



Faculty Offer Adds to Hostility on Campus

By Johanna Davis

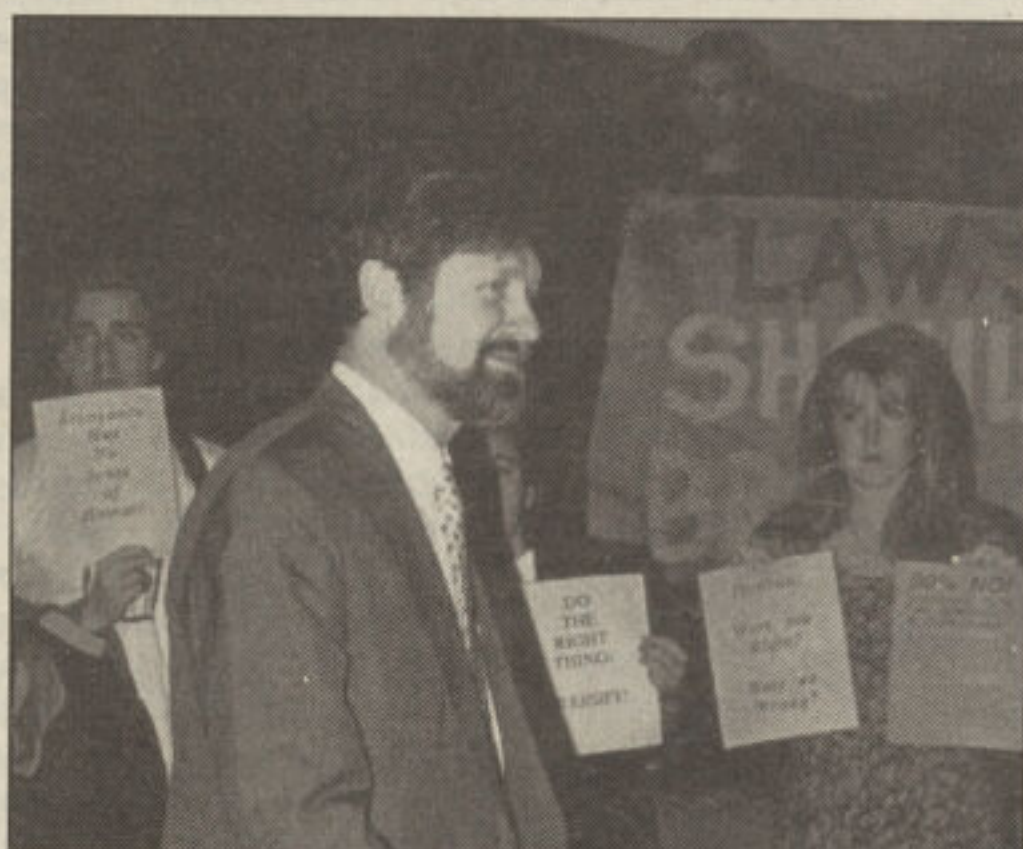
At the faculty meeting on April 10th, the Appointments Committee voted to offer a White male a tenure track position on the Law School faculty while rejecting a White female candidate for a similar position. The Committee made the decisions oblivious to student protesters engaged in a silent vigil for greater faculty diversity outside of the meeting in Pound Hall.

The Administration and Faculty members have resisted efforts to confirm the story. Professor Paul Weiler, chairman of the Appointments Committee, refused to return five RECORD phone calls. Professor Duncan Kennedy also refused to return RECORD calls. Professor Randall Kennedy was contacted but adamantly stated he had "no comment." Professor Mary Ann Glendon hung up on a RECORD reporter attempting to confirm the story. And Dean Robert C. Clark was "too busy" to talk.

The stonewalling comes in the wake of increased tension and breakdowns in communication between faculty and students urging diversity. Peter Cicchino '92 stated emphatically, "I cannot see why the Administration has refused to comment unless they are ashamed of their actions. This is just part of a growing hostility displayed toward students."

The atmosphere of hostility is infectious, and many perceive the problem as more than mere public relations. Dean Clark's notorious quote in the *Wall Street Journal* which dismissed minority students' protests for diversity as an exercise in "self confidence," enraged students. Keith Boykin '92, who held a press conference yesterday addressing calling for Dean Clark's removal, among other things, claimed Clark's comments "insulted and attacked every minority student concerned about the shocking narrow-mindedness and homogeneity of a 95% White, 90% male tenured faculty."

The hostility is not merely verbal. Last week, David Sanchez '92 who had been observing but not participating in the sit-in outside Dean Clark's office was assaulted by Associate professor Howell Jackson. According to witnesses, the professor shoved Sanchez as the two of them passed on the stairway. When another student followed the professor to his office and asked why he had attacked the student, the professor responded, "He was in my way," and slammed his office door in the inquiring student's face. Sanchez has not yet decided whether to pursue the matter with the Administrative Board.



Students hold silent vigil outside faculty meeting.

Ad Board Moves Against Students

By John Regis

The Administrative Board this week began preliminary proceedings against both the "Fried Four" and the "Griswold 9." Letters informing the students that they had been "tentatively identified as participating in an incident" and that the "Administrative Board will soon be considering whether to issue formal disciplinary charges in connection with [the] incident" were sent by Federal Express to the Griswold 9 on Thursday, April 9 and to the Fried Four on Friday, April 10. The letters informed the students that they had until Monday, April 13, at 5:00PM to submit a statement before the Ad Board proceeded with further action against the students.

The Fried Four allegedly silently protested before Professor Charles Fried's Office on April 7, and the Griswold 9 allegedly took over the Dean's Office for more than 24 hours last week. Both groups acted to protest HLS' poor record on faculty diversity. Students are watching their cases closely, sending "an enormous number of letters" to the Ad Board, according to Dean of Students Sarah Wald. Most of these letters have pled for leniency, and while Wald did not state whether the Ad Board was considering the letters in their deliberations, she noted each Ad Board member read each letter, and that she "appreciated getting the letters."

Barry Langman '93 said more positively, "While campus opinion doesn't factor in directly, we do take it into account to some limited extent. We are getting letters from student organizations and we are considering them."

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Revue Sparks Outrage

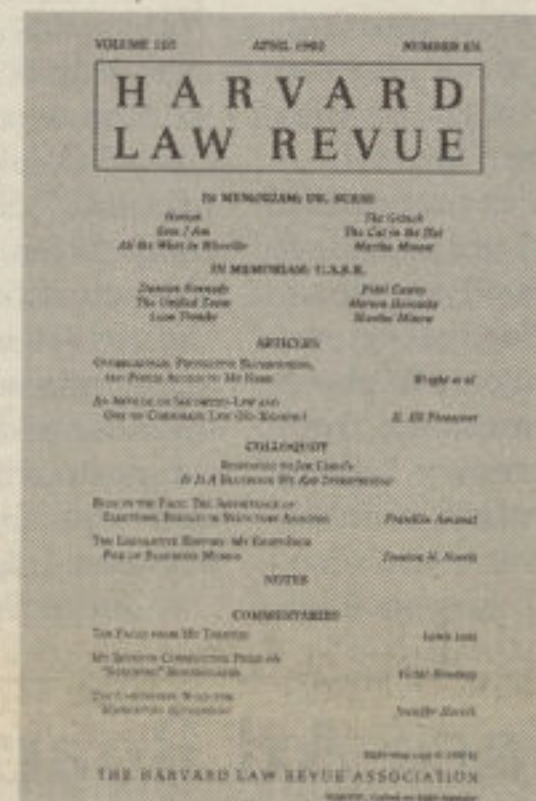
Parody 'Vicious and Indefensible'

Campus Roiled in Pain and Anger

By Steve Yarian

As we reported last week, Professor Charles Fried's remarks as Toastmaster at the annual *Law Review* banquet generated a lot of heat. However, what we were unaware of at the time, and what has become painfully ubiquitous in the Law School community and beyond, is that the Review's parody issue, the *Revue*, distributed to the limited audience in attendance at the banquet, has made Professor Fried's remarks look like small potatoes on the controversy scale. This year's spoof edition has touched off a major protest, a seemingly endless paper trail, heated exchanges between students and students, and students and faculty members, national media attention, and a call for disciplinary measures against the Review members primarily responsible for writing the parody of an article by the late Professor Mary Joe Frug. Sadly and ironically, the disparaging parody was distributed exactly one year after Professor Frug was murdered.

The controversy started when the *Law Review* began debating in January whether or not to publish an uncompleted article by Frug entitled "A Postmodern Feminist Legal Manifesto." The debate pitted two staunch factions on the Review against one another. One faction won the debate, and the article was published in the March issue of the Review. But it didn't end there.



Please see **PARODY**, page 10

By Glennis Gill

The fall-out from the *Revue*, the so-called "parody" issue of the *Harvard Law Review*, has been tremendous as any student who has bothered to check their Hark box in the last week can attest. Coming from students, professors, student organizations, and Review members themselves, the outpouring of emotion has been overwhelming.

Although the *Revue* was distributed at the Review's annual banquet on Saturday, April 4, the reaction didn't begin until Tuesday and Wednesday, April 7th and 8th. It was then that a select group of students and professors received three anonymous pages taken from the *Revue*. Page one was the cover of the parody, page two was the banquet program, and the third page was the first page of a commentary by "Mary Doe." Although it is unclear who disseminated these three anonymous pages, it seems likely that the person(s) who did this wanted to make it a public issue.

On Thursday afternoon an *ad hoc* group met and decided that since the faculty already knew about the parody and it was fast becoming a public issue, they would write a response.

Entitled "We Will Not Laugh, We Will Not Be Silent: A Response to the Harvard Law Review's Attack on Professor Mary Joe Frug," the collection of essays written by nine third year students and one staff member demonstrated what an "ugly, hateful piece" the Review had published. Andrea Brenneke '92 wrote that "we are shocked and appalled at the spitefulness and misogyny on many members of the Review and the complicity of others."

The writers succeeded in getting their reaction together before the start of the Crit Networks Conference—a conference of Critical Legal Studies scholars, students, and other interested parties—on Friday afternoon and distributed it to those attending the conference as well as to students through their Hark boxes.

The reaction by those participating in the conference was fast. At about 6PM on Friday evening, a group of roughly 75 people met outside of Pound Hall. According to Marilyn Sager '92, very few of the people there were students. The original idea was to go and stand outside of Gannett House, but word came that the *Law Review* was meeting in Langdell South so the group moved over to Langdell.

One scholar attending the Crit Conference wanted very much to go into the meeting to express her outrage. Before any group decision could be made, the woman went inside to confront Emily Schulman '92, President of the *Law Review*, who was running the meeting.

Please see **TORRES**, page 13

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Torres Accepts Post at U. of Texas

By Eric Blair

Gerald Torres, the Latino Professor who taught Property and Environmental Law at Harvard Law School during the 1991-1992 school year, recently accepted an endowed professorship at the University of Texas Law School in Austin, Texas. He becomes the first tenured Latino professor at UT. The chair he is to assume is the H. O. Head Centennial Professorship in Real Property Law.

Torres' area of expertise is Environmental Law. He is currently helping Japan and South America deal with their environmental concerns, and is working on an article describing the failure of USDA to curb agriculturally related environmental problems.

Torres has been selected Hispanic Professor of the Year by the National Hispanic Bar every year the award has been in existence, and is currently working on expanding the work he began at the University of Minnesota. There he established the Agricultural Law and Policy Institute which surveys farmers about their agricultural concerns and organizes seminars for state legislators. He plans to broaden the scope of the Institute's work while at the University of

Texas.

During his tenure at HLS, Torres won the support of members of the faculty as well as his students. Professor Frank Michaelman described his conversations with Torres as "enriching and enlightening." He holds Torres "in very high esteem as a legal thinker."

Assistant Professor Charles Ogletree describes Torres as "an outstanding teacher and scholar who is engaged in some ground breaking work in Environmental Law."

Todd Hartman '93 describes his former Property teacher's strong background in Agricultural Property Law as indicative of a diversity of scholarship which Harvard currently lacks. Hartman feels that this diversity of ideas would enhance the Law School curriculum as would the addition of a Latino professor to the faculty.

The third of seven children, Torres was the first in his family to graduate from college. He attended Stanford University where he was nominated for the prestigious Dinkelspiel Award. The award recognizes contributions to undergraduate education. Additionally, he was also only the seventh Mexican-American graduate of Yale Law School.



Prof. Gerald Torres.

Finding Clerkships Can Be a Nightmare

By Glennis Gill

One student, who asked to remain nameless, said "It's the worst experience I've ever had in my life." Peggy Tuitt, the Administrator in charge of Clerkships, asserts that "the process stinks...it's a feeding frenzy — really."

So who would subject themselves to this torture? At least seventy-two 2Ls did this year, and that number just includes the students that applied through Tuitt.

This year, HLS told 2Ls to start sending out Federal Court applications in January and that "callbacks may begin" in mid-February. But by January, when 2Ls were supposed to "begin sending out" their applications, the D.C. Circuit clerkships were gone. One 2L got her offer for a D.C. Circuit clerkship on December 30, and the judge's other clerks had already been hired. This HLS student didn't miss the opportunity to clerk for that judge because someone had passed on her resume to the judge. And this student, who spoke anonymously, explains that a lot of clerkships are lined up through connections or mentors.

