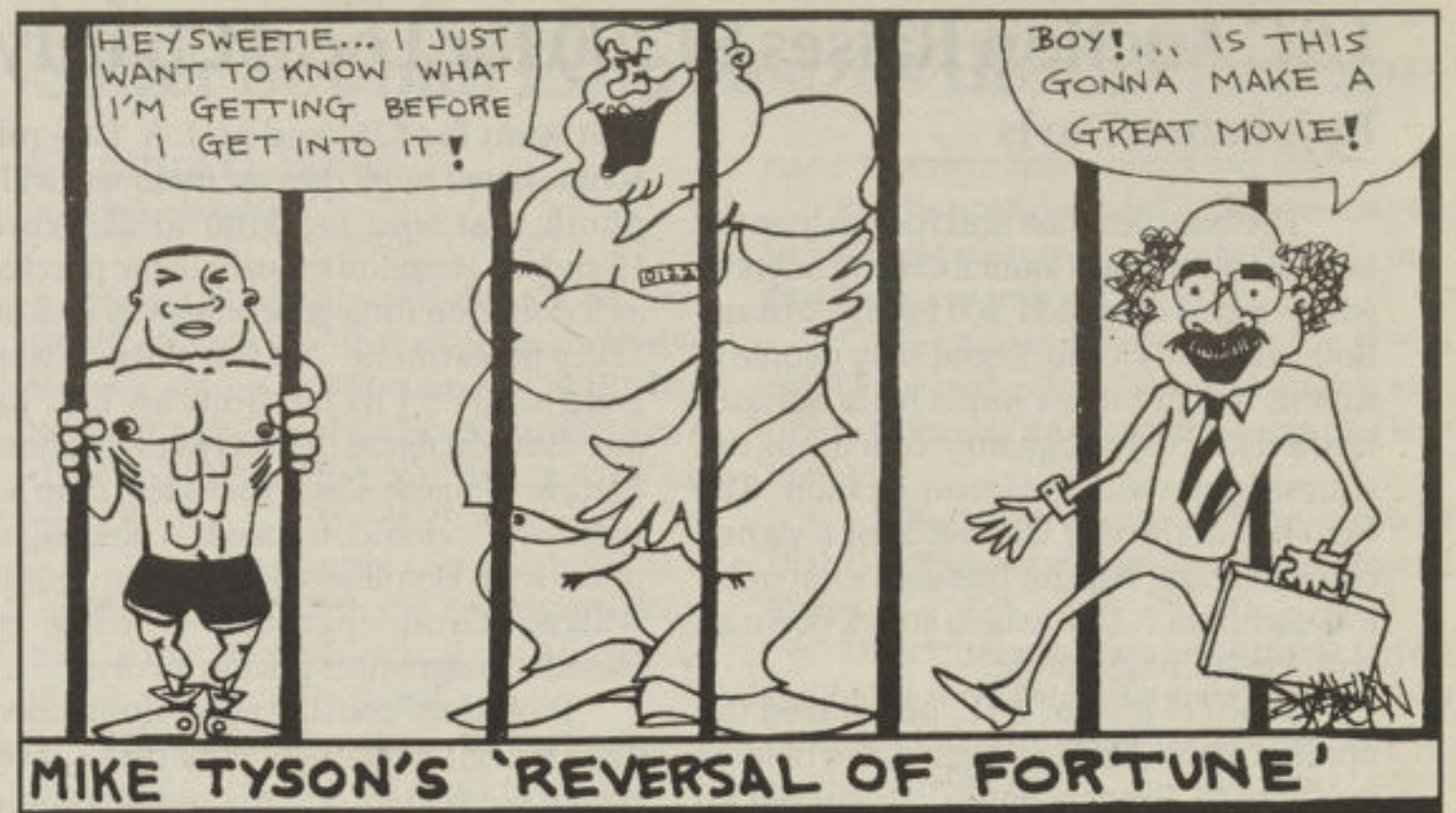
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"Congress shall make no law...abridging the freedom of speech, or of the press;..."
FIRST AMENDMENT, U.S. CONSTITUTION



• Letters •

Peninsula Not Gratuitous Gay Bashing

To the Editor:

Ed Joy's naming me as the co-third runner-up in his homophobe-of-the-year contest prompts some observations about the brouhaha over Peninsula, a publication of students at Harvard College.

Ed excerpted a pull quote from an article appearing in the homosexuality issue of Peninsula that he ascribed, by implication, to Sean Brady and me. In fact, the pull quote summarized Aristotle's position on pederasty, that is, on sodomy between males, especially as practiced by a man with a boy. (A perusal of Plato's Lysis will confirm the prevalence of man-boy eros in classical Greece.) The Peninsula author's intention was to demonstrate that despite the social acceptability of pederasty, antiquity's most rigorous and enduring thinkers, Plato and Aristotle, each condemned the practice on purely secular grounds. The article's purpose was to dispel the canard that opposition to homosexuality is a peculiarly Judeo-Christian fetish. Thus, recounting Aristotle's pre-Christian, Hellenic characterization in the Nicomachean Ethics (Bk. VII: Ch.5, Ross translation) of pederasty as an "excessive state," "not pleasant by nature" but rather "morbid" and resulting from "acquired habits" that are "beyond the limits of vice," was integral to the writer's thesis, and not gratuitous gay-bashing.

Among the dangers of portraying one's opponents as Nazis and Klansmen as does the continuing poster campaign directed against Peninsula, are the dangers of believing one's own rhetoric, and of envisioning oneself as doing battle with Satan rather than disagreeing

with other human beings over debatable matters. One friend opined that the Hitler et al. posters are fair play because they instruct that bigotry appears in many forms. I hopefully await the day when those who dispense such advice also heed it.

When our descendants look back upon these times, they will wonder how people so dogmatically committed to the proposition that all characterizations are contingent, came to believe so fervently that their own characterizations were absolute. Indeed, posterity will marvel at how people so accustomed to overcoming every inconvenient historical fact with historicism, every biblical impediment with hermeneutics, every literary statement with deconstruction, every philosophical problem with skepticism, and every literary statement with deconstruction, every philosophical problem with skepticism, and every legal obstacle with "critical" analysis - in short, to surmounting every conceptual encumbrance with the denial of any objective basis upon which to construct belief, could ever manage to believe anything at all.

In closing, I submit that every human being is inherently endowed with dignity, but that the same is not true of every idea. And in my desire to respond to human dignity, I must not confuse people, whom I am obliged by the rule of love to accept, with ideas and behavior that I am obliged by the rule of conscience to reject.

Max Torres '92
February 14, 1992

Robert Kantowitz's Letter Totally Misses The Point

To the Editor:

Robert Kantowitz's letter to the editor in the February 14th issue totally missed the point. My comment that some law students think about their actions in terms of future confirmation or political office is appropriate in this post-Anita Hill/Clarence Thomas era.

It's comical to see students fearful of revealing their thoughts lest they be noted and commented on twenty years hence. How will our

country be served in the future by people whose early records are purposefully kept blank? People should be honest with their beliefs at every stage of their lives and take the consequences. If they fail to take public positions on issues, what's the point of accepting such empty people as leaders?

Claudia T. Salomon '94
February 17, 1992

RECORD Overlooks Public Interest and Government Employers

To the Editor:

By focusing on private firms exclusively, the job market article in your February 7, 1992 issue [page 4] gives only part of the employment picture. Fortunately, even in this weak employment year, many public interest and government employers are continuing to hire for both permanent and summer positions.