The January send-out time was too late for more than the D.C. Circuit. One student complained that she sent out applications to the five district courts in a small state and within a week received cards from two of them explaining that their clerks had already been hired.

Missed opportunities is just one of the complaints. The stories are unbelievable. Matt Leitman '93 was flying down to Atlanta and Alabama for interviews and called from the D.C. airport to check his messages. He had a message from the Alabama Judge's secretary telling him that he shouldn't bother coming because they had hired someone else. Leitman says that "nothing prepared me

for being in that airport and calling my message machine and finding my whole trip was over."

Several HLS students told stories similar to Leitman's, and Behnam Dayanim '93 also believes that, "the biggest problem is Judges who arrange interviews and then cancel on short notice."

Even if the Judge doesn't cancel before the interview and after the ticket has been purchased, as happened to many students this year, the process can still be very expensive. Artur Davis '93

accepted a clerkship offer early in the season and felt that "if it had been economically more affordable I would've taken my chances" and tried for another clerkship.

So what can, or should, be done about the application nightmare? Patricia Wald, the Chief Judge for the D.C. Court of Appeals, has been vocal about the need for reforms. In 1990, she published an essay entitled "Selecting Law Clerks," 89 *Mich. L. Rev.* 152. Judge Wald wrote that, "For a decade now, federal judges have been trying — largely without success — to conduct a dignified, collegial, efficient law clerk selection process." She asked why "the intense competition among judges, the unreasonable short-fuse deadlines for acceptance, the covert maneuvering by judges and applicants, and the judiciary's frustrating inability to devise an orderly process that comports with the seriousness of the job and the dignity of the relationship between judge and clerk?"

Judge Wald recounted the "sporadic

attempts to establish ground rules" since the early 1980s. Then in 1989, after a "particularly scathing article" in the *New York Times*, several circuits adopted some form of limiting resolutions that limited the interview time to one month before May 1, the day on which offers could be made. Opinions about the 1990 season were mixed, "but overwhelmingly, the critics seemed to prevail," and Wald concluded that the 1990 efforts "will not likely be repeated."

Judge Wald suggested that a computerized system similar to the post-medical school residency match program could be used. She feels such a system "deserves at least a fair trial as a last hedge against the anarchic open market so many judges and law schools now deplore."

One of the most vocal judges against these reform ideas is Judge Kozinski of the Ninth Circuit Court of Appeals, who authored an essay "Confessions of a Bad Apple," 100 *Yale L.J.* 1707 in response to Judge Wald's piece.

Judge Kozinski wrote that "there is nothing at all wrong with the current law clerk selection process; everything is honky-dory. Efforts at so-called reform cannot, will not and should not succeed." And even if they could, Judge Kozinski likes the system because "the way people respond to the pressure of the current selection process is very revealing; it is valuable information that can help the other actors reach a decision." He concluded that "the best course under the circumstances is to do nothing."

Peggy Tuitt said HLS will address

the clerkship nightmare in May, when there will be internal talks with the Dean and Placement Committee, and hopefully also with other schools. After that, Tuitt hopes that "maybe a group of law schools could approach judges as a whole and set some kind of limitations." But Tuitt points out that Harvard is in a very precarious situation because even though changes are needed HLS doesn't want to be seen as flexing its muscles.

Current 2Ls who have just suffered through this process have some suggestions. Timing is the big issue. Rebecca Eisenberg '93 thinks "it's just a shot in the dark — if you don't have connections, it's just being in the right place at the right time."

Davis pointed out that, "it's not a very user-friendly system." He says "the bottom-line is that there needs to be more consistency in terms of the dates."

Dayanim adds that, without making too many institutional changes, it would be a big improvement if judges would announce whether their policy is to give offers while still interviewing other students. The judge could set a date after which she will be giving offers and students interviewing after that date would understand that they are taking a risk, something Dayanim did not realize when he scheduled interviews.

Leitman concurs in the need for uniform dates, and adds that HLS students have an additional burden due to the late release of Fall grades. He explains that "this really hurts us — especially if a 2L has mixed 1L grades."

Hopefully some changes will be made before current 1Ls have to go through this process. But given the history of the application process and the unwillingness of many judges to cooperate, the clerkship application process will probably continue to be a nightmare for all involved.



Students Face Ad Board Sanctions

AD BOARD, continued from page 1

Not an "Adversarial or Prosecutorial" Body

Langman, along with Juan Zuniga '92 and Dorothy DeWitt '94 are the only student representatives on the Ad Board. The other members are Dean Wald, Registrar Sue Robinson, Secretary Suzanne Richardson, and Professors Arthur Miller '58, James Vorenberg '51, and David Shapiro '57. The procedures of the Ad Board are outlined in a three-and-a-half page document called, "Procedures for Disciplinary Cases." The Procedures consist of 18 articles which describe the purpose, jurisdiction, and processes of the Administrative Board.

The Board does not regard itself as an "adversarial or prosecutorial" body. The express purpose of the Board is to "handle matters that come before it as favorably to students as possible" while still maintaining the "high academic and ethical standards" of HLS. In keeping with its institutional self-understanding, the procedures of the Ad Board are highly informal, allowing violations of its own minimal due process protections, and admitting hearsay evidence. Wald claimed that allowing hearsay evidence was not unusual for administrative proceedings. "This is not a government trial...the rules of evidence do not apply," Wald said.

The Ad Board only issues charges "if the Board believes it reasonably likely that the charged infraction can be established by clear and convincing evidence."

This threshold, which must be proved in the current preliminary investigation of the groups, includes fact-finding and extensive depositions of both the students and witnesses. For example, Joan Noel and Sissi Amato, two of DBC's secretaries, were deposed this week about the Griswold 9 Incident.

When the Ad Board formally charges students, they are entitled to a hearing with representation by legal counsel or a lay advisor. Wald said the Ad Board rules would "not preclude" a group defense. Evidence against the students would be presented at the hearing, and the students will have the right to call their own witnesses and examine all witnesses.

Student Claims False Accusations

The letters to the Fried Four and Griswold 9 contained substantial factual inaccuracies. The Fried Four were identified as Ashley Barr, '94; John Bonifaz, '92; Julia Gordon, '92; and Raul Perez, '94. On Tuesday, April 14, Ashley Barr wrote to the Ad Board indicating that she had been in Professor Charny's class, and then with Charny at lunch, during the time she was accused of sitting-in Fried's office. Charny agreed to confirm Barr's alibi.

Barr stated, "Being falsely accused was both disturbing and stressful for me. But much more disturbing was the complete secrecy of the process from which that accusation emerged. It would have been very easy to check on the veracity of the allegation against me. That the Ad Board did not do this bespeaks an unconscionable care-

lessness with the fundamental rights of students."

Barr demands that her accuser be identified and that the process by which she was subjected to false allegations be explained. "I have written articles in the RECORD in which I unflatteringly quoted Charles Fried and have had more than one negative personal encounter with him. It strikes me as no accident that I should be falsely accused."

Late on Tuesday, Barr confirmed that Dean Wald did not identify her as one of the Fried protesters. According to sources close to the thirteen protesters, Wald, who had originally refused to identify the students, eventually identified three of the Four. Barr claims that Fried seems the most likely source of the false accusations against her. "Students who were there have told me that Vice Dean Smith and Fried were the only other people (other than Dean Wald) at the protest. I have never met Vice Dean Smith. Fried and I have had a couple of negative experiences."

The other three members of the Fried Four are currently discussing their situations with the Ad Board.

Erroneous Info on Ad Board Memo

The notification of the Griswold 9 cited an incident that occurred "on April 6-7, 1991." The protest which took place at the Dean's office this Spring took place on April 6-7, 1992. The 9, in a response which admitted none of the charges against them, noted that "only a desire to be respectful and cooperative prevented us from responding to the (Ad Board's) letter with the statement, 'None of us

was in the vicinity of the Dean's office one year ago." The response letter of the 9 went on to criticize, in detail, the absence of due process protections afforded by the Administrative Board.

On Thursday, April 16, the Board will consider whether formally to charge the Griswold 9. If charged, each of the 9 students faces a range of sanctions from

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a warning, which will not appear on the student's permanent academic record, to possible suspension or expulsion. Wald explained, however, that the Ad Board never uses "mandatory sentencing," and stated all disciplinary action was imposed "at the discretion of the Ad Board under the totality of the circumstances."

Should the Administrative Board attempt to impose suspension or expulsion, a vote of the full faculty will be needed.

While Wald claimed it was "everybody's intention," to resolve the cases by the end of the academic year, she stated the agenda was already backlogged with other cases and that she was not certain it would be possible. Langman concurred, "we're handling this on an expedited basis."

At the time of the publication, Wald said she had not heard of any pending Ad Board investigation of the Law Review members involved with the publication of the *Revue*, the *Review's* parody issue, which disparaged the life, death, and work of feminist legal scholar Mary Joe Frug.

Frug Article Parody Generates Outrage

REVUE, continued from page 1

According to Sager, who with the rest of the group had followed the woman into the meeting, Schulman "in a very eloquent and reasoned fashion" expressed her understanding and regret on behalf of the Review. Although there was a little chanting by the group from the conference, they left after Schulman asked them to so that the Review could continue to meet.

Sager, who entered Langdell South but did so only because the others had gone in, commended the way that Schulman was handling the situation. According to Sager, "from what I heard that night and from what others have told me, it is clear that Schulman has courageously undertaken a difficult leadership role at the Review." She continued that "my hope, which I know is shared by others, is that her presidency will usher in a new era at Gannett House in which the misogyny of the past is disavowed and women, whether on or off the Review, are given the respect they deserve."

Tribe Outraged by "Parody"

Although members of the Law Review met for eight hours on Friday and Saturday to decide how to deal with the crisis, there had yet been no official word when Professor Laurence Tribe addressed a crowded room of about 150 law students on Sunday morning, April 12. Tribe commented that "this week's silence speaks with an eloquence that is

pathetic." He had previously been scheduled to speak on "Hate Speech" at the Jewish Law Students Association's brunch, but Professor Tribe said he had altered his topic to focus "on the ongoing events in the murder of Mary Joe Frug and the Harvard Law Review's idea of what is funny."

Professor Tribe categorized his talk as "A Tale of Two Cities." One was Los Angeles in 1984, the other, Cambridge in 1992. In L.A., the story began with a man whose company "Truth Missions" had the ideological purpose to deny the Holocaust. In Cambridge, the story began with "a group that was involved in putting out the Revue, which had a less clear mission but operated in a strikingly similar way."

Tribe described the parody as, "to put it kindly, a piece whose thesis is that

the hatred of women is a hoax perpetrated by paranoid feminists." He said that "the Law Review might have well danced on Mary Joe Frug's grave for what they did . . . they made a decision to desecrate her memory with verbal knifefests . . . a kind of rape."

Turning inward, Tribe expressed his frustration and confusion. He asked "What kind of community do we live in that has such hatred?"

He also questioned whether his teaching had possibly helped these students "sharpen their knives."

He answered that "it's certainly not one [a community] where there are many women role models . . . and yet another White man was voted a tenure track

appointment on Friday." Tribe said that "we should recognize that there is a systemic problem here. . . ."

Professor Tribe concluded without an answer to his self-posed question, but "with a powerful sense that the story should not end here and that much more needs to be done."

Tribe then asked for questions and comment, and an emotional group of students eagerly participated.

Students React

Asked about the First Amendment and the Revue, Tribe explained "that even those who'd powerfully defend the rights of people in the abstract to espouse misogynous views . . . often defend the constitutionality of various civil rights laws." He gave the example of women in the workplace confronted with pornographic posters. Tribe said "if we believe that the laws against racism and sexism are consistent with the First Amendment, then I think it does follow that even if HLS were an arm of government and fully subject to the First Amendment," which it is not but Tribe thinks should act as if it were, "it would be consistent with the First Amendment to launch an official investigation into the existence of racial and sexual harassment on the Law Review."

At one point in the discussion, the idea of boycotting the Review was raised and reactions were mixed. Professor Tribe stated that "I know a great many talented students who have refused to become part of the Harvard Law Review." Tribe commented that "it wouldn't be an inappropriate response for a very large number of students to boycott the Harvard Law Review."

But Law Review member Rebecca Eisenberg '93 strongly disagreed. She passionately pleaded that "what I'd like to see happen out of this tragic event . . . is other women like myself, other feminists . . . will want to join the Law Review



Students discuss the Law Revue parody with Prof. Tribe.

and take it over."

Tribe then agreed that Eisenberg had a good point, but also pointed out that "a number of us have been part of the Harvard faculty for 20 years thinking things like that," and it hasn't worked. He did however point out that progress has been made, in part due to the work of insiders at HLS. He stressed how much good had been done by the Review's new President, Emily Schulman, and retracted his pro-boycott remarks.

Marilynn Sager '92 agreed with Eisenberg that a boycott is not the answer.

"Although this incident has made a lot of us feel like we don't belong here, I want to back up what Rebecca has just said," Sager offered. She continued, "I do not want to lead a boycott of the Law Review by 1Ls."

One man at the brunch commented that although the Revue was obviously offensive and disgusting, "it strikes me that this analogy to the Holocaust has been latched onto by many" and "while your analogy is powerful, it seems to me that there is a difference." At this point, Wendy Thurm '92, former Editor-in-Chief of CRCL, jumped to her feet and said "women are killed everyday . . . let's not kid ourselves."

In response, Tribe added that "it's useful to be reminded that as lawyers we can make distinctions . . . but people have denied violence against women simply because it's ubiquitous. . . there's a kind of slow-burning Holocaust against women all the time."

Please see REVUE, page 4

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Rally Marks BGLAD Days

By Toy Chandler

As part of "Bisexual, Gay, and Lesbian Awareness Days," over 300 people rallied in front of the Hark on Wednesday, April 8 at 12:30 p.m.

Speakers, professors, and students addressed the crowd with short speeches about the legal status of gays in America. "Of all the experiences I have had here, none was more personally satisfying and more deeply moving than the HLS community's response to our rally," said primary organizer Peter Cicchino '92.

"As someone who has been frequently embroiled in the controversy which seems to swirl unendingly about this place, the rally represented a brief, but beautiful respite of mutual respect, tremendous affection, and public empowerment of an otherwise oppressed minority," Cicchino continued.

The rally, the first its kind ever in the Law School's 175 year history, attracted several faculty members including Professor Philip Heymann '60 and assistant Professor Charles Ogletree '78.

Ogletree reorganized his schedule to attend the rally, delivered a speech in which he described the fight for gay rights as the "civil rights struggle for the twenty-first century."

"This is not only a celebration of tolerance," said Heymann, "It's also a celebration of courage — the courage to be different, and of what is certainly going to be the next legal frontier in America, the frontier of equality."

Speakers revealed startling statistics of discrimination against gays in this country.

In 40 of 50 states, gays can be denied housing or employment "just because they're gay," said Bruce Deming '93. He also noted that gays can legally be denied

custody of their children in one in three states.

Speakers stressed that students can play a significant role in helping gays obtain equal rights.

"Things are changing," said Deming, "and we can all be part of that change."

"I'm not completely convinced that we can do a whole lot to change the way people think, but with this legal talent, we can change the way people behave," said BLSA President Ronald Sullivan '93.

Bruce Spiva '93 challenged students "to attack homophobia not only in the classrooms, but in boardrooms and if necessary in the courtroom."

Other speakers called for collective action between various minority groups.

Sullivan asserted that "we should be on the frontier here at Harvard in letting people know that we're in the struggle together."

"Our communities can work together and it can be very positive," said Guy Wallace '93 of the Students for Disability Rights. Wallace said that the gay community "played an integral part" in Congress' passage of the American with Disabilities Act last year.

Darryl D. Chiang, a first year law student and member of AALSA, said that Asia-Americans share common problems with the gay and lesbian community. Chiang asserted prejudice against both groups is currently accepted in America. Chiang calls for action by these "forgotten minorities" to fight for attention as disenfranchised groups.

The speakers urged gays to defend themselves against increasing violence.

"If you don't want to carry weapons, use your hands and your body to fight back," said former Editor-in-Chief of WLJ Kirsten Dodge '93.

The rally was part of this year's Bisexual, Gay and Lesbian Awareness Days.

Over 300 people attended the first-ever rally for gay rights.

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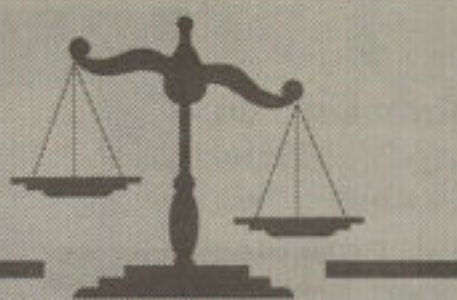
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BRIEFS



Environmental Forum and Earth Day Slated

The Harvard Environmental Law Society, Harvard Environmental Action Committee, and Concerts for the Environment will be sponsoring a major environmental forum on Friday, April 24, 1992 from 2:00-4:00 p.m. in Sanders Theatre in Memorial Hall. Entitled, "Earth Day: Sound Action and the Next Generation," the forum will bring together environmentally active students and student groups from Harvard and New England area colleges, with musicians, environmentalists, business leaders, and politicians. Scheduled to appear are Steve Miller, Peter Garrett, lead singer of Midnight Oil, attorney, and President of the Australian Conservation Foundation, and a few surprises; John O'Connor, of the National Toxics Campaign; Jeffrey Hollender, President of the Seventh Generation; Matthew Cooncome, leader of the Cree Tribe opposing the Hydro Quebec project; and several others. The panel will be moderated by Liz Walker of Channel 4 News. The panelists' remarks will be followed by an opportunity for questions from the audience. The event is free, with general admission ticketing. Tickets will be distributed at the Law School in the Hark beginning the week of April 20th.

Harvard Earth Day begins on the Science Center green at noon the afternoon of Friday, April 24th. In addition to the forum, there will be live bands, booths from over twenty national, local, and student environmental groups, t-shirt sales and tie-dyeing, and free ice cream provided by Ben & Jerry's very own solar truck. Come celebrate the Earth and Harvard Earth Day on April 24th.

Earth Day Cambridge Planned

Beginning at noon on Sunday, April 26, the City of Cambridge will sponsor Earth Day Cambridge 1992. Organizers have planned environmental activities, information, music and art. Speakers including Brad Hurley, editor of the Atmospheric Change Report, will talk about issues concerning land, air, and water. Singers from around the region including Bob Moses and Oli Mathewson will entertain participants. Earth Day will also showcase Charles Dillway's "Save Our Shores" which the Boston Globe describes as "stunning." Other attractions include Sidewalk Chalk coloring, facepainting, kitemaking and other arts and science displays.

Roberts '79 Named Secretary of University

University officials announced last week that HLS grad Michael W. Roberts has been appointed Secretary of the University and Assistant to the President. Roberts has served as acting Secretary of the University for the past nine months and will continue to coordinate the activities of the University's two governing bodies, the Harvard Corporation and the Board of Overseers. Roberts hopes to perfect the interactions between the president, the deans, the vice presidents and the governing boards. The newly-appointed secretary is a graduate of Dartmouth College. In addition to his J.D. from HLS, Roberts has a master's and Ph.D. from Harvard in English and American Literature. Pound Professor of Law James Vorenberg '51 described Roberts as a "wonderfully open and warm person who is totally devoted to the University. Roberts is 'delighted and excited' to be named to the job and is eager to help President Neil Rudenstine implement his agenda. From the *Crimson*

National Media Picks Up Revue Story

Beyond the HLS campus, the controversy concerning the *Harvard Law Review's* parody issue article spoofing Mary Joe has sparked similar outrage and query. Beginning with last Saturday's *Harvard Crimson* article, 5 state and national daily articles have been published. The Sunday *Boston Herald* made the Law Review scandal front page news and was soon followed by a Tuesday editorial and Wednesday coverage in *The Wall Street Journal*, *The Boston Globe* as well as *The Herald*. Notable headlines included: "Harvard Law Parody; Mocking Dead Feminist Scholar Shocks School Community," *Wall Street Journal*; "Law dean condemns magazine parody; students apologize," *Boston Globe*; "Feminism terrifies men & law at Harvard," *Boston Herald*.



Professor Patricia Williams '75.

Prof. Patricia Williams Discusses "The Unbearable Autonomy of Being"

By Toy Chandler

Patricia Williams '75, Associate Professor of Law at the University of Wisconsin School of Law and Department of Women's Studies, gave the Harvard Law School Francis Biddle Memorial Lecture on Thursday, April 16 in the Ames Courtroom. Her topic was "The Unbearable Autonomy of Being," covering race and gender issues.

Williams is the author of *The Alchemy of Race and Rights: Diary of a Law Professor*, an autobiographical essay reflecting on the intersection of race, gender, and class. In addition, she has published several recent articles and essays, including "Metro Broadcasting v. FCC: Regrouping in Singular Times" in the *Harvard Law Review*.

A Boston native, Williams received her B.A. from Wellsley College and

served as Deputy City Attorney in Los Angeles before becoming an Associate Professor of Law at Golden Gate University School of Law in 1980 and Associate Professor of Law at City University of New York Law School. She has been at Wisconsin since 1988.

This spring, Williams has been on leave, visiting at Columbia University School of Law, and is also currently teaching "Women and Notions of Property" for the committee on Degrees in Women's Studies at Harvard College.

The lecture is named in honor of Francis Biddle, a French born attorney who graduated from HLS in 1911. During his career, Biddle served as National Labor Relations Board Chairman, Solicitor General, Judge of the U.S. Court of Appeals for the Third Circuit, and Attorney General under Presidents Roosevelt and Truman.

Campus Reacts to Parody of Frug Article

REVUE, Continued from page 3

A few women tried to explain why the analogy was apt. Sager said "I just want to speak out as a woman and as a Jew at this school. . . this is the same kind of pain." Jennifer Taub '93 asked "Did you walk around in fear on this campus [after Professor Frug's murder]? . . . you can't tell me this isn't the same thing as the Holocaust."

The group came together in applause when Gail Javitt '93 commented that she once had the opportunity to interview Elie Wiesel, a famous Holocaust survivor and author, and he pointed out that there shouldn't be a competition among suffering.

The discussion inevitably came to the topic of the Griswold Nine and the Fried Four. Tribe expressed concern that such energy has been used to prosecute them but that no action had yet been taken on the issue of the Revue. He followed that "if the Law School takes the sit-in more seriously than they take this, I think that would be very sick."

Before the brunch concluded, Tribe said "I have no intention of limiting this discussion to this room," and he has not.

Apologies and Reactions

It was not until Sunday night, April 12 that the first official word from Gannet House arrived in the form of a letter of apology in the Hark boxes of all HLS students. Before distribution, Schulman read her letter to those attending the Crit conference. Schulman wrote that "The editors of the Law Review are ashamed

and deeply saddened and troubled" by the contents of the Revue. "The so-called spoof the Revue contains of Professor Mary Joe Frug is vicious and indefensible."

Schulman added that the Law Review has taken steps to respond to this crisis, including decisions not to distribute anymore copies of the Revue and not to publish a Revue next year. In addition, "the Review is establishing a Task Force on Women in order to assess and evaluate the status and treatment of women within the Law Review."

This apology was followed by a deluge of apologies from within the Law Review and reactions from other groups on campus.

Vengeance

Late Tuesday night and early Wednesday posters began appearing on the HLS campus. Under big pictures of the two 3Ls who admitted to being the primary authors of the piece, those responsible for the

posters had written the Judges for whom the authors are clerking and their addresses.

Professor Tribe reacted that "Vengeance is not the answer. An attempt to 'get' those who have admitted some responsibility very much misses the point of what needs to be done. No retaliation will erase the harm of what they did or cure the problem of which they are a symptom."

Tribe added that "there would be serious free speech issues raised by any attempts to discipline the individuals for the words they chose to use."

A deluge of apologies, reactions and explanations swamps HLS students.

HLS Seeks Asylum for Haitians

By Andrew Ward

Harry Hjordemaal '92 feels lucky. As a native Creole speaker, he was invited to serve as an interpreter during discovery for the second lawsuit brought against the US Government in the context of the detainment of Haitian asylum seekers in Guantanamo Bay, Cuba. Harry worked with a team of attorneys, law students, and interpreters to perform interviews and take depositions.

Although Hjordemaal was not allowed to visit the camp, his conversations with refugees reveal that the asylum-seekers are housed in tents open to the elements. They are allowed to bathe once a week. The refugees are allowed no contact with anyone outside the camp. When the 13 refugees represented by the lawsuit were told they could visit the interviewers, only three came. The other ten feared it was some sort of a trick. When the interviewers were allowed to visit the camp in an effort to persuade the other ten to speak to them, only seven consented.

Harry is Haitian-American; he was born in a suburb of Port-au-Prince and lived there until he was ten, when he moved to Virginia. He finished his secondary education there, returning to Haiti during his summers. Someday, he would like to live again in Haiti, and he thinks that the situation will have to improve because at this point, things can only get better.

U.S... Holds Haitians in Cuba ???

Since former President Jean Bertrand Aristide was overthrown on Sept. 29, 1991, the US Coast Guard has interdicted over 16,000 refugees in the waters off Haiti, holding them at the U.S. Naval Base in Guantanamo Bay, Cuba. In Guantanamo, immigration officials

interview refugees to "screen in" those who have what they term a credible basis for fear of persecution in Haiti, repatriating to Haiti those who do not meet this standard. So far, the government has returned approximately 9500 Haitians to their native country and authorized 6500 to continue on to the United States, where they will be able to apply for political asylum. Of these approximately 6500 refugees, roughly half have arrived in Miami. Once in this country, however, there is no guarantee that their asylum suits will be successful.