To date, 18 members of the class of 1992 have already accepted public interest/government positions. Many others are actively pursuing such positions with a good chance of success. Last year, 45 members of the graduating class took public service positions immediately upon graduation. An additional 46 graduating students who are clerking for a judge this year indicated in our Spring 1991 Surveys that they plan on pursuing public interest work after their clerkship ends. Five of these graduates who are presently clerking have been awarded Skadden Fellowships to do public interest work for the next two years, and 19 have accepted positions with the Justice Department. For many of these students and graduates the Low Income Protection Plan, available through the Financial Aid Office, has made it possible to take public

interest employment even though they have large debt loads.

For 1Ls and 2Ls, there are many exciting possibilities for summer work in public interest and government settings. Some of these pay, others do not. However, through various forms of financial assistance including Wasserstein Grants, work-study and Student Funded Fellowships, considerable support is available to help students take advantage of these positions, which can provide valuable experience and opportunities to explore future career possibilities.

The Office of the Public Interest Placement Adviser (P328, phone: 495-3108) has extensive resources on public interest and government jobs and has experienced staff to answer students' questions and to provide public interest career counseling. All students still exploring the job market are encouraged to avail themselves of our services. We encourage you to help balance the employment picture in future RECORD articles.

Stacy M. DeBroff, Esq.
February 18, 1992

Both Democrats And Republicans Miss The Point On China

By William P. Alford '77

As is so often the case with Chinese affairs, both the Republicans and the Democrats have once again got it wrong. To the limited extent that either party has shown any interest in Chinese matters, each has lavished its attention on the question of how most-favored-nation trading status should be extended to the Beijing regime. As a consequence, the significance of that issue has been blown out of proportion, while far more crucial concerns have been shunted aside.

Both Republicans and Democratic rhetoric as to whether the U.S. should grant preferential tariff treatment to exports of the People's Republic of China presume that the Beijing regime's receptivity to the outside world hinges solely on what happens in the halls of the U.S. Congress. There is no denying that the P.R.C. leadership is attentive to American actions, as evidenced by the concessions that the Chinese have made to secure Secretary of State James Baker's visit to Beijing. Nonetheless, in the end, it is domestic imperatives, rather than foreign pressures, that drive the decisions of China's leaders.

Deng Xiaoping and his colleagues have proved this repeatedly, as in June 1989, when they chose to ignore world opinion and use force to clear Tiananmen Square of demonstrators. The notion that the MFN decision will lead China either

to close its doors, as President Bush has argued, or to accord its people appreciably fuller human rights, as the Democrats contend, is naive—particularly when one considers that the rest of the world stands ready to engage China economically, irrespective of how we act on MFN.

What the debate over MFN has done

is to divert attention from issues that are far more vital to China's future—including, most recently, the epic floods that killed thousands of people and shattered the lives of millions last summer.

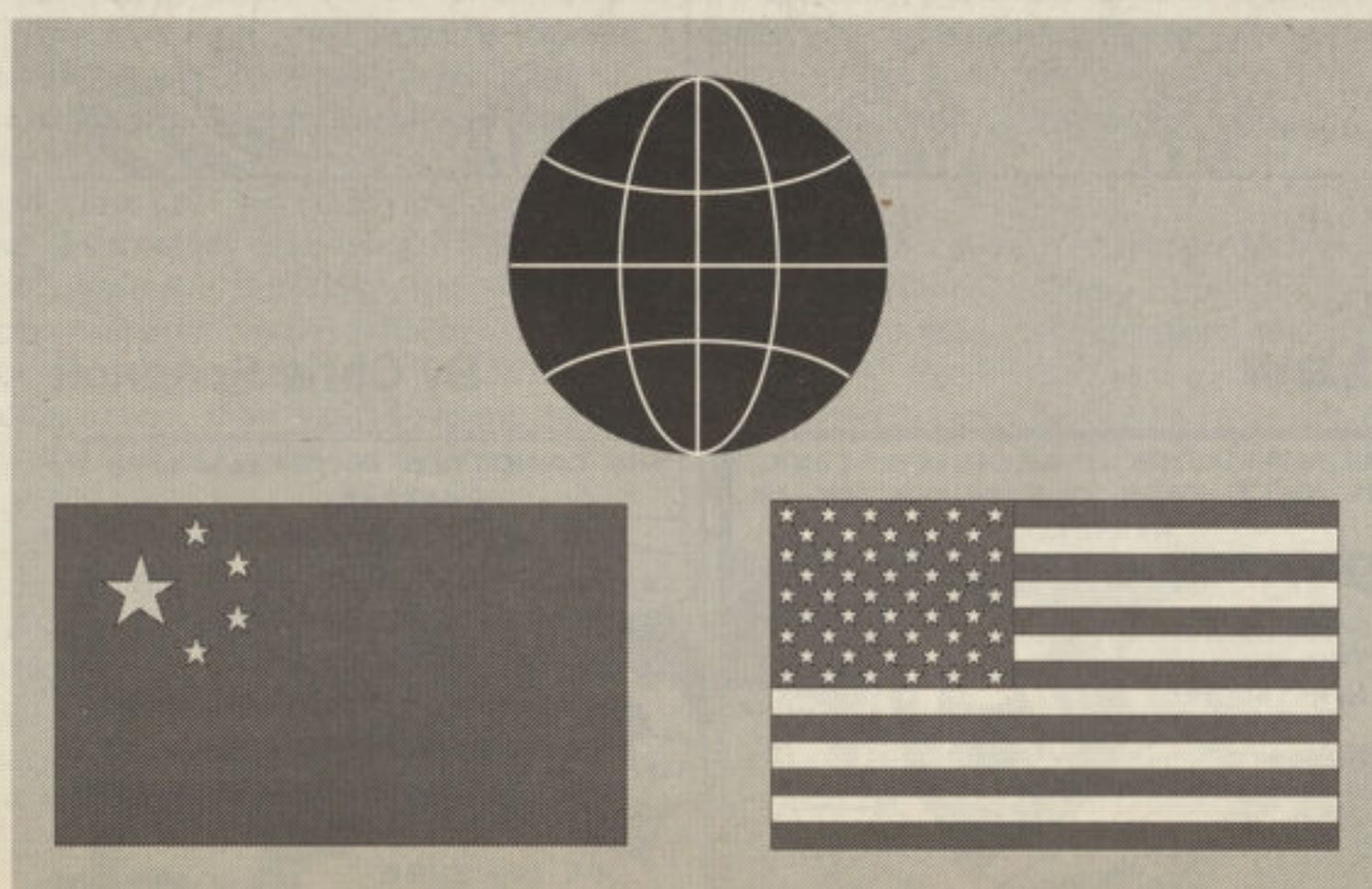
American and foreign media barely bothered to cover what was the worst natural disaster suffered in more than a

century by a nation all too familiar with such tragedy. And, importantly from a diplomatic viewpoint, the U.S. and other industrialized democracies paid no heed to the Beijing regime when it broke from four decades of "self-reliance" and for the first time pleaded with the international community for help.

At the human level, the refusal of the U.S. and other governments to offer assistance of any consequence consigned the Chinese people—with whom our government has repeatedly said we have no quarrel—to endure great hardship. At the political level, our reaction has strengthened the position of China's hard-liners, who point at our callousness to prove their contention that the West and Japan are not really friends of China but are enemies pleased to see the Chinese people suffer in the belief that this will hasten the Communist Party's downfall. As such, the industrialized world's utter indifference to the flood has already had significantly greater impact on the Chinese government's international relations and internal policies than the entire MFN debate.

The lesson that emerges is one that may well be relevant not only for policy vis-a-vis China. The U.S. may indeed be the world's sole superpower, but if the supposed new international order is to have any meaning, we must not exaggerate Washington's influence nor be so callous about others' basic needs. There are concerns more immediate to the world's people than the rhetoric that fills our Capitol and media, and we had best take them seriously if we hope to formulate policy that is not only in the interest of the rest of the world but in our own as well.