The U.S. Government's treatment of the Haitian refugees has already sparked two lawsuits. In the first, *Haitian Refugee Center v. Baker*, the Eleventh Circuit Court of Appeals upheld the government's interdiction policy, despite Professor Lawrence Tribe's advocacy on behalf of the detained Haitians. The second lawsuit, *Haitian Centers Council, Inc. v. McNary*, in which Hjordemaal was involved, alleges seven grounds for relief. Among other claims, the suit accuses the government of coercing and intimidating refugees, and denying the assistance of counsel to them. Approximately 200 refugees have tested HIV positive. This last group is being required to undergo a second set of interviews, and even if screened in, may be forced to pursue their asylum claims on Guantanamo, rather than in the U.S..

A Desperate Crisis of Legal Representation

Deborah Anker feels excited. The March 7 national asylum workshop, organized by Anker and two students, Hjordemaal and Jeanne Atkinson, attracted an overwhelming turnout. Attended by more than 200 people from across the nation, the workshop was designed to train advocates in assisting "screened-in" Haitian refugees who have

reached the United States in seeking political asylum. The workshop featured speakers from the Haitian Refugee Center in Miami and a mock asylum interview. A video of the workshop, with accompanying interpretation and immigration materials, will soon be distributed nationally by the American Bar Association and the National Immigration Project.

Anker teaches immigration and refugee law, coordinates immigration clinical programs, and serves as co-coordinator for the Harvard Law School Immigration Programs. Anker was delighted with the participation of law students in the workshop, commenting, "there is a new social consciousness and public-interest movement among law students today; they want to reach out and make a contribution to our society and to the world. They have a special contribution to make here because of the desperate crisis of legal representation caused by federal and state cutbacks." She also feels that HLS should be very proud of its support for the Immigration Programs, which benefit students as well as refugees.

Two Years to Grant an Interview

Becky Thorne '92 is hopeful. Working with an attorney at Boston Catholic Charities, she has already completed one client's application for asylum and is working on the second. She is one



HLS students assist Haitians seeking asylum.

of several students at HLS collecting affidavits and documentation on behalf of Haitian clients. Once the relevant information is collected, the file is sent to the Immigration and Naturalization Service, where the government can take from six months to two years to grant the client an interview. If the interview goes well, the client is granted asylum. If not, a deportation hearing is held in Immigration Court, where the client must raise the defense of political persecution.

A large part of Thorne's work involves interviewing clients, which she does with the help of an interpreter at the Haitian Multiservice Center in Dorchester. She says that it is often difficult to talk with clients, many of whom are not well educated and not accustomed to expressing their experiences. Working through an interpreter can be slow and trying.

Although the refugees get temporary work authorizations, most cannot find work. They are not familiar with American culture, and many have family and friends in Haiti with whom they have lost contact. But if you were to ask the people still at Guantanamo, these are the lucky ones.

THE OLIVER WENDELL HOLMES LECTURE

The Regulation of Health Risks: A Proposal for A More Effective Government

PRESENTED BY

THE HONORABLE
STEPHEN G. BREYER

Chief Judge, United States Court of Appeals
First Circuit

TUESDAY

APRIL 28, 1992, 7:30 P.M.

JAMES BARR AMES COURTROOM
AUSTIN HALL, HARVARD LAW SCHOOL

THE LECTURE WILL BE FOLLOWED BY A RECEPTION IN POUND HALL, 2ND FLOOR

"Griswold 9" Voluntarily Come Forward

On Monday, April 6, nine HLS students began a 24 hour "sit-in" at Dean Clark's office to protest what they believe to be discriminatory hiring practices. Upon their voluntary departure from the Dean's office Tuesday afternoon, the students were warned of the possibility of HLS administrative action against the already identified "Griswold 9."

While their story has become well known at HLS and beyond, the full identity of the Griswold 9 remains unknown to much of the HLS community. With their cooperation, the following biographical information is being provided concerning the Griswold 9.

William Anspach, a California native, graduated from Haverford College in 1986 and spent time writing and traveling before he came to HLS in 1990. He has been active in the Labor Law Project for two years and is now working to establish an independent organization, the Unemployment Compensation Advocacy Project. The Project, temporarily affiliated with Greater Boston Legal Services, is designed to provide unemployed citizens with student representatives before the Department of Employment and Training.



Charisse Carney is the outgoing president of the Harvard Black Law Students Association and has been instrumental in persuading HLS to fund the Charles Hamilton Houston Fellowship, which addresses the long-term goal of expanding the pool of women and minority law professors. After graduating from Justice Thurgood Marshall's alma mater, Lincoln University, she is presently pursuing a Masters Degree in Public Administration at the Kennedy School of Government concurrently with her J.D. Next year, Charisse will clerk for Judge James Coleman, New Jersey Superior Court and will direct a children's play she authored about African-American culture.



Jodi Grant, a second year student and Yale University graduate, has been active in Student Funded Fellowships and in the Big Brother/Big Sister Program. She has also served as an editor for the *Human Rights Journal* and taken a number of classes at the School of Education in order to draw connections between the spheres of law and education, which will contribute to her third year paper. A former president of her Yale class, Jodi is very active in Yale alumni associations including the Yale Club of Boston and the Yale Alumni School Committee.



Derek Honore has been heavily involved in the activities of the Black Law Students' Association as Chair of the Academic Affairs Committee this year and as a participant in several community outreach programs. In particular, Derek has served as a mentor and tutor for young people in Roxbury through the I Have A Dream Program. Next year, he will hold the positions of Executive Editor for the Black Law Journal and Membership Chair of BLSA. A native of Los Angeles and graduate of UCLA, Derek is now a second year student at the Law School.



Lucy Koh, a second year student from Oklahoma City, was honored for the Best Brief during the Semi-Final Round of the Ames Moot Court Competition. Lucy has worked as a research assistant for Professor Christopher Edley and has been actively involved in the Tenant Advocacy Project, Student Funded Fellowships, Battered Women's Advocacy Project, and the Asian American Law Students' Association. During and after her tenure at Harvard-Radcliffe Colleges, Lucy gained experience working as a volunteer in Mexico, as a research affiliate in Nigeria and as an English teacher in Thailand.



Elizabeth Moreno, a Los Angeles native, is a second year student and research assistant for Professor David Westfall, who is writing a new Family Law casebook. She is a member of the Holmes Field Building Committee and has served as Co-chair of the Women's Law Association this year. After graduating from the University of California - Berkeley in 1988, Elizabeth worked with heroin addicts in a drug rehabilitation clinic in San Francisco for two years.



Second year student **Jill Newman** has devoted herself to the Women's Law Association as a Co-chair of the Quality of Life Committee and to Student Funded Fellowships as the Chair of the Phonathon Committee. She graduated *summa cum laude* and Phi Beta Kappa from Cornell University in 1990, having majored in Russian and Soviet Studies as well as Government. Jill has worked for Amnesty International as an intern with the Europe/Middle East Government Program Officer.



A candidate for President of the Law School Council, second year student **Marie-Louise Ramsdale** has been a Co-chair of the Women's Law Association and a Board Member of Student Funded Fellowships. This year, she has served as a Teaching Fellow for the "Women and the Law" course taught at Harvard College. Next year she will be involved with the *Women's Law Journal* as Managing Editor. While a student at the University of South Carolina, Marie-Louise was Student Body President, President of the Student Alumni Association and a Representative to the University Board of Trustees.



Julie Su, a second-generation Chinese American and first year law student from Los Angeles, California, graduated Phi Beta Kappa in 1991 from Stanford University. During summers between college semesters, Julie worked for State Senator Cecil Green, for the Organization of Chinese Americans, and for the Peace Corps in Belize, Central America. Next year, she will serve as a Co-chair on the Asian American Law Students Association, and as a general editor for the *Civil Rights-Civil Liberties Law Review*.

Photo
not
available

The Administrative Board met Thursday, April 17 to consider filing formal charges against the "9" in connection with the sit-in. While the specific charges, if any, are not yet known, possible sanctions include reprimand, suspension (without loan deferment), expulsion and dismissal.

Crit Networks Conference a Huge Success

By Glennis Gill

Over 500 people attended the Crit Networks Conference this past weekend at HLS. Hosted in conjunction with Northeastern Law School, the conference drew scholars, practitioners and students from around the country and the world. As one student commented, the conference was "fabulous" and "had something for everyone — everything from post-modernism to poverty law." And participants came from all over: Nathalie Augustin '94 "had lunch with a South African Professor, met two people from the Netherlands, one from New Zealand and many from Canada."

The conference was organized by Duncan Kennedy, Kim Crenshaw from UCLA, Clare Dalton from Northeastern Law School, Judy Greenberg from New England School of Law, and Karl Klare from Northeastern.

Julia Gordon '92, who recruited students to attend and facilitated the panel entitled "Students, Diversity and CLS" thought "it was really important to get students in a place where they could exchange ideas with practitioners and scholars. . . all interested in having the law serve social justice better."

Michele Anglade '92, who spoke at the Sexuality panel saw the conference "as a chance to run some of my thoughts

by people in areas that aren't taught at HLS." Anglade was fascinated by the panels. On one of the panels, "the panelists were five women of color. . . we talk a lot about diversity but when you see it, it's really amazing," Anglade said.

Jody Freeman, SJD, characterized it as "an amazing conference. . . I was really impressed with the collection of people." Freeman spoke with Martha Minow and several others on a panel called "What is a Family? Issues of Identity and Policy."

Another HLS student, Michele Benecke '92 agreed that "it was fabulous." Benecke spoke on "Not Good Enough to Fight? The Military's Treatment of Blacks, Homosexuals, and Women" and observed that "it's a very eclectic crowd. . . I thought one real strength was it brought together practitioners, scholars, students, and some people who weren't even in the law to exchange views on a lot of current issues, and that's a perspective that isn't incorporated into the HLS curriculum."

As Benecke pointed out, she and others attending for the first time "had the opportunity to go and see what the Crits are all about. . . it should be understood that crits are a pretty loose group of folks, which gives it an atmosphere where there can be real challenging debate."

In addition Benecke commented that while past Crit conferences spawned the

crit race theorists and contributed to the fem crit theorists, "this conference marked the emergence of a group of folks interested in sexuality issues."

A highlight of the conference was the Saturday evening ceremony in memory of Denise Carty-Bennia and Mary Joe Frug. Freeman observed that "the Saturday evening event for Mary Joe was really beautiful and moving."

But as Freeman explains, the conference "was really scarred by the so-called parody of Professor Frug. . . It tainted the whole weekend and made it very difficult for everyone."

The parody in the *Revue* was a major topic throughout the weekend. On Friday evening some of the conference participants went into a *Law Review* meeting where the *Revue* was being discussed. At the lunch on Sunday, before distributing it to the whole HLS community, Emily Schulman '93, President of the Review, read the apology she had prepared to the conference participants.

Those attending the conference also reacted to the ongoing diversity struggle at HLS. Nathalie Augustin '94 helped organize a group of attendees to write a petition in support of the diversity movement and the Griswold Nine. Signed by over 100 at the conference, it read: "We attending the Critical Networks Conference and representing a diverse group of law professors, legal professional and

other academics from around the U.S. and the world support all of the efforts by the students and faculty at Harvard Law School to support hiring practices to include American Indians, Asian Americans, women of all colors, openly lesbian, gay, bisexual and transsexual people, people with disabilities, African Americans and Latinos. In particular we applaud the efforts of the Griswold Nine and their supporters who currently face potential disciplinary action. We also support Professor Derek Bell's complaint to the Department of Education and the Harvard CCR lawsuit."

The petition concluded that "Harvard reflects and epitomizes the failure of American Law Schools to recognize the essential relationship between diversity and excellence."

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The Color Museum: Of Laughs and Perspective

By Todd Hartman

For many years now, the Harvard Law School Drama Society has been considered a diversionary organization; the place where those who shouldn't have gone to law school vent creative frustrations for their own sanity. However, such conceptions fall like Fourth Amendment rights with HLS Drama's latest offering, *The Color Museum* by George C. Wolfe. The first African-American play ever performed at HLS, *The Color Museum* offers living proof why the diversity movement has become so important to so many.

Director, Inger Tudor '92, and producer, Clarissa Klug '92, place before their audience a collection of museum pieces; artifacts from popular notions about African-American life. As the first piece comes to life, a hilarious and cutting journey through some of the darker moments of American History begins.

The voyage begins with Ms. Pat (played by Valerie Beck '94), the vapid stewardess on a modern day slave transport through African-American history. "Don't listen to those drums" she tells the passengers, pleading for all to accept the cultural bonds that perpetuated 300 years of oppression. As the plane lands in a dialectic of song and screams, the tone for this Black, black satire strikes a lasting blow.