It is domestic imperatives, rather than foreign pressures, that drive the decisions of China's leaders.



William P. Alford is the Henry L. Stimson professor of law at HLS and the Director of East Asian Legal Studies. This article is reprinted with permission of the Boston Globe.

Fenno

Fenno looked around in fear and wonder. What was he doing in the Ames Courtroom on a Sunday morning? It was horrible, horrible. He had stood in line waiting to buy King Dongs in the Law School Coop one too many times, given that Bar/Bri representative one too many long, longing looks. His fainting and falling two weeks before had softened her up, and now she had fallen for him.

It had seemed so perfect: his very own Bar/Bri doll. She was a long and leggy, lean and luscious legal dealer, and she was oh-so-professional in more ways than one. Candlelight dinners, walks by the Charles, whispered promises of discounts on the multistate course. With the money he had made from his insider trading in RJR junk bonds, he was going to take her with him to Paris for spring break. Paris was a long way from Ramsey, New Jersey, and his Bar/Bri doll was a far cry from that Wesleyan hell-cat who had savaged him before.

But then, last night, while she had Fenno handcuffed to her bed and covered in whipped cream, she demanded that he sign up for the Bar/Bri review course for the Monopoly Professional Responsibility Extortion. "Open your ledger," she commanded. "Open your ledger and let me

probe the secrets of your finances. Let me bring you to new peaks of love for the law!" "No," thought Fenno, "I will not degrade myself this way. I will not become this siren salesperson's pliant plaything." But she called him by his secret name, Ken, and he was aching for relief. Fenno signed.

Now here he was in this stupid MPRE review course. Some Robert-Klein-wannabe lecturer from D.C. was making stupid jokes about Dersh and Mike Tyson. Some sanctimonious she-devil with cateye glasses was calling him stupid for making jokes about a rape case. After every rule, the lecturer told everyone that the rule didn't apply to California. So why should Fenno care? He was going to California, to San Diego, Home of Wrinkled Prune-People, Mormon chiefs, and Naval Heaven.

At least he had something else to study for: the upcoming draft in his rotisserie baseball leagues. Fenno had teams in both the American and National Leagues. He pulled out his brand-new copy of Street & Smith's baseball preview issue and slid it between the covers of his practice exam. But all those statistics made him drowsy. Fenno dreamed of more whipped cream and a pennant.

Quote of the Week

"I would regret it if Bell didn't come back."

HLS Professor Charles Fried

EA W

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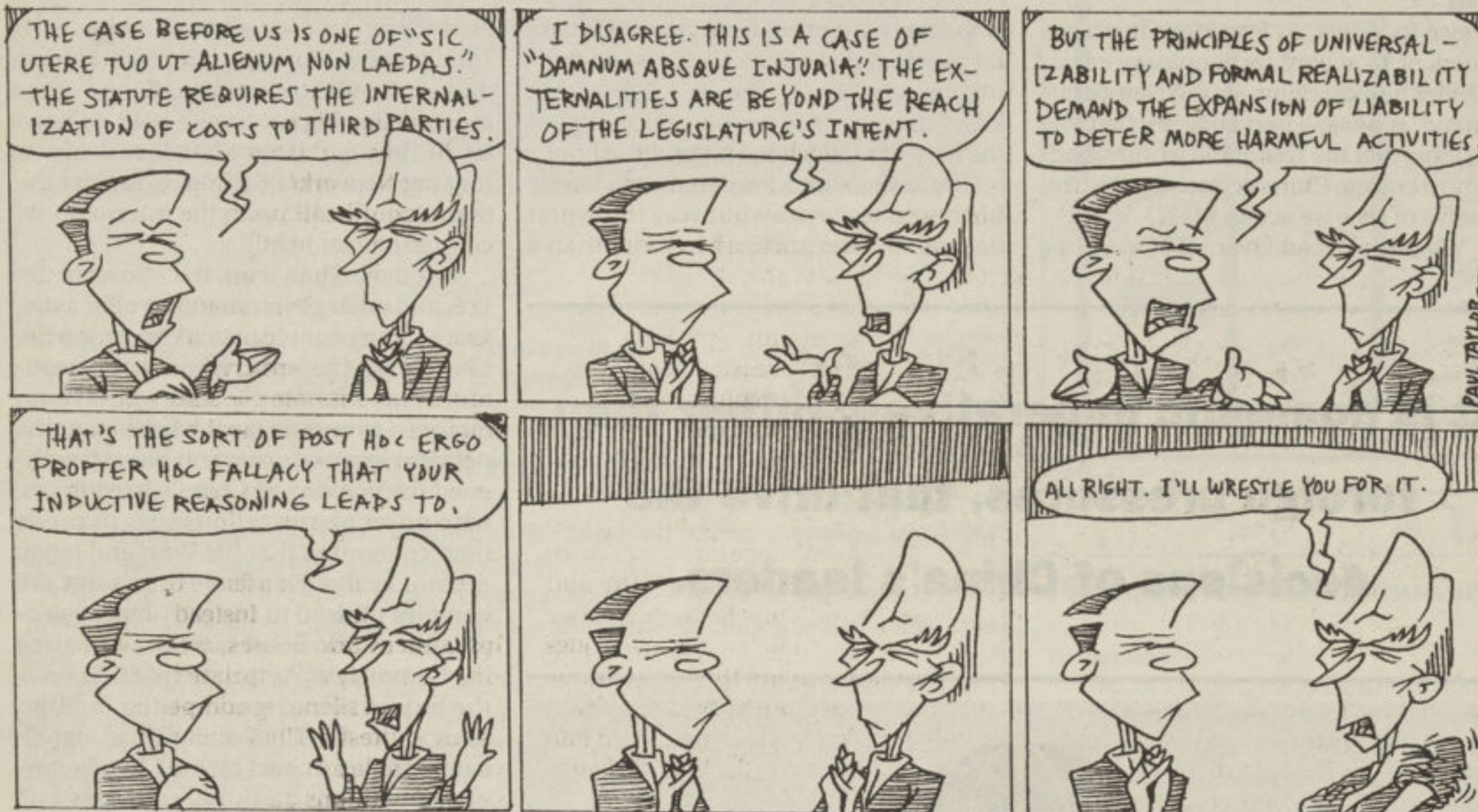
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Liabilities

By Paul Taylor



GROMM: Barbarian At Law

By Chris Spagnoli



Harvard Law School Intramural Basketball Standings as of February 25, 1992

Team Number and Name	Wins-Losses
"A" League	
8. Assault & Battery	4-0
1. The One-der Years	3-1
2. All That Jazz	3-2
4. HLS Posse	3-2
6. Gimme The Rock, Baby!	2-2
5. Black Panthers	2-3
7. D'Bulls	1-4
3. Whoopie Cushions	0-4
"B" League	
17. A to Z	3-0
23. Mo Knows	3-0
26. The C.B.A.	3-0
11. Well-Hung Jury	2-1
13. Dream Team	2-1
20. Rodwin's Rebels	2-1
21. Black Panthers II	2-1
22. Story Too Legit	2-1
24. The Hammer	2-1
25. Lincoln Park Rules	2-1
28. The Grizzers	2-1
10. Hezekiah	1-2
15. (nameless)	1-2
16. John 3:16	1-2
19. Bildad & the shoe-hites	1-2
29. Thao's Team	1-2
12. Los Homies	0-3
14. Ames Aardvarks	0-3
18. HLAB-The Team	0-3
27. Skywalkers	0-3

Compiled By Frank Yokoyama & Jeff Wing

CALENDAR

Friday, February 28

"Maximizing Your Post-Graduate Income," an informative workshop series, continues with a talk by Stacy DeBroff, OPIA, on issues related to public-interest work. The session will last from 2-3 p.m. in Pound 204.

Faculty Diversity: what does it mean, and does it exist at HLS? A panel discussion in Pound 102 from 5-7 p.m. considers these questions. Scheduled panelists include Professors Charles Fried and Morton Horwitz and six current HLS students. The event will be moderated by Professor Charles Nesson. Sponsored by: La Alianza, Asian-American Law Students Association, Black Law Students Association, COGBLLI, Federalist Society, Harvard Pro-Life Club, HLS Republicans and Women's Law Association.

A salsa party sponsored by La Alianza takes place in the Hark from 9 p.m. until 1 a.m. Admission is \$3, which includes free beer and Juan Zuniga's famous sangrias.

Saturday, February 29

"Making Our Differences Work: Women in Litigation," a seminar exploring the unique abilities of women litigators, will take place from 9:30 a.m. until 1 p.m. in Pound 102. Registration is at 9 a.m. and is free to HLS students. The program will be divided into two practice areas, "The Practice of Law" and "The Business of Law," each of which will be addressed by a keynote speaker and a panel composed of distinguished women judges, lawyers, and educators. Co-sponsored by the Women's Bar Association of Massachusetts and the Office of Student Life Counseling.

An MPRE lecture will be presented from 9:30 a.m. until 1 p.m. by Barpassers of California in Austin East. This is a crucial review session for students planning to take the exam in March. Flowcharts to aid in the learning of essential concepts will be provided, and complete books will be on sale for those who have not yet enrolled in the program.

The Fourth National "Women of Color and the Law" Conference takes place today on campus. For information, contact Sumi Shin, 625-7286.

Wednesday, March 4

"The Edges of Life," a panel discussion dealing with ethical and legal issues concerning the beginning and ending of life, takes place today at 5:30 p.m. at the Rotunda at Liberty Square, at the corner of Milk and Battery March Streets. The event is sponsored by the Catholic Lawyers' Guild of the Archdiocese of Boston. Questions and discussion will follow the presentation. Admission is \$10, and refreshments will be served prior to the discussion.

New York University Law Professor Nadine Strossen will speak on "Civil Liberties and the Supreme Court" at 7 p.m. in Austin North. Ms. Strossen is a noted legal scholar and the first woman president of the American Civil Liberties Union. Sponsored by the Harvard Law School Forum.

Thursday, March 5

Andrew Sullivan, editor of The New Republic, will address "The Politics of Sexuality" at 8 p.m. in Austin North. Cosponsored by the Harvard Law School Forum and COGBLLI.

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Alysse On the Capital Campaign Trail

By Alysse MacIntyre

RECORD Columnist

Not long ago, I saw a shocking sight: it was big Bob Clark, our beloved DBC, standing in front of Pound talking to students. If that was not surprising enough, when I exited the Hark 15 minutes later, they were still there, still talking. You could have knocked me over with a feather. Our Dean does not talk with students. That was when I realized that the law school must have hired a stunt dean to make appearances around the school while our real dean is out fleeing the alumni of their ill-gotten gains. Sort of a "Stepford Dean," if you will.

I saw the real dean a few days later in Holmes field. I knew it was the real thing because there it was, at 7am, no one else in sight anywhere, we were heading directly at each other, and we even came within a few feet of each other, and he didn't say a word to me. I thought, "That's the old cold shoulder Bob Clark I know!" He could probably smell that I didn't have an extra few hundred thousand dollars in my pocket and decided to steer clear of me.

My sympathies go out for old Bob, though. Although his fund raising is supposed to be going very well, rumor has it that they are having trouble hooking a 10 million dollar donor. I think the problem might be that most people probably do not know that if you give a lot of money, you get to name something around the law school.

The DBC's Capital Campaign office has published a list of what you can name for you bucks. For example, a cool 25 million will give you the privilege of naming the library. This honor seems like a real rip off, because you know everyone is just going to call it "The Library," anyway. If I forked over 25 million I would be really pissed if everyone did not refer to it faithfully as "Alysse's Library." But let me tell you, the

"The Faculty Triathlon" would include an "Avoid the Student" race and competitions designed to determine who is the rudest and the most arrogant.

first thing I would do is make them take down those rancid drapes.

For 10 million, you can name the new building to be constructed on Holmes field. If I were Cher, I'd give the school 10 million just to know that students at Harvard Law have class in "Cher North Middle" or the like. I know they are hoping that the donor will name the building after someone important in Harvard Law history, but I can not see how you can argue with a 10 million dollar donor. If he wants to name it after his dog Muffin, I guess you are stuck.

The opportunity to name the deanship is a real steal at 5 million. I would like to see it named after a woman whom I know to have had tremendous influence on DBC: Clare Dalton. As you recall, Professor Dalton became only the second person in law school history to be denied tenure after

serving an assistant professorship due very much to the protestations of DBC. Way to go, Bob. There are too many chicks on the faculty anyway, right?

If you are really hot to give the school your five million but want to steer way clear of the Dean, there are other things that you can name for that price. They include the faculty law library, the ILS library, and something called a "treasure room." I am not sure what the treasure room is, but it sounds surreal. I imagine it to be like something from a lawyer's version of Pinocchio: a room decorated with trunks of gold and precious jewels, with professors dressed up like pirates, singing and drinking out of jugs of wine and displaying the tremendous wealth you can acquire by being a lawyer. Next thing you know, you have turned into an ass, chained to a desk at Cravath. Frightening.

Over in the clearance rack, professorships go for a mere 2 million. At that price, many big corporations could afford quite a few of them. Maybe the law schools' financial needs could be satisfied in much the same way as the US Olympic Team's. "This law school brought to you in part by MacDonalds, The Official Sponsor of Chris Edley's Administrative Law Class." Can't you just see Chris' picture in the course catalogue, taking a bite out of a big old Egg McMuffin? Duncan Kennedy would, of course, refuse to have his class sponsored by anyone, but Roger Fisher could probably

get him to agree to Ben and Jerry's.

Personally, I think Bob's running the campaign a little too traditionally. He just is not thinking big enough. I recommend that he buy air time and do a Home Shopping Network/Telethon sort of thing. Alumni could call up, agree to give the money to name something and DBC could honk a horn. The faculty could provide entertainment by displaying their infamous talents. Arthur Miller could make some unsuspecting student cry. Steven Shavell could show us how to use a slide rule. Bob could even sing and play the keyboard for old time's sake. We may even pick up additional donations from people who confuse them with Jerry's kids.

And what about a fair? Lots of schools raise money this way. Instead of the traditional races and games, we could have some uniquely appropriate for HLS. We could have a silencing competition and a hissing contest. "The Faculty Triathlon" would include an "Avoid the Student" race and competitions designed to determine who is the rudest and the most arrogant.

A faculty dunk tank would be a real money maker. You'd get ten dollars a throw for Phill Areeda, easy, and probably fifty for Dershowitz. And who knows what Robert Bork would pay for the opportunity to dunk Larry Tribe? I bet Richard Nixon would fly all the way up here just to dunk Archie Cox. And what's more, think of what people would pay simply not to see certain members of the faculty in their bathing suits. The Coasian implications!

John McTiernan's *Medicine Man*, A Noble Failure, Needs a Cure

By Brian Bendig

"Medicine Man" is a noble failure, a combination of high ideals and flawed filmmaking. Starring Sean Connery and Lorraine Bracco (*Goodfellas*) as biochemists doing research in South America, the film centers on two sterling objectives: finding a cure for cancer and preserving the forests of the Amazon basin. It might very well be easy to make a bad film while exploring such lofty medical and ecological topics. "Medicine Man" certainly makes it look easy.