Like an orchestrated catharsis, the

explosion of dramatic and musical talent continues through Wolfe's array of targets. A successful corporate executive aptly called "The Man" (Ron Sullivan '93) tries to forget the anger of his youth ("The Kid" played by Ahpaly Coradin '92). "The Soldier" (Frank Harper '92) examines what the service has meant to African-American men, while a pair of wigs (Cari Dawson and Joan Brown '93) come to life before their owner to parody the importance of hair in "The Hairpiece." Even

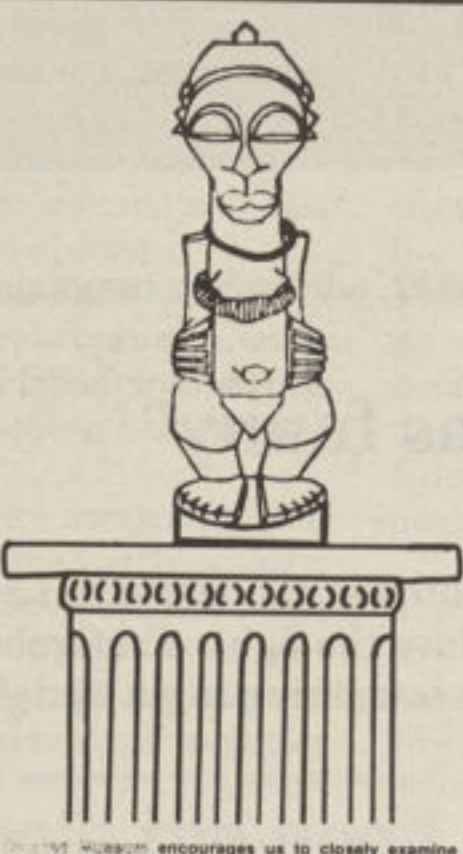
Ebony magazine comes to satirical life as two models lament their empty existence (Valerie Mitchell and Derek Honore '93).

This collection of emotions and wry wit all converge in the first act with "Last Mama On the Couch Play," skillfully over-acted by Dawson, Honore, Sullivan, Camille Holmes '93 and Stephanie Robinson '94. The performers parade themselves through a mock

social drama, finally overcoming their pain in an hilarious burst of gospel spiritual. Holmes' golden voice forever changes the role of song and dance in society as she and the ensemble harmonize, "If we want to live, we gotta sing and dance!"

But perhaps the most appreciable aspect of this impressive production is the fact that it exists at all. While many African-American playwrights have been obscured by close-minded notions of inaccessibility to White audiences, *The Color Museum* introduces the brilliance of

A social satire through the eye of an African-American offers a poignant viewpoint far beyond the *In Living Color* episodes to which most of us limit ourselves.



The Harvard Law School Drama Society Presents:

THE COLORED MUSEUM

By George C. Wolfe

Produced by
Clarissa Klug

Directed by
Inger Tudor

Ames Courtroom, Austin Hall
Harvard Law School Campus

Thursday, April 23 at 8:00
Friday, April 24 at 7:00 and 9:30
Saturday, April 25 at 8:00

Admission: \$5

The Color Museum encourages us to closely examine the baggage we lug around regarding African Americans, put down the racial stereotypes, and move on. This satire also reminds us that with every culture there are items we should keep, and any baggage not claimed will be trashed.

George Wolfe to HLS students who may not have otherwise had such an opportunity. This social satire through the eye of an African-American offers a poignant viewpoint far beyond the *In Living Color* episodes to which most of us limit ourselves. At the same time, *The Color Museum* brings to the HLS stage an array of talent that might have gone

unappreciated were an African-American play not offered. These qualities alone make the play a significant contribution to a Harvard education. And *The Color Museum* has much more to offer.

The Color Museum runs April 23-25, at 8 PM in Ames Courtroom. Tickets are \$5 and will be available in Harkness Commons beginning April 20.

ILS Goes to Scandinavia

By Todd Friedbacher

A delegation of ten Harvard Law students participated in a study visit to Sweden and Norway over Spring Break to explore the sometimes controversial and always complicated issues surrounding the two nations' contemplated European Community membership. The Scandinavia delegation marked the largest group of HLS students to participate in a study visit since the inception of the International Law Society program under which the trip was organized. Swedish and Norwegian law firms and corporations sponsored the visit.

Visiting both Stockholm and Oslo, delegation members met with officials from the Ministries of Foreign Affairs and Justice and the Prime Minister's Office in both nations, as well as with judges and justices of the Swedish Supreme Court and Court of Appeals. Meetings with business leaders, attorneys, law students and U.S. Embassy officials rounded off the trip.

Sweden, farther along the road to membership than neighboring Norway, is facing a multitude of statutory and constitutional changes to bring itself in line with mandates from EC Headquarters in Brussels. "One of the country's first obstacles is to clear constitutional barriers to rule from Brussels," said Matthew Yeo '94, one of the organizers of the study visit, noting that "especially interesting was the relative calm and ease with which Swedes approach these issues."

The EC issues regulations regarding everything from agricultural policy and property ownership to the manufacture of nails and the prohibition of Swedish "snuff" tobacco. Regardless of the barriers, however, Swedes appear to be rallied behind the cause, setting their sights for membership as early as 1995. Transition into the EC will likely be preceded by ratification of the European Economic Area Agreement, easing European Free Trade Association members such as Sweden into the EC.

Unlike the Swedes, the Norwegians are far from reaching internal accord on whether to cast a bid for membership. "To the Norwegians, any connection of the EC with the concept of 'union' sounds an alarm," explained Mark Hoffenberg '92. Norway, dominated by a more aggressive Sweden in a "union" between the two nations until 1905, still fears political, economic and cultural marginalization at the hands of foreign powers.

The coming of the EC would also mean the dismantling of massive agricultural subsidy programs in favor of the adoption of the EC's Common Agriculture Plan. Opposition to this step alone may block Norwegian membership.

Comparing legal training and practice also consumed much of the delegation's time, meeting with both attorneys and law students. In both Sweden and Norway, "students are taught law from the perspective of the judge, and in fact many students become 'junior judges' immediately upon graduation from law school," said Ed Hilzenrath '94. Along with the "consensus approach" of Scandinavian culture, "this type of education leads to a much less litigious society," said Barry Langman '93, adding that "another consequence is that lawyers are much less politicized than they are in the United States. 'Lobbying' is not a concept familiar to Scandinavian lawyers."

The trend in the Scandinavian legal community is toward the merger of smaller firms into a relatively few "large" firms, consisting of an average of 50 attorneys. "The difficulty with mergers is that problems are constantly arising with regard to conflicts of interest," said Karie Abramson '94. "Firms are often finding that they need to turn away business in order to avoid representing both clients in a dispute." "The situation is exacerbated by the small number of attorneys in both nations," added Craig Macy '94.

Delegation members expressed particular enthusiasm about their meeting with Norwegian Prime Minister Gro Harlem Brundtland. "She was really awe-inspiring," said Stephanie Goodman '93. "Between leading her own country into the twenty-first century and working through the United Nations to focus world attention on the environment, she has an incredible task," said Goodman, referring to the Prime Minister's role as chair of the UN's Earth Summit to be held this June in Rio de Janeiro, Brazil.

"Perhaps even more fascinating," Goodman said, "was the equality and respect women command in both the Swedish and Norwegian legal and political arenas." Besides Prime Minister Brundtland, the delegation met with such women as the President of the Swedish Court of Appeal, the Chief Counsel for Trade Issues with the Swedish Ministry of Foreign Affairs, and U.S. Ambassador to Norway Loret Ruppe. "America could stand to learn a lesson here," Goodman added.

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Harvard Law RECORD

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"Humor should be left to the professionals."

—Jamie Malanowski, editor *Spy* magazine

"Damn, I thought it was funny"

There's something strange in the air we breathe at the Harvard Law School. Something in the water we drink. We love the fight. Preferably the good fight, but the fight nonetheless. Give us something to get uptight about and we'll oblige.

* * *

It would be extremely hypocritical of me to join in the condemnation of the *Law Review*. Given the insensitivity and offensiveness of our own "parody" issue, the *RECTUM*, I cannot, in good conscience, berate the people or an institution responsible for offending while attempting to humor. I am not a gratuitous activist.

I can, however, speak to something which exists in our community which is much larger than failed attempts at humor. That is to say, the incipient maliciousness hidden in the text and footnotes of the *Revue* cannot squarely be placed on the shoulders of a few people. Our whole community is afflicted with something which manifests itself in the dialogues, or lack thereof, that take place here. That something, quite simply, is hostility. It perpetuates itself with vigor.

I have more respect for the intelligence of the members of this community than to dismiss the recent hostilities with easy platitudes. There probably are some people here who fit into narrowly defined categories. However, I have to have more faith than to believe that a significant number of people here are racist, sexist and insensitive generally. I still have to believe in the "goodness" of our community. I have to believe that otherwise "cool" people have become fed-up, polarized, retaliatory and combatant for a variety of reasons.

Others will say that characterization of our community does not go far enough. They will say that the real sentiments underlying the atmosphere here are rampant racism and sexism as exhibited by the Administration and the *Revue*.

As the year winds down, as third-year students finish their papers and begin to count the few remaining days until graduation, and as Spring arrives, this should be a time of rejoicing. Anxiety ridden, of course, but also a feeling of accomplishment and completion.

Instead of a spring catharsis, the ugly events of recent weeks make the beauty of a Spring sky appear empty instead of boundless, just like our attempts at understanding each other.

Ra

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"Congress shall make no law...abridging the freedom of speech, or of the press;..."
—First Amendment, U.S. Constitution



• Letters •

Course Evaluation Gives LSC Esprit de Corps

To the Editor:

Because of recent improvements in Law School Council funding, clamor for more Council involvement in the school community, and the Council's decision to take over the production of the Course Evaluations book from the BSA, next year's Council has the opportunity to become a significant and meaningful organization.

Currently, none of the Council's roles is particularly visible to students, but course evaluations will make every student aware of at least some of the Council's role. Course evaluations are the most significant responsibility the Council has ever had, and it will require an organized institutional structure and a membership interested in

making a difference.

The course evaluations responsibility will provide the Council with a compelling mission: to keep students informed of the quality of their professors and to hold the faculty accountable for the quality of its teaching. Course evaluations should give the Council the institutional organization, drive, and *esprit de corps* it so desperately needs. This new organization and competence can be carried to other areas and should give the Council the credibility and drive necessary to meet the demands of its critics and take up its proper role in the political life of the law school. Whether next year's Council sees itself as a neutral moderator of student and student-faculty disputes or as an advocate for

student interests, it will have the chance to make a difference.

These improvements will only come about, however, if good people run and if student voters pay attention to their choices. If you want the chance to help shape and direct the new Council and to play a significant role in student life, run for the Council. If, like me, you want to be represented by a significant student government but don't have the opportunity to run, vote with care. Pick representatives who are dynamic and dedicated enough to put out a really good Course Evaluations book and who will make the Council into something meaningful.

David W. Tollen '93
April 7, 1992

Obey the Philosophy of Civil Disobedience

To the Editor:

Back in 1967-69, together with others from Oberlin and elsewhere, I helped take money to Canada, where Quakers would use it to buy medical supplies for the people our government was fighting against in Vietnam. We had stayed within the law as long as we could: when the State Department was issuing permits for such humanitarian aid, even the late Charles Mosher, the Republican congressman from Oberlin, had contributed. But when the government decided not to issue any more permits, we went ahead anyway, in probable violation of the Trading With the Enemy Act.

In the tradition of Thoreau, Gandhi, and M.L. King, Jr., we openly confronted a law we thought

was unjust; and we were ready—though hardly eager—to bear the possible negative consequences of our actions. Each time we were about to drive into Canada, we walked across several lanes of traffic to report to the United States Customs office, where we handed in a statement of what we were doing and a list of our names and addresses. (If the FBI didn't start a file on me, somebody wasn't doing his job.) We each faced the possibility of a federal prison sentence of up to five years for each "offense."

Some of us take the classic philosophy of civil disobedience so seriously that, in spite of many temptations, we have refrained from violating other laws that we have considered foolish or wrong—such as the prohibition of marijuana—

na—but that we have not felt ourselves morally obligated to disobey.

In this light, I cannot admire the actions of protesters who resort to tag-team tactics—effectively, "You sat in last time, so I'll sit in this time"—in the hope of reducing risks to themselves, who refuse to give their names when asked, and who, according to the report in the *Crimson*, even admit that they were wearing masks in an attempt to avoid identification. Quite apart from the merits of their cause, they seem to lack both the courage of their convictions and a fundamental respect for the rule of law and the good order of the university.

Stephen T. Wagner
April 8, 1992

Use More Criteria for Diversity

To the Editor:

After speaking with a number of students and faculty about my Op-Ed piece on faculty diversity [Friday, March 27], I realize that what I feel may not have been well expressed in what I wrote.

I applaud efforts to improve faculty diversity, including diversity in skin color, gender, and sexual orientation. My concern is that these criteria, while important, are probably not sufficient. If these become the sole criteria, and only they are satisfied, Harvard may not wind up much more diverse than it is now.

One person said to me, "Richard, you probably qualify as a Native American."

As a matter of law, I don't think I do. But it is these types of bright lines, such as "qualifying" due to the presence of a minimum racial parentage, which I worry about. It may turn out to be that due to the presence of discrimination in society, the vast majority of people who satisfy CCR's racial, gender, or sexual orientation criteria will also add diversity. I would, given a choice, prefer CCR's criteria explicitly to be diversity of interest, experience, and perhaps character.

Perhaps they already are.

Richard Gordon '83
April 9, 1992

LETTER POLICY

The RECORD welcomes letters from students and other members of the HLS community. Letters should be no more than 250 words, typed, and submitted (if possible) both in hard copy and on disk.

Letters will be edited for content and space.

A Realization for the Good of Harvard Law School

An Open Letter to Dean Robert Clark

By Peter Cicchino '92

Dear Dean Clark:

These are difficult times for the Harvard Law School. Last Friday, I have heard reports, the faculty refused, once again, to offer a tenure track position to a highly qualified woman candidate. Instead, it chose to make an offer of assistant professorship only to a White man. Following on the heels of the four "pale males" of February 28th, Friday's decision of the faculty can only be read as an intentional insult to women and minorities on campus.

The day before the faculty meeting, we were all shocked and hurt to learn of the vicious attack on the life and work of Mary Joe Frug by members of the Harvard Law Review. The outpouring of pain, anger, fear, and sorrow which that attack has caused has further eroded whatever trust and affection was once found at the Law School.

There is also the issue of the 13 students who are being prosecuted for nonviolent protest over the diversity issue. For nine of those students who staged a peaceful protest in Griswold Hall, the impression is, I think correctly, that you are the driving force behind their vigorous prosecution. It is widely rumored, among students, faculty, and staff, that you are seeking the suspension of these students.

Finally, as I learned this Tuesday, Professor Howell Jackson assaulted a third year student on the morning of April 7. According to the student and an eyewitness, Professor Jackson was coming up the stairs as the student—who had not been part of the protest at your office—was waiting for the Griswold nine to exit. Professor Jackson, witnesses maintain, violently shoved the student out of his way. When Keith Boykin, a third year student, followed Professor Jackson to his office and inquired why Professor Jackson had behaved so badly, Professor Jackson responded, "He was in my way." And then slammed the door in Keith's face.

Though I know it is obvious, I cannot help but observe that all these painful episodes have something in common, something to do with the identity of those

who are rejected, derogated, prosecuted, or attacked: each of the targets was a woman or member of a racial minority.

For the faculty decisions, you know better than I the stubborn unwillingness of certain elements of this faculty to appoint a woman or person of color.

For the Mary Joe Frug attack, you know that Mary Joe's outspoken and courageous reputation as a feminist and advocate for the rights and dignity of women must have played a large part in making her and her family the object of such cruelty.

For the protesters, I know you are aware that the demographics of these 13 students are vastly, vastly, different from those of the Harvard Law School faculty. Of the 13, 1 is a White man, 1 is an African-American man, 2 are Latino men, and 9 are women, 3 of whom are women of color. Among these 13 students, five are or

licly, for you to step down as Dean; to allow someone else, someone more capable of healing the terrible wounds that now threaten to tear this place apart.

I know that such a suggestion, particularly in the climate which now prevails here, will be interpreted as hostile and provocative. But it is not meant as such. Though we do not know each other well, I am told that we share something in common: both of us were once in training for the Roman Catholic priesthood. I take from this that it is fair to conclude that we both once shared a desire to minister to the poor and despised, to be a healing and reconciling presence in the world.

In the religious community to which I belonged, we used to say that the most important quality of a superior—of a community leader—was *cura personalis*, "the care of persons." The community in which I had taken vows, the Jesuits, had no lack of commitment to the highest intellectual standards. Moreover, we had no lack of egos or strong personalities. Nevertheless, with all that, still the community realized that a person who cannot reconcile cannot lead; a community that cannot heal its wounds is destined for ruin.

That you are an extraordinarily gifted scholar is beyond dispute. That you have been highly successful in raising funds for the Law School is also not in contention. The point at issue, the point which matters most now, is not intellectual skill or fundraising ability, it is your capacity to move beyond the acrimony which rips at the fabric of basic decency here, an acrimony to which, I say with regret, you have mightily contributed. It is this capacity for reconciliation which I think is so sorely lacking in you.

I do not think I tell the readers of the RECORD anything when I assert what is common knowledge at the Law School: though the Ad Board may impose punishment on the Griswold 9, you are their chief accuser and adversary.

We both know, however, that hostile relations between you and minority students extend well beyond those who protested in your office. Your remarks in the Wall Street Journal struck me, even if you sincerely

I believe you really do hold the good of this institution, the reputation and health of this community, at heart. It is because I believe this that I am asking, publicly, for you to step down as Dean.

were, at the time of their alleged protests, leaders of status minority groups: the WLA, BALS, AALS, and La Alianza.

For the student attacked by Professor Jackson, I cannot help but observe that the object of Professor Jackson's unconscionable behavior was a Latino man.

Given these realities, it is no surprise that for many people on this campus, particularly women and minorities, HLS has become one collective hostile work environment: a hateful place in which we feel hated.

I review these sad realities because I believe you really do hold the good of this institution, the reputation and health of this community, at heart.

It is because I believe this that I am asking, pub-

Please see CICCHINO, page 15

Fenno

"My Gôd!" cried Fenno as he went through the mass of paper in his Hark box, "Not even the REVIEW is safe!" Fenno couldn't believe it. The curriculum, the faculty, even the Lincoln's Inn had capitulated, but the REVIEW, among all institutions had stood tall for the things Fenno lived by. Now, even they had fallen prey to the feminists. "Good God, the next thing you know, they'll want into the Senate!" Fenno exclaimed as he stormed out of the Hark. "These damn women, can't they just be satisfied with the 19th Amendment and Pat Schroeder? If it isn't the E.R.A., it's always something!"

The sudden shock forced him to recalculate every career move he had contemplated since his freshman year of college. "Maybe the REVIEW isn't for me," he said. "I mean, if the feminists actually get control over there, they'll probably lower the quality of scholarship and talk too much about feminism and it won't be worth spit on my resume or in an interview. Maybe it would actually hurt my chances of clerking for Clarence Thomas and getting a job with White, Whiter, and Whitest. Lord, maybe I'd be better off joining the squash club instead! Wow, now I know what C.C.R. means by disempowerment!"

"O.K., no biggie," he thought to reassure himself, "I can just do something else. I don't need the REVIEW, I don't need the hassle. I can just do the Journal on Oppression or something like that. Oh, let's face it," he said facing the facts, "my life is a worthless without the REVIEW. Who will hire me? Who'll even talk to me? I'll probably have to work in Amarillo or someplace else without next day air."

Fenno was really shaken. He hadn't faced a challenge this serious to his way of life since his hometown debated getting

rid of exclusionary zoning. "It's just not fair," he said shaking his head as he walked by the gallows the administration was building, "I'm the one being silenced! I'm the victim!" Turning around back toward the workmen he cried, "Good work fellows! Don't worry about that 8th Amendment challenge, those protesters went looking for trouble!"

Even Fenno had to admit he was taking all this pretty hard. After all, every member of his family, well at least all the men, had gone to the Law School and been on the REVIEW. It was a tradition. It was a legacy. Some had even gotten through on hard work and without recourse to the old boy network. What would his father and grandfather think? How would they take the news? What would they think about him playing squash instead of doing the writing competition? Would they cut off their donations to the \$150 million capital drive as a protest against the subversion of the last great bastion of legitimate retrograde behavior? More importantly, would they cut him off for wimping out?

Fenno's attention was diverted from such weighty topics because as he walked through the Yard, a couple of co-eds caught his eye. "Not bad," he thought, "Not bad at all. Hey, who needs the REVIEW when you've got women, er...I mean babes?"

Quote of the Week

"Vengeance isn't the answer. An attempt to 'get' those who have admitted some responsibility very much misses the point of what needs to be done. No retaliation will erase the harm of what they did or cure the problem of which they are a symptom."

—Professor Laurence Tribe

All Invited!!

TO THE RECORD'S END OF THE YEAR JAM

Our May 1 issue will be our next and last of the year.

Everyone interested in submitting is encouraged, in fact, this is an open solicitation for the week. This is your opportunity to be published!

Copy deadline will be Monday, April 27 at 5:00 PM. If you want your submission to have a prayer of publication, we must have a hard copy and a copy on computer disk, either Mac or IBM (Mac preferred) by this deadline. No exceptions.

Advertising Deadline will be Tuesday, April 28 at 5:00 PM. If you want your ad or classified to have a prayer of appearance, it must be in the system or camera ready by this deadline. No exceptions.

*Come One, Come All.
The RECORD end of the Year JAM!!*

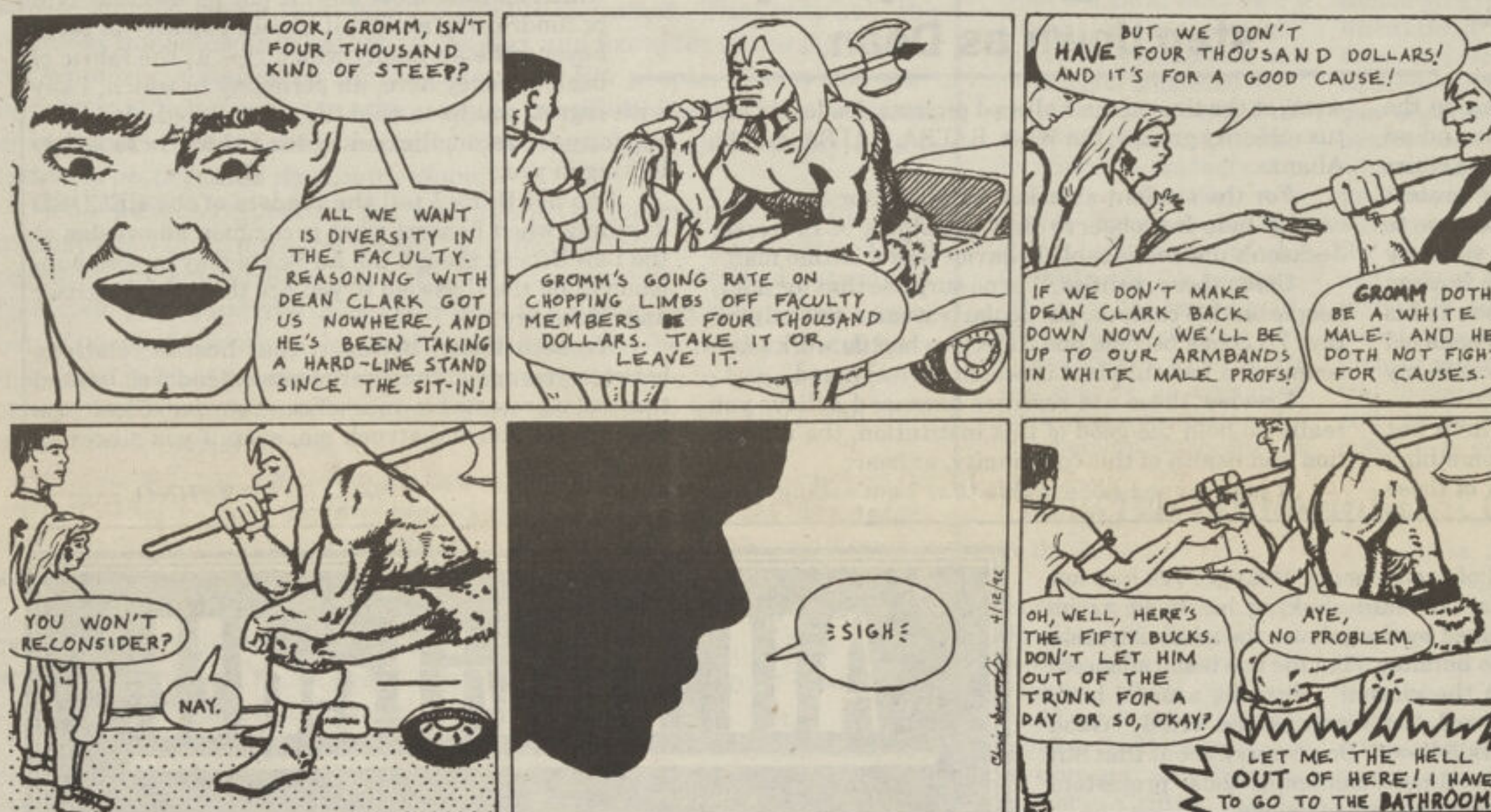
Liabilities

By Paul Taylor



GROMM: Barbarian at Law

By Chris Spagnoli



HLS Intramural Basketball Standings

as of April 15, 1992

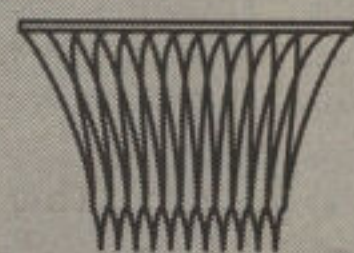
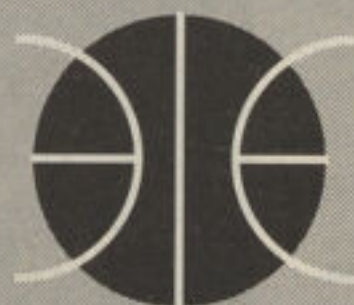
Team Number and Name Wins-Losses

"A" LEAGUE

1	The One-der Years	12-2
4	HLS Posse	9-4
8	Assault & Battery	7-5
2	All That Jazz	7-6
6	Gimme The Rock, Baby!	7-7
5	Black Panthers	5-8
3	Whoopie Cushions	3-9
7	D'Bulls	2-11

"B" LEAGUE

23	Mo Knows	8-0
11	Well-Hung Jury	7-1
22	Story Too Legit	7-1
21	Black Panthers II	7-1
20	Rodwin's Rebels	6-2
26	The C.B.A.	6-2
13	Dream Team	5-3
19	Bildad & the shoe-hites	4-4
24	The Hammer	4-4
25	Lincoln Park Rules	4-4
17	A to Z	3-5
14	Ames Aardvarks	3-5
10	Hezekiah	3-5
28	The Grizzers	3-5
29	Thao's Team	2-6
27	Skywalkers (eliminated)	2-6
16	John 3:16 (eliminated)	2-6
12	Los Homies (eliminated)	2-6
15	(nameless) (eliminated)	1-7
18	HLAB-The Team (eliminated)	1-7



Compiled by Frank Yokoyama & Jeff Wing

CALENDAR

The HLS Drama Society Talent Show will be held Wednesday, April 29th. All students are welcome to participate. Sign-up sheets are posted at the Drama Society bulletin board in Langdell. Auditions will be held Wednesday, April 22nd.