Problem number one is the absurdity of the plot. All suspense is removed and all logic is betrayed by the flimsiness of the storyline, which is structured around the main characters' unbelievably dumb failure to recognize the obvious solution to a cancer cure "mystery." Second, the characters played by Connery and Bracco are completely unattractive. Both are disagreeable and irksome. They continually grouse to each other about this, that, and whatever.

Sean Connery is no stranger to wretched films. He has made both old (e.g. "Zardoz") and recent (e.g. "Highlander 2:

The Quickening") bombs. In *Medicine Man*, Connery plays Dr. Robert Campbell, a pony-tailed and grumpy Scot scientist based deep in the Rain Forest who once stumbled on a cancer vaccine but has been able to reproduce it. It also turns out that Dr. Campbell blames himself for the destruction of his marriage and other misdeeds. Pluckily persevering and trying to deal with his guilt, Connery continues to seek the magic potion in his rustic lab and gets drunk every night with the locals. He has developed into an irascible and whiny jungle bum by the time the film gets going.

Connery's syrupy and sweaty idyll is interrupted by the arrival of his research foundation boss, Lorraine Bracco. Bracco's character, Dr. Rae Crane, has come to check on the South American money pit presided over by the increasingly goofier Dr. Campbell. Bracco takes one look at Connery and his set-up, and decides to shut down the whole muddy and mildewed operation.

Of course, the charming and committed Connery, mustering what's left of his wits and scientific integrity, persuades Bracco to give him another week. And, of course, she relents, agrees to help him in his quest for the cancer cure, and the two

grudgingly and inexplicably develop a thing for each other.

The two leads struggle mightily with their mediocre material. Connery is ill-served by the story, as is Bracco, who is completely wasted in her first leading role. Her Dr. Crane is a braying exasperation, outperforming Connery in that department. Her primary function in many scenes is to launch unpleasant verbal tiffs à la the Bickersons. Dr. Crane is supposed to come from the Bronx and tries hard to appear to be a feisty fighter, but I never abandoned my conviction that she is just a pain who really hails from some cozy suburb.

This film is supposed to be centered on a reasonably intelligent, dramatic story about scientific discovery. Instead, "Medicine Man" features dim-witted and irritating researchers stumbling through a silly script directed at the undervalued neurons and heartstrings of the multiplex moviegoer. The film suffers from what Roger Ebert calls "The Idiot Plot." A film featuring such a plot would be over in ten minutes if the characters were given gray matter. The research "mystery" is as baffling as eschewing space heaters in the jungle.

"Medicine Man" does have its moments. Connery and Bracco charmingly reprise the free and breezy treetop travel of Tarzan and Jane using a technically impressive pulley system. These difficult scenes are beautifully shot, although they do look like a commercial for Club Med. The rain forest is also attractively depicted in numerous scenes, inviting the filmgoer to augment any abstract global-warming concerns with an aesthetic sense of its high value. The film also features a variation on "Heart of Darkness" that recasts the journey into alien and wild regions as supportive of sanity. Unfortunately, "Medicine Man" also depicts such a journey as supportive of stupidity.

John McTiernan directed this sweaty celluloid yarn. His notable credits include "The Hunt For Red October" and "Die Hard." The former is a flabby, tardy Cold War drama starring Sean Connery. The latter film, of course, is a fiery, asinine rescue drama starring a pre-founding Bruce Willis. Both films are competently directed; however, workmanlike competence is McTiernan's stock-in-trade. In fact, McTiernan is developing a lucrative reputation as a virtuoso safe director.

Letter: Seek to Find Good Interpretations

To the Editor:

Neither the gay nor straight community is well-advised to heed the logic of Ed Joy's column of February 7, in which he assumes that Max Torres and Sean Brady must be well suited to the task of defending the morality of apartheid simply because they doubt the virtue of homosexual practices which he defends. By attributing a complete depravity to those with whom he disagrees on a discrete moral issue, Ed not only gives a misleading characterization of Max and Sean, he also adopts the tactics of those who label gays as "bestial" with the result being that there are some who give no more thought to beating gays than they would to kicking a wild dog.

Personally, I know Max to be a man of integrity and compassion whose talents and virtues are recognized in circles extending far beyond HLS. Far from heading off to do battle for apartheid at the end of this year, Max has accepted a prestigious professorship of business ethics in Barcelona, Spain. There I believe it is recognized that the faith from which Max derives his position on homosexuality roundly condemns racist beliefs and preaches compassion for all human beings, homosexuals included.

Given its political weakness, the homosexual community cannot afford to alienate those who disapprove of homosexual practices but have a jealous attachment to rights that the gay community has an interest in

protecting; such as the rights of free speech, free exercise and free association. By working with others to promote these rights, the gay community may gain understanding and form strategic alliances. Religious organizations fighting to hire exclusively from among the faithful and homosexuals fighting for private sexual freedom both share libertarian tendencies and should join to protect the sacred enclaves of home and temple from governmental intrusion.

I once spoke with Peter Cicchino, an outspoken member of the gay community, about the unfortunate tendency to presume the worst of those with whom we have some disagreement. Peter and I share few political allegiances but we do share a Jesuit educa-

tion, so I credit Peter for reminding me of the first presupposition of Ignatius Loyola's Spiritual Exercises: so as to be of more profit to each other, Christians should seek to find good interpretations of the statements of others before condemning them as entirely false. I admire Ed, Max and Sean because they have the courage to publicly defend sincerely held but unpopular beliefs. I only hope the communities they represent will pause to give a moment's thought to the words of St. Ignatius.

Mike Quigley '92
February 20, 1992

No Apologies Necessary For Guest Speakers

By Charisse Carney '92

As the nameless BLSA president referred to in Behnam Dayanim's article "Enough Hate in Harvard Community," I find it necessary to articulate a response to clarify a number of Behnam's assertions.

Much of Behnam's article talks about a voluntary policy of cooperation asking that any group contemplating an invitation to a speaker whom it knows others view as anti-Semitic, racist, or prejudiced, notify, as a matter of courtesy, the appropriate representatives of those likely to find offense. Last semester, many (but not all) members of BLSA and JLSA agreed that this was an amenable policy. Although this policy has not been formally adopted in the BLSA constitution, I plan to propose its adoption. Nevertheless, I have personally and voluntarily agreed to operate under this policy during my administration. In my opinion, Behnam's article infers that I, in bad faith, repudiated our voluntary agreement by failing to notify JLSA of our intent to co-sponsor Leonard Jeffries' speech with the Black Students Association at Harvard College. Nothing can be further from the truth; and Behnam knew the truth when he wrote his February 14th article.

BLSA did not decide to co-sponsor Professor Jeffries' speech until the evening of Saturday, February 8th. Once we made the decision, I went home with a "To Do List"; on the top of which was my call to Behnam. When I got home I found that he had already attempted to contact me, regarding our alleged breach of the courtesy agreement and substantively regarding our intention to co-sponsor the speech. He had tried to contact me before BLSA had even decided to co-sponsor the event! When I finally reached him, I explained the mix up, and I informed him that any information he had received regarding our

intention to co-sponsor the event prior to Saturday evening was incorrect. Thus, in my opinion it was fraudulent, deceptive and disingenuous for Behnam to mislead the HLS community into thinking that BLSA breached any such courtesy agreement.

Further, as a point of clarification I did not "admit to Behnam that the sponsoring organizations handled the Jeffries event in a less-than-optimal manner." On the contrary, I think that the sponsoring organizations handled the Jeffries event in an optimal manner; most students who took the time to attend the event agreed that the event was academically responsible. For those students who are interested in forming their own opinions, the event was taped.

As a substantive manner, BLSA, like JLSA, affirms the "inviolable" First Amendment right of free speech. As students of academia our task is not "the search for the unadulterated perfectly semanticated leader." On the contrary, our task is to receive as much information from as many perspectives as possible, to investigate as to the existence of other information that is not readily available to us in our syllabi, to evaluate all relevant information, and finally to effectuate a clear analysis of a particular problem or issue.