On Saturday April 25th, leading entertainment attorneys will run workshops on "The Art of Deal-Making in the Entertainment Industry."

Big Brother/Sister will have an end of the year barbecue on Saturday, April 25th behind Soldiers Field.

Law Revue Parody

PARODY, continued from page 1

The controversy became more concentrated when, purportedly, some of the Review members who were opposed to the publication Frug's article exacted their revenge by writing the contentious parody. It was mockingly entitled "He-Manifesto of Post-Mortem Legal Feminism" with a byline of "Mary Doe, Rigor-Mortis Professor of Law."

According to a letter from Law Review President Emily Schulman '93, though "vicious and indefensible," the Revue is not an "official" publication of the Review. It is a tradition Law Review members use to poke fun at one another.

"At its best," the letter stated, "the Revue reflects an understanding of the need to confront and deflate the arrogance and elitism that Law Review culture breeds and rewards. At its worst, the Revue harnesses that arrogance and elitism to attack and demean others. Unfortunately, it is the latter that occurred this year."

Female members of the Review were outraged by the parody. Many immediately pointed out that it was rampant with sexism and racism. It also contained a parody about Professor Charles Ogletree '78 and his representation of Anita Hill at the Clarence Thomas confirmation hearings.

Several female Review members, who have requested anonymity, pointed out that the tenor of the "parody" was one of blatant sexism. Women's contributions to the Review were belittled and demeaned.

While women tended to be called "whiny," men were called "arrogant." One woman commented that no woman had the honor of being called "arrogant." Further, outspoken women on the Review were called "bossy," while out spoken men were referred to as "philosopher kings."

Schulman was not reluctant to assume responsibility for the Revue, although it is widely speculated that she had very little to nothing to do with it. It is primarily the responsibility of the out-going, third-year class. "[T]he Review... must confront what its [the Revue's] contents reflect about the Law Review as an institution and about ourselves personally," Schulman's letter added.

The letter also announced that the Review would not distribute any more copies of the Revue and that it had decided not to publish a Revue next year. As a result, next year the Law Review will donate whatever monies it would have spent on the publication of the Revue to charity. The specific charity has not yet been selected, but it will be one that honors the memory of Professor Mary Joe Frug and promotes the kind of world she fought for in her life and work.

Frug was a feminist scholar at the New England School of Law and a Harvard/Radcliffe Bunting Fellow. She was murdered in Cambridge last April 4.

POSTMASTER: Send address changes to Harvard Law School Association, Harvard Law School, Cambridge, MA 02138.

ALUMNI/AE ADDRESS CHANGES: Alumni/ae who receive the RECORD as a result of membership in the Harvard Law School Association should mail change-of-address information to the Harvard Law School Association, Harvard Law School, Cambridge, MA 02138. Each alumnus/a receiving a RECORD subscription through the Harvard Law School Association should be on notice that \$5.00 of H.L.S.A. annual dues are used to purchase the RECORD subscription that he or she receives. Dues paid at any time during the H.L.S.A. fiscal year that began on July 1, 1991 and ends on June 30, 1992 purchase a subscription that begins in January 1992 and expires in December 1992.

Return Address: Harvard Law School Assn. Harvard Law School Cambridge, MA 02138

SECOND CLASS POSTAGE PAID AT BOSTON, MA AND ADDITIONAL OFFICES.

The Revue in the Center of Controversy

"...The Harvard Law Review must also take responsibility for the publication of the *Revue* and confront what its contents reflect about the *Law Review* as an institution and about ourselves personally.... [T]he *Law Review* has decided not to publish a *Revue* next year.... As a result, next year the *Law Review* will donate to charity whatever monies it would have spent on the publication of the *Revue*."

— Emily Schulman, President, *Harvard Law Review*

"As primary authors of the *Harvard Law Review* parody of Mary Joe Frug's article, we wish to express our sincerest apologies to all of you.... We never intended to hurt anyone or condone violence against women."

— Craig B. Coben '92 and Ken Fenyo '92

"Although none of us was involved in the writing of that parody, and although some of us were extremely distressed by it, each of us was in a position to take greater steps to prevent the publication of the offending material."

— Eight other *Law Review* editors involved in the *Revue*

"...Professor Tribe's recent comparison of all '*Revue* authors' to Ku Klux Klan members and Holocaust revisionists... belittles the horrors perpetrated by Hitler, the Klan, and those who apologize for them.... Good people can do bad things. We must condemn their actions. But we should hesitate to damn their characters on the basis of a single error."

— Bruce Spiva, Lori-Christina Webb, and Charlie Robb, Editors of the *Harvard Law Review*

"...We knew that the parody of Professor Frug's piece was at some level an effort to disparage our decision to publish her commentary in the *Law Review*'s March issue."

— Janis Kestenbaum and Edith Ramirez, former co-chairs of the *Law Review*'s Commentary Office, responsible for decision to publish the Frug commentary

"As one who lost more than a few relatives to Hitler, I need little reminding about the horrors of the Holocaust. And no one who listened with any care to my speech to the Harvard Jewish Law Students Association this Sunday could conclude that I had obliterated 'moral distinctions and difficulties' relevant to this scandal."

— Professor Laurence H. Tribe

"We cannot help but observe that this cruel attack on Mary Joe, her family, and women at HLS by one group of students took place in the context of the school's persecution of another group of students. These 13 students face reprimand or suspension for their nonviolent protest against what they perceive as an atmosphere of hostility toward women and minorities."

— Wendy Thurm and Michele Kalstein, Editors of *The Harvard Civil Rights Civil Liberties Law Review*

"...It is the Harvard Law School that should take responsibility for failing to educate students about the realities of violence against women and the central role law has played in perpetuating this violence."

— Cheryl Hanna, Brooke Frewing, and Mithra Merryman, Battered Women's Advocacy Project

"Often, in the shroud humor provides, we communicate more honestly.... The footnotes do most of the dirty work to reveal the editors' attitudes toward women on the *Law Review* and women in general..."

— Kate Nicholson '92 and Laura Adams '92

Editor's Note: So that the controversy and pain surrounding the *Revue* doesn't overshadow the genuine contributions for which Mary Joe Frug should be remembered, the *Law Review* will make available next week at the Distribution Center reprints of Frug's article — "A Postmodern Feminist Legal Manifesto (An Unfinished Draft)" — which originally ran in the March edition of their journal. They have no plans, however, to make available copies of the *Revue*.

The *RECORD* respects the wishes of the members of our community who, for obvious and various reasons, want to see this controversy run its course. This page is designed to offer insight into the nature of the controversy.

COMMENTARY HE-MANIFESTO OF POST-MORTEM LEGAL FEMINISM (FROM THE DESK OF MARY DOE)

Mary Doe*

The following Commentary was pieced together from scraps dictated to Eve X, ** a telekinetic feminist, from beyond the grave. The Editors of the *Law Review* have agreed to re-write and re-edit the entire piece, in strict adherence to the traditional editorial policy. The names have been changed to protect the innocent.

I'm worried about the title of this article. "He-manifesto" is derived from "he-man,"¹ and I love men with big muscles.³ When I was a pre-woman, my family⁴ used to take me to Coney Island, and I would gaze upon the men in the tight Speedos.⁵ It was then that I realized how phallogocentric society had become. Yet I would eat⁶ Coney Island hot dogs at Nathan's. I ate those dogs with a lot of relish. I still do.

Men f**k wom*n every day. The male reader may think: "Mary Doe, you're talking about it as if it's a bad thing." But I don't mean "f**k" in the carnal sense. This is f**king scholarship,⁷ and my unique voice expresses itself through words such as f**k to convey

* Rigor-Mortis Professor of Law, New England School of Law, 1981-1991; wife of Gerald Frug, Professor of Law, Harvard Law School.
** Grade-on Editor, *Harvard Law Review*; teaching assistant, Ouija Board and the Law Clinical.

¹ Compare J. HOBBERMAN, N. McCULLOUGH, G. CALABRESI, R. JUMAN & C. OGLETREE, THE SELECTED DAVE ELLEN READER (1992) with Harris, Don't Waste Your Effort: Killing the Note Beofre It Gets Too Far, 105 ANGST IN A PAISLEY SHIRT L. REV. 987 (1992).

² But cf. Morrison, The Chameleon Federalist, 105 J. AMOEBA-LIKE RESUMES 93 (1992) (failing to realize that clerks call the 3L *Revue* members).

³ See Bagenstos, Big Man on Campus, 105 CHATTING UP MARIE IN THE EDITOR'S LOUNGE L. REV. 11 (1992) (demonstrating his many social skills); Goldman, Throwing His Weight Around, 106 BLOWING IN THE WIND L.J. 22 (1992) (getting sand kicked in his face at the beach).

⁴ See 2L Class, We're a Very Close Family, 105 J.L. & IMAGINED BONDING 433 (1991) ("Sam, not Sam Hirsh, but the other one, you have a call on eight-nine").

⁵ See Fenyo, Honest, I Like Swimming, 105 JUST AN EXCUSE TO WEAR MY SPEEDO L.J. 177 (1992) ("The undergrad chicks dig me.") (Not).

⁶ See Dexter & Fish, All We Do Around Here Is Eat and Watch TV, 105 COUCH-POTATO L. REV. 19 (1992).

⁷ See Molot, Only Two of These Candidates Are Worth a Damn, 105 ENGAGING THE ARGUMENT L.J. 9 (1992).

"Perhaps what is most distressing about this series of events is that it belittles the voice of a woman who for many students was an inspiration during our first year of law school..."

— Marie-Louise Ramsdale and Elizabeth Moreno, Co-Chairs, Women's Law Association

"I will ask that the Law School community be kept informed of what is being done and I shall consider what further steps may be appropriate."

— Dean Robert C. Clark

"Professor Mary Joe Frug symbolized for many in our community the continuing struggle of women to overcome daily oppression. The mockery of her work on the anniversary of her death inflicts pain on her family, friends, and all who have been touched by her scholarship, her teaching, and her violent death."

— Harvard Jewish Law Students Association

"I was surprised and dismayed to learn of Professor Tribe's decision to characterize the *Law Review*'s Frug parody

as analogous to the work of Holocaust revisionists.... The comparison distorts history

and legitimizes a kind of moral relativism that trembles at the prospect of understanding human experience as anything other than an undifferentiated mass of events and ideas."

— Elizabeth Wolstein '93

"This is not just a women's issue; it is an issue which affects everyone at the Law School.... [T]his kind of vicious personal attack on the work of a murder victim — regardless of her politics — is unpardonable. The barest regard for decency should have checked the authors and editors of the *Revue* before they hurt Professor Frug's memory, her family, and her friends in this way."

— James H. Wickersham '94

"Nevertheless, all of us share responsibility for the *Law Review* tragedy, and all of us must put an end to this type of violence against women and minorities. We are the Harvard Law School Community. We wrote the *Revue*, we bleed by it. If anything beyond numbness is to come of the bleeding, we must stop the mad stampede for absolution, and change the body that is us, the Harvard Law School Community."

— Coalition for Civil Rights, et al

Run Like Hell: HLS Students to Race in Marathon

By Bob Daut '93

Usually, when we sit around the Hark boxes and peruse our personal copies of the RECORD, our own sedentary, comfortable habits prevent us from associating Harvard Law students with the rigorous demands of an event like the Boston Marathon, set to be run on Monday, April 20, 1992. Personally, jogging from Pound to Austin constitutes major exercise, so I cringe when I think about running a marathon. Nonetheless, a plethora of HLS students will expand their athletic horizons and compete in the 96th Annual Boston Marathon. Among those slated to race are Robert Victor '94, Sherman Lau '94, James McNasby '94, Joe Voyticky '92, Pete Labonski '93, Dave Hackney '93, Scott McElheny '92, Juan Garcia '92, Dale Bryk '93, Dave Patent '92, Gerald Flattman '92, and perhaps many others of whom I am unaware.