Behnam has noted that David Duke will be speaking at the Kennedy School. The Black Students Association at the College opposes Harvard's invitation to Mr. Duke. BLSA does not. While, virtually all BLSA students are vehemently opposed to Mr. Duke's views, most students want to be present to challenge his opinions and do not oppose his right to speak. We understand the BSA's objections to Harvard's invitation to Mr. Duke, and we affirm their right to protest. We understand JLSA's objections to the Leonard Jeffries' and the

David Duke speeches, and we affirm their right to protest. However, the Black Law Students Association maintains that the right to free speech is inviolable and given the correct procedural safeguards, we believe that the Harvard community should entertain a wide variety of differing perspectives, especially voices of dissent.

In his article, Behnam noted that I "proposed that BLSA adopt some salutary procedural reforms to address some of the issues that [JLSA] raised." As a point of clarification, I did not "offer" the JLSA anything. I am not, and will never be, involved in "negotiations" over this issue. What I did tell Behnam was that given the correct procedural safeguards, I believed that BLSA could sponsor almost any speaker that we, as an autonomous organization, choose to sponsor.

I informed him that toward this goal, I was planning suggest to my organization that we formally adopt some of these procedural safeguards. Most of these procedures have been informally adhered to in my administration. Further, these suggested procedures are simply my suggestions; BLSA is by no means bound by my personal opinion.

Some of these would include: formally instituting a policy to notify relevant student organizations when we invite a "controversial" speaker; formally agreeing to support and adhere to the HLS free speech guidelines whenever our executive board deems it to be necessary; formally instituting a policy that has in practice always been subscribed to of requiring an executive board vote in order to sponsor a speaker that the president thinks may be controversial; formally agreeing to compel our executive committees to put a great deal of energy and thought into ensuring that all speeches or panels would be academically responsible, and that we should make a

special effort to work with HLS professors toward that goal (i.e. we may encourage students or professors to engage in prepared responses to certain speakers).

Behnam has proposed that student organizations sign a statement that we will not invite or host any speaker, who in our judgment, purveys or incites hatred on the basis of race, religion, national origin or sexual orientation. I will not advocate that my organization sign such a statement. I will not advocate that we open the door for others to debate and judge our internal decision-making processes. As noted, whenever we entertain inviting a speaker that I think may be controversial, our executive board (a group of intelligent HLS students) determines the appropriateness of the invitation considering all relevant factors.

If the only relevant consideration was quieting arguably "racist" voices we could begin by removing many of the portraits on the walls at HLS or by redacting many of the judicial opinions that we read. Of course, such removal will never happen; nor, do I think it should happen. I assert again, as students of academia our task is not "the search for the unadulterated perfectly semanticated leader." Our goal is analysis. Our goal is problem resolution. Toward these goals we information; we need varied perspectives; we need dissent; we need open discussion and debate.

As far as I am concerned, this issue is closed. I believe it is a side show. The Black community is in crisis. And if any one, be it Leonard Jeffries, Rappers Chuck D and Sista Souljah, Louis Farrakhan, an HLS professor, the HLS Republicans or even David Duke, can offer a bit of information or analysis to help me effectuate a solution to this crisis then I want to hear about it. And for that, I will never apologize.

TONGUE TWISTERS AND OTHER PROBLEMS

By Ed Joy '92

RECORD Columnist

Given all the other problems and challenges that minority groups face, it is sometimes hard to give much consideration to problems presented by language. Nonetheless, language is important. After all, it would seem to be a matter of simple consideration and respect that others would defer to a minority group's desire to determine its own name. I am sure you are thinking, "How can I keep up, when all these groups are changing their names all the time?" Just refer to the following up-to-date, user-friendly guide to the sometimes confusing world of gay and lesbian terminology, sort of a more worldly version of Strunk and White.

Words and Expressions Commonly Misused

Sexual orientation. Sexual preference. While sexual preference is a marked improvement over sexual deviance (See the 1950s), its use is now outdated and should be avoided. Sexual orientation is more precise and less prejudicial and is the preferred noun. Some further discussion may prove illuminating. With respect to my sexual preference, I prefer blondes (OK I am not proud of this fact, but it's true), but I imagine this preference will change over my lifetime. My sexual orientation describes my emotional and physical attraction to members of the same sex and this orientation is immutable.

Alternative lifestyle. As used to refer to all gays and lesbians, (i.e., "those who chose an alternative lifestyle") this is another outdated and prejudicial term. All gays do not share the same lifestyle any more than all straights share the same lifestyle. Besides, being gay is hardly a lifestyle. This fact is demonstrated by the striking incongruity in the following quota-

tion. "I think I'll live in the suburbs. Nah, I'll be gay instead." Personally, I always thought living a boring life with no love life was the way most law students live. If not, I guess there are a lot of straight people out there enjoying an alternative lifestyle I have not been privy to.

Homosexuals. Should only be used as an adjective, not a noun. In short, "homosexuals" has rightfully gone the way of "coloreds." As a noun, it is too clinical. Of course, if the noun *homosapiens* becomes the popular term to refer to the entire human race, then homosexuals may be used to maintain consistency when referring to the subset. The nouns of preference are gays and lesbians. Yeah, two words are not as easy as one, but the term gay alone connotes male and lesbians have had a history of mistreatment within the gay and lesbian community. Given this history, an explicit reference is well deserved at this point. Just think of it as something similar to latino and latina.

Actually, if you want to be on the cutting edge you should use gays, lesbians and bisexuals. Believe it or not, bisexuals face considerable discrimination within the gay community. Some members of the community take the attitude that being bisexual is tantamount to associating with the enemy, while others believe it makes us all look as if we simply choose to be gay to rebel against society or enjoy some kind of kinky sex. The latter group, from the, "let us oppress you until we are all free," school of thought, would rather bisexuals just be subsumed under the nouns gay or lesbian for now. Tch, tch, tch.

Admittedly, I almost never use the tripartite phrase myself. I know I should, but it's hard to write when half of every sentence is dedicated to delineating the group you are writing about.

Please see JOY, page 11

THE CLOCK STRUCK MIDNIGHT

By Rich Wareing '93

RECORD Columnist

This time, there would be no Miracle on Ice. No Mike Eruzione, with his game winning goal that sent the country into euphoria. No Jim Craig, sweat pouring down his face, draped in the Stars and Stripes. No Jack O'Callaghan, with his fists held high. No Buzz Schneider, beating the invincible Soviets in front of his friends and neighbors. No medal. No glory. Only two crushing losses to the mighty Unified Team and the Czechs, which sent Team U.S.A. packing.

It had started as no more than a dream. A bunch of career minor-leaguers and recent college grads thrown together with a coach nobody had ever heard of in an impossible quest against great teams with speed, size, and experience. It was unthinkable that these guys would even make the medal round, never mind win a medal.

Slowly, though, the dream took shape. Great defense, scrappy offense, and a fortress in goal named Ray LeBlanc carried the Americans past the pretenders. Then came the savvy Finns, who were picked to win a medal. Team U.S.A. skated past them like they were standing still. In the slugfest against Sweden, the U.S.A. hit the defending World Champs with everything they could handle. When the Swedes hit back, Ray LeBlanc stood tall, and preserved the tie. It all seemed unreal. After disposing of the homestanding French the next morning, all that stood between the Americans and a chance at the Gold were the ex-Soviets, now playing under the banner of the Unified Team. It would be war.

For forty minutes the kids hung in there. The Unies poured shots after shot on goal, but Ray LeBlanc, the guy from Fitchburg who had spent most of his life

riding Greyhound buses and playing minor league hockey in obscure towns in front of drunk guys and their bored girlfriends, repeatedly rose to the challenge, turning back the Unies time and time again. Harvard's Ted Drury, hobbled by a bad knee, gave it his all. Clark Donatelli, the scruff-faced captain from North Providence, threw his body around with reckless abandon, not thinking about the implications an injury would have for his promising pro career. Boston College's Greg Brown, the only survivor of the 1988 team, who only days before had been knocked silly by a cheap shot from Sweden's Mats Naslund, gave it his best, despite two enormous black eyes, a smashed nose, a huge gash on his face, and enough tape and bandages to make him look like the Invisible Man.

For forty minutes a collection of has-beens, not-yets, and never-weres played their hearts out for something bigger than themselves and showed the world what it was to be an American—to battle against the odds, to fight for the impossible with every expectation of winning, to never quit, to never surrender.

In the third, the Unies showed the world why they deserved to win the Gold, disposing of the gallant Yanks with three back-breaking goals. Even then, though, the Americans didn't quit; they were just overwhelmed by a better, more experienced club. The next day, Team U.S.A. was flat and got blown away for the Bronze by an explosive Czech team that had beaten the Unies in the qualifying round and also disposed of the Swedes. It was a sad ending for a team that personified every quality that makes this country great.

There were other great moments for the United States this Olympics, like the

Please see WAREING, page 11

Law Suit Prepares To Face Appellate Test

Coalition for Civil Rights

I. The Trial Court Erred In Denying Plaintiffs Standing Under General Laws Chapter 151B As Persons "Claiming To Be Aggrieved" By Harvard Law School's Discriminatory Faculty Hiring Practices.

In their amended complaint, memoranda opposing the motion to dismiss, and oral argument, plaintiffs articulated the serious and legally cognizable harms they have suffered as a direct result of defendant's discriminatory hiring practices. Specifically, plaintiffs' injuries consist of: (1) denial of the benefits of association with an integrated faculty of diverse race, gender, ethnicity, sexual orientation, and physical ability or disability; (2) deprivation of the benefits of the perspectives and life experiences that diverse professors would have brought to the classroom; (3) stigmatization and messages of inferiority that pervade an educational atmosphere of intolerance to differences of race gender ethnicity sexual orientation and physical ability; (4) lack of access to valuable and diverse role models; and (5) lost professional and business opportunities that would accrue from association with diverse faculty members.

V. The Trial Court Erred In Granting Defendant's Motion To Dismiss Since Plaintiffs' First Amended Complaint Alleged Facts Sufficient To Support A Cause of Action Under Massachusetts General Laws.

Chapter 151C prohibits discrimination by educational institutions in the provision of benefits, privileges, and placement services to students. The Supreme Judicial Court has held that a complaint is sufficient against a motion to dismiss if it appears that the plaintiff may be entitled to any form of relief, even if the particular relief demanded and the theory argued may not be appropriate. In the instant case, plaintiffs' First amended Complaint alleged facts sufficient to support a claim under M.G.L. c. 151C.

Discrimination in the hiring of HLS' faculty violates c. 151C because it denies women and minority students the same educational benefits and privileges accorded to white male students. While all students are hurt by faculty discrimination, women and minority students are uniquely hurt by the stigmatization and marginalization that results from a continued absence of diverse faculty teaching law school classes. . . Numerous courts have held that students have standing to challenge faculty hiring practices under the United States

Final briefs have been submitted in the Student Coalition appeal from the Massachusetts Superior Court's dismissal last spring. The Harvard Law School Coalition for Civil Rights, who had their

Constitution, and more pertinently, under statutes prohibiting discrimination in education.

VII. The Trial Court Erred in Finding That The Harvard Law School Coalition For Civil Rights, An Unincorporated Association of Students Organized To Promote Diversity At Harvard Law School, Does Not Have Standing To Sue On Behalf Of Its Members.

The Coalition is a student organization at Harvard Law School representing the student members of six minority student groups and the Women's Law Association. The Coalition has standing under General Laws Chapter 93 sec. 102, which grants standing to "all persons," defined as "natural persons, corporations and other legal entities." Similarly, the Coalition is a "person" with the legal capacity to sue under M.G.L. c. 151B, which states:

The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and the commonwealth and all political subdivisions, boards, and commissions thereof.

That these statutes explicitly include associations and legal entities other than corporations within the meaning of person amply demonstrates a legislative intent to confer standing on all associations. . .

Even if the correct legal standard [had been used], the determination of whether student organizations in general or the Coalition in particular satisfies this requirement is a question of fact not properly determined on a motion to dismiss. By denying the Coalition standing to sue on behalf of its members, the court erroneously relied on its own assumption of fact that a student organization is not sufficiently stable to merit standing, rather than on an issue of law.

Conclusion

The injuries that students suffer as a result of discrimination in the hiring of their teachers are independent of the injuries suffered by the teachers themselves. Students are entitled to redress the injuries they have personally suffered and to learn in an environment free from unlawful discrimination.

COGBLLI. (Committee on Gay, Bisexual and Lesbian Legal Issues) A tongue twister to say the least. Thankfully, the public at large need not concern itself with this acronym. As a member of the group, I see our name as a public service to the rest of the student groups on campus to save them the dishonor of having the most embarrassing acronym.

COGBLLI, however, leads to difficulties in pronunciation and spelling. Evidence of the latter can be seen in the last edition of the RECORD ("Firms Increase Efforts to Hire Gay and Lesbian Lawyers," February 14, 1992) where the group was referred to as COGBLI. Readers of the Peninsula might think the omitted "L" referred to lesbians who apparently do not exist in the world as the Peninsula sees it. I was personally hoping we had dropped the legal aspect of our group. Regardless, one could hardly blame the reporter. Anyone who attempts to tame this unwieldy acronym deserves respect.

In sum, I could not care less what people call me as long as treat me as their equal and respect my dignity. Of course, in practice, those who treat me as their equal and respect my dignity are considerate enough to call me what I wish to be called.

complaint dismissed for lack of standing, argue for a reversal of that ruling March 3rd in the Massachusetts Court of Appeals. Following are excerpts from the briefs as submitted on both sides:

I. Introduction: The Nature Of This Action.

In recent years faculty, students and administrators at Harvard Law School have actively, and at times heatedly, debated the subject of faculty "diversity" and the extent to which, in deciding whom to appoint, the Law School should consider a prospective faculty member's race, gender, ethnicity, professed sexual orientation and physical disability, as well as demonstrated or potential excellence in scholarship and teaching. The outcome of this debate has great importance for the Law School because, as all participants recognize, the criteria used to make faculty appointments can have a significant effect on the nature, quality and direction of the educational enterprise at the Law School. . .

The plaintiffs, 11 students who represent one of the many points of view in the student body of 1750, now attempt to have the courts intervene in this debate. The suit seeks an order that will, in effect, place the Massachusetts judiciary on the side of those who contend that the Law School's appointments criteria must be changed to make the faculty more diverse. To this end, the appeal advances a number of statutory and contractual causes of action—some presented to the Superior Court and some not—designed to show that the Law School's faculty hiring practices have had a disparate impact on women and minorities that should be reversed by equitable relief. The complaint alleges no specific instance of discrimination, nor does it address any matter other than the appointment of new faculty members.

We show in this brief, as we did to the Superior Court, that the theories of liability plaintiffs seek to establish are not available to them—either because they do not exist or because the plaintiffs do not have standing to raise them. Nothing in the detailed complaint, not anything that may be permissibly inferred from it, all taken as true, provides an adequate basis for a court to entertain plaintiffs' claims.

II. The Plaintiffs Have No Standing Under M.G.L. CH. 151B

The students' allegations that the Law School is denying them "perspectives," "life experiences," "access to valuable and diverse role models," and the like epitomize injuries to interests that are not "legally cognizable." A person's interests in "perspectives" and "life experiences," like one's interests in "happiness" or "self esteem," are inherently subjective. However important they may be to one's life, their absence is not an injury the law can measure and correct, and so the law does not allow those who are deprived of them to litigate their loss. . .

Moreover, as the Superior Court noted, plaintiffs have not shown that their injuries, regardless how speculative or subjective they might be, are the "direct result" of the Law School's hiring practices. For example, plaintiffs claim that the Law School's alleged discrimination deprives

Harvard College (HLS)

them of "professional and business opportunities." An affidavit to the complaint from a disabled Asian-American student illustrates the "lost opportunities" claim as follows: "By not having any Asian-American or Disabled faculty members, the employers are being told that persons belonging to these minority groups are less able. As a result, my opportunities for employment are reduced." There is no indication student has been denied employment, nor that any such discrimination results from the Law School's failure to have Asian-Americans or disabled persons on the faculty. It should be self-evident that any "reduction in employment opportunities" . . . is the "direct result of employer decisions (even discriminatory decisions), not of a dearth of disabled or Asian-American professors on law school facilities."

The Legislature in enacting Chapter 151B has given not the slightest indication that it intended to place remedies in the hands of every person. . . who might perceive some harm to himself as a result of an employer's refusal to hire someone else. People within the broad but definite employment relationship—present and former employees, applicants and deterred applicants—can best present a concrete controversy and direct and tangible injuries that will allow courts to fashion and apply the law in the way the Legislature intended.

Whatever else may be said about them, student's injuries are distinctly secondary to the injuries suffered by those who are denied employment; it is they who are better suited to litigate whether the Law School has discriminated against them. Plaintiffs dispute this; they argue that students should be given standing because professors are unable to fend for themselves. This is not so. Children need guardians ad litem; university professors do not; and lawyers, of all people, surely need them least.

IV. The Complaint States No Cause Of Action Under M.G.L. 151C.

The whole purpose of the [151C] complaint is to establish that Harvard Law School has failed to provide these plaintiffs a "diverse" faculty; thus, relief would be available under Chapter 151C only if a diverse faculty is a "benefit, privilege or placement service" within the meaning of that statute.

Plainly the Legislature could have intended no such sweeping definition when it enacted Chapter 151C. . . The Legislature's inclusion of "placement services" in the phrase "benefits, privileges and placement services" and the inclusion of the entire phrase in a statute dealing with the provision of everyday academic services, signify that the Legislature was not concerning itself with the professional judgement of deans and professors as to the content of a curriculum, the qualifications of a faculty, or the proper role of the faculty members in university life. Chapter 151C does not address a university's hiring practices at all; universities, like other employers, are subject to Chapter 151B in that respect.

knowing that precious few get two chances at the coveted Gold. Ted Drury, hobbled, but out there proving that being an Ivy Leaguer doesn't mean you don't know about courage or sacrifice. Clark Donatelli, tired and heartbroken, but still out there after the game ended screaming about some bad officiating because defeat and surrender just aren't in his vocabulary. Ray LeBlanc, the guy from nowhere, stopping blistering slapshots at point-blank range time and time again from the best sharpshooters in the world. These guys, and all the others, scrapping and clawing, not for themselves, but for each other, and for all of us. Thanks, guys—I won't forget.

Wareing

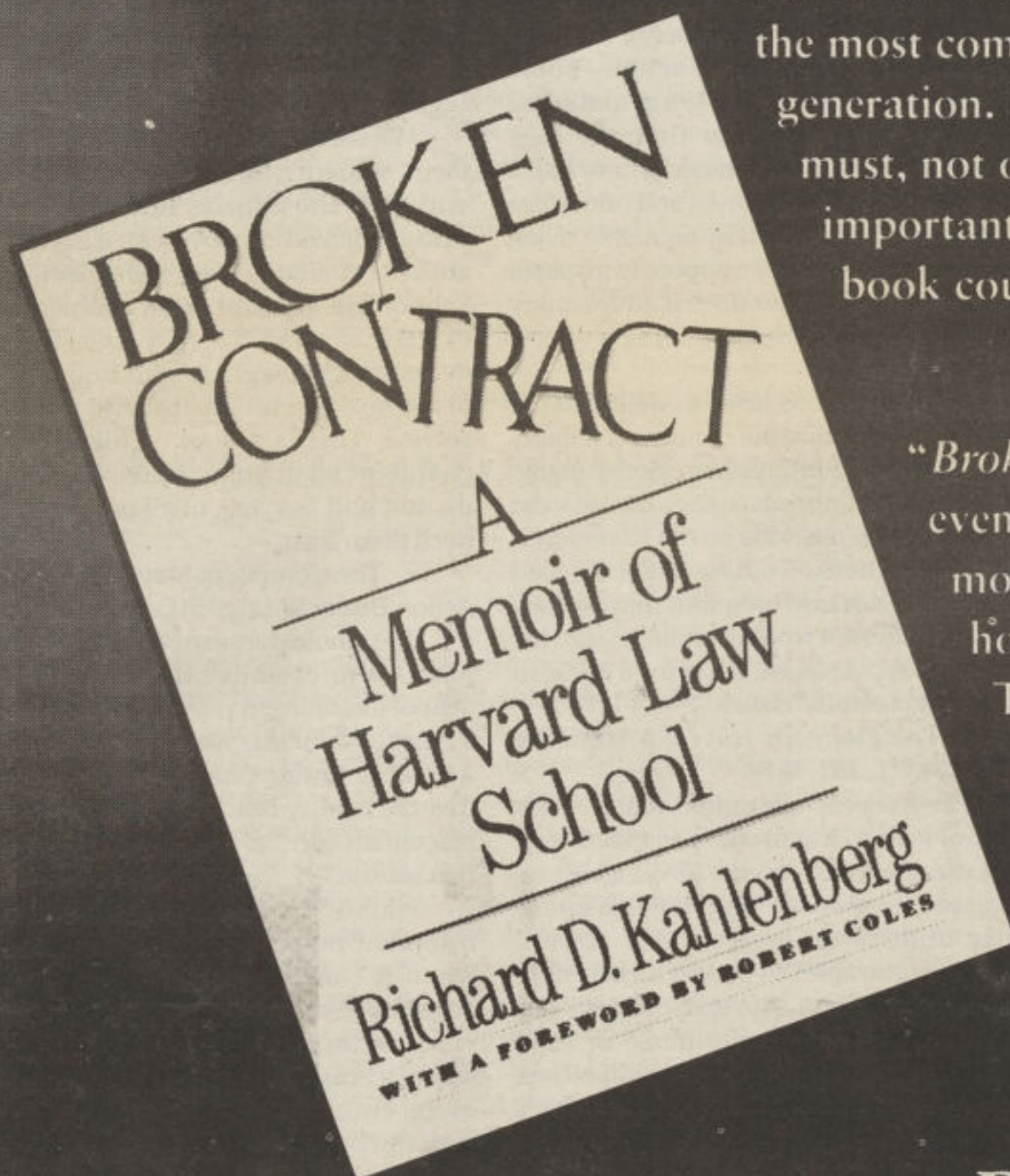
performances of Nancy Kerrigan and Kristi Yamaguchi in figure skating, and in time, this is all most of us will remember about Albertville. We will forget that gallant band of warriors who defied every expectation and nearly shocked the world. In time, only the old men from the Great Lakes or New England, who watched them play in school and in the minors, will remember their names. The young men, and their courage, will be lost to us.

I cannot forget them, though. Greg Brown, his smashed face behind his plexiglass mask, smiling, ready for anything,

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—John Grisham
author of *The Firm*

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