Unlike common, overexposed sports like baseball, football and basketball, the marathon is surrounded by an aura and mystique that compels individuals to pursue the sport for equally off-beat and mystifying reasons. Pete Labonski '93 explained that, "I've run all my life, but not long distances. I got into running marathons this summer in Ohio, where there's not much else to do."

Dave Hackney '93 recalled that, "During my One-L year, a friend and I were eating chips and studying, decrying our laziness, when my friend made the challenge to run the Boston Marathon, and we did it." Unlike me, who would have been content with the challenge

itself — my running shoes are five years old and have only fifteen miles on them — Hackney and Labonski became serious about their new interest and started running full tilt.

The myth enshrouding the marathon exists for good reasons, unlike the myth that seems to be woven around HLS. For eight to ten weeks prior to a marathon, a dedicated runner must train hard, putting in "something between fifty to sixty-five miles per week for a good workout," suggested Labonski. Dale Bryk '93

The myth enshrouding the marathon exists for good reasons, unlike the myth woven around HLS.

added that, as the race approaches, marathoners taper their workouts "to provide time for nagging injuries to recuperate and for the body to feel well-rested while maintaining peak conditioning. I run sixes and threes for the last two weeks. I want to be antsy on the day of the race."

The rigors of the pre-race running conditions the body so that it can withstand the grueling agony known as 'The Wall,' that daunting obstacle which, as Hackney described, "makes the runner want to fall in the middle of the road and go to sleep. The body can store only so much energy, and the total energy depletion of The Wall hits you at about the twenty mile mark." Labonski, too, believes in the reality of The Wall, ruminating, "The Wall — I hit The Wall after the first mile."

Yet, for all of its menace, The Wall can be avoided. As Bryk details, "It's all in your strategy. If you run slowly at first and don't get all psyched up when you see the massive crowds early in the race, then you'll be ready for the big charge. You can sprint the last six miles if you

plan right." SPRINT the last six miles — easy for her to say!!

Of course, even the best laid plans can go awry if Parent Nature (there, I've even managed to be PC!) fails to cooperate. The danger of dehydration looms over every runner's head, and its effects can be debilitating, sometimes requiring hospitalization and intravenous rehydration.

"If you feel thirsty, you're too late," Hackney admonished. Because of the dangers of dehydration, all runners would agree with Bryk's advice that, "you need to drink lots and lots of water for many days before running a marathon. Then, during the morning of the race, you should drink as much as your body can handle." Of course, because all knowledgeable runners adhere to this credo, "the sides of the streets are filled with hundreds of people urinating, especially in the first few miles of the race," recalled Hackney. Bryk noted that women such as she have a more difficult time than their male counterparts, needing instead "to search for secluded spots with rocks or bushes to hide behind."

Because a hot, sunny day dramatically increases the risk of dehydration, Labonski prefers cool weather, with ideal conditions around "forty to forty-two degrees. The colder the better because then you have fewer problems with dehydration." In discussing the ideal marathon conditions, Bryk mentioned that, "You don't want the weather to keep the fans away. The fan support is crucial. They're the

show, not us. They help keep me focused. The bands, the large groups and families that cheer for you, their mere presence enables me to distract myself from being too concerned about my little aches."

Of course, any of us who had the occasion to be an athlete, whether in Little League baseball or in college intramurals, understands the importance of having supporters present to cheer our efforts. The multitude of Harvard students courageous enough to meet the awesome challenges would love to and deserve to have your support, as Labonski indicated when he stated that he is "trying to sucker people into coming." The marathon begins at 12:00 noon at Hopkinton and finishes in Back Bay near the Hynes Convention Center, with the route generally running along Commonwealth and Beacon Avenues.

Let's REALLY have a strike day and root for our colleagues as they take their talents outside the Law School. As Bryk stated with convincing eloquence, "coming out to watch the Boston Marathon provides a valid excuse for missing all classes." While I personally do not need an excuse, perhaps her impeccable and compelling logic will get you out of your classes and into the streets.



Students Demand Resignation of Dean Clark

CLARK, Continued from page 15

fies the gaping gulf between the Dean's pacifying rhetoric and the harsh reality.

Lately, Dean Clark expanded the chasm of communication beyond mere omission into outright misleading behavior, and in so doing, exacerbated the current crisis of leadership. After months of reassuring students of his appreciation for their concerns, Dean Clark told the *Wall Street Journal* two weeks ago that minority students' protests for diversity resulted from their "need for self confidence," and he called the diversity activists "symptoms of affirmative action." His comments not only contradicted his assurances, but insulted and attacked every minority student concerned about the shocking narrow-mindedness and homogeneity of a 95% white, 90% male tenured faculty.

In response to the Dean's hostility and to the discrimination against women and minorities for faculty appointments, a number of students held a 24 hour sit-in outside Dean Clark's office. The Dean then quickly initiated a Kafka-esque administrative disciplinary proceeding against the students. Despite the fact that other students had conducted peaceful sit-ins for years without repercussion, the Dean suddenly chose to prosecute the students who took part in the most recent sit-ins. The difference between the most recent sit-ins and those of previous years is that this time the students involved were overwhelmingly women and minorities.

Dean Clark's selective prosecution of these students, another form of violence against women and minorities, borders on racism and sexism.

The Dean has moved with unparalleled and uncharacteristic swiftness and zeal to punish the students involved in the sit-ins. He communicated *ex parte* with several members of the Administrative Board, the quasi-judicial body that conducts disciplinary hearings. And he ordered the Board to expedite the prosecution of the students, including the sending of communications to the students via Federal Express. But in its haste to prosecute these students, the Administration neglected to follow basic standards of due process. As a result, at least one of the 13 students charged was not even present at the time of the sit-in. Other students' names have been submitted to the Administrative Board simply because they were believed to be "ringleaders" of the protests. One student was identified merely for "walking around Griswold" during the time of the sit-in. But

the Dean rushes on to prosecute the students as quickly as possible.

If only the law school Administration had shown such eagerness in its efforts to diversify the faculty, the protests would not have been necessary in the first place. Instead, it waited while Visiting Professor Gerald Lopez accepted a competitive offer from Stanford, which was more committed to hiring Latinos than Harvard has been. The Administration languished while consideration of Visiting Professors Regina Austin and Anita Allen was delayed in formalistic deference to its then vaunted "year-away" policy. The Administration stalled for years while Professor Derrick Bell called for it to fund a fellowship for promising minority scholars, and only acceded to this demand last week, in the wake of vociferous student protest. And now the Administration waits patiently and timidly while women and minorities are again insulted on campus, this time by the *Law Revue*, in a controversy the Dean hopes will quickly blow away.

We cannot allow Robert Clark to remain Dean.

Many members of the community already know about the cruel misogyny of the Mary Joe Frug parody article published in the April 1992 issue of the *Harvard Law Revue*. But the degradation does not end there. The *Law Revue* also slanders Professors Charles Ogletree and David Wilkins, two tenure-track African-American professors at HLS, challenging the quality of their scholarship. It attacks Anita Hill, the African-American woman law professor that Professor Ogletree represented before the Senate Judiciary Committee. And it lampoons Justice Clarence Thomas, only the second black member ever of the United States Supreme Court, with racially stereotypical remarks about the size of his genitalia. In addition, a number of the comments in the *Revue* reveal a shocking insensitivity to the concerns of gay, lesbian, and bisexual students, professors, and staff. In light of these vicious attacks, we can only conclude that the *Revue* is as racist and homophobic as it is sexist.

And yet these are the types of students — members of the law review — that the Administration prefers in selecting its next generation of straight, white male faculty members. This preference for *Law Review* editors demonstrates the moral bankruptcy of the law school's faculty selection process that overemphasizes one type of credential and de-emphasizes other credentials.

Although several of the students involved in the publication of the *Revue* have apologized for the

Professor Frug parody, neither the students responsible for the *Revue*, nor the Harvard Law School Administration has yet to acknowledge or denounce the racism and homophobia of this publication. We consider the Dean's silence particularly inexcusable because his conduct directly contributes to the campus atmosphere that condones both verbal and physical violence against women and minorities. In addition, inasmuch as Dean Clark's delayed response to the *Revue* speaks only to the insult to Mary Joe Frug's memory, and not to the insult to women and minorities throughout the campus, the Dean's response is inadequate and tantamount to no response at all.

But this controversy is larger than the publication of the *Law Revue* and now touches on the crisis of leadership from Harvard Law School's Administration. As Professor Laurence Tribe said this week, "It starts with the faculty, our own process of self-selection. Over 23 years I watched with growing dismay as an almost completely male bastion has remained so." And it ends with the students. "It may be the qualities we look for in students are insufficiently connected to character. Combine that with the way we choose faculty, and it's not surprising that some students will think this is funny." The problems are larger than just the two students who wrote the *Revue* piece. "It's a big mistake to think this is just a few bad apples. The apple is rotten."

Nevertheless, all of us share responsibility for the *Law Revue* tragedy, and all of us must put an end to this type of violence against women and minorities. We are the Harvard Law School Community. We wrote the *Revue*, we bleed by it. If anything beyond numbness is to come of the bleeding, we must stop the mad stampede for absolution, and change the body that is us, the Harvard Law School Community.

We ask the entire Harvard community to take action now so that we do not find ourselves shouting again, deranged and discordant: We did it again! We glorified the hatred of women again. We let four more white men be hired while minority candidates were never even considered. We let another white man be hired while a woman candidate was rejected. We let 13 of our sisters and brothers be bullied by a vengeful disciplinary board. We let another student be shoved by an arrogant professor. We let Robert Clark insult us again to the press.

For the good of Harvard Law School, Harvard University, and the legal community as a whole, we cannot allow Robert Clark to remain Dean. We vow to work tirelessly to assure his resignation. And we will work vigilantly to protect our campus from the sexism, racism, and bigotry that the Dean has encouraged.

Harvard Warps Alysse

Alysse Turning Conservative?

By Alysse MacIntyre

RECORD Columnist

As an undergrad I was cursed with having to live four years with the world's most conservative Brooklynite. So not only did his political opinions drive me up a tree, I also had to endure them with that accent of his. We almost got into a fist fight once, but bystanders broke it up. Lucky for him.

At the end of four years, I got in here, and he got into a law school you haven't heard of. His response? "Yeah, we'll see what you're like after Harvard. You'll drop out or turn conservative. You'll see."

Me? Turn conservative? HA HA HA.

At least that's what I said then. Now I am saying, "The government wants to take HOW MUCH out of my taxes?" More and more I'm discovering that I'm not the good liberal I used to be. I haven't really been too concerned about this because no matter how far left you are, there's always someone farther than you, right? Well, anyway, that's what I keep telling myself.

The thing that really got me frightened about how far right I might be moving has been the response of a certain conservative White male heterosexual to my review of *Broken Contract*. Because the paper ran it right under my highly distracting vibrator column, I didn't think that any one actually read it. But I guess they did because they are complaining to me that I let Kahlenberg off the hook much too easily in regard to sexism. Me? Being accused of not being a good feminist? I never thought I'd live to see the day.

I was especially shocked to hear this complaint about my review of Kahlenberg's book from a certain registered Republican friend of mine while he was over my house recently. I mean, this man is no light weight conservative. He actually has an autographed picture of Ronald Reagan. And he let me have it. When he was done I said, "OK, so maybe you're right about Kahlenberg. Say, listen, while you're here do you think you could help me out by fixing some things? You know I can never figure these things out on my own and I just got my nails done..."

Alright, so I made that last part up. I've never got a man over to my place just to trick him into fixing all the things that lay broken around my apartment (two answering machines, the toilet paper roll holder, that screen thing that goes on the faucet thing in the kitchen, that hose thing next to it, my bathroom medicine cabinet won't stay shut, plus you have to hold the handle on the toilet for about a full minute to get it to flush and, last but not least, the bathroom sink drains very, very slowly). No, instead, my apartment looks like a home improvement fanatic's dream because I can't be bothered to do it myself. Besides, if I'm going to get a man over to my apartment and trick him into something...well, never mind. Yes, even some jokes are off limits to me. Too bad more of them weren't off limits to the *Law Review*.

His response?

"Yeah, we'll see what you're like after Harvard.

You'll drop out or turn conservative. You'll see."

Me? Turn conservative?

HA HA HA. At least that's what I said then.

While I was home over Spring Break, I got a special new insight on just how much HLS has changed me. I attended a family birthday dinner in honor of my old pal Michael. It use to be that I had green hair and I would lend Michael my Dead Kennedys albums and do lots of other things that finally led his parents to decree that I was *persona non grata* in their home. Yes, we had debauchorous good times, many of which we

regret not being able to fully recall except for the aid of the police reports.

Michael assured me that his folks would not kick me out on my ass, and he was right. When we got there, his step-mother, who is a Daughter of the American Revolution, a member of the Junior League, a graduate of a Seven Sister school and a retired corporate VP, rushed to kiss me on the cheek. Michael's father, a partner at one of the Big 8 accounting firms, introduced me to everyone as Michael's friend at Harvard Law School who will be clerking at the prestigious firm of Dewey, Dickum & Howe this summer. Everyone went "ooh" like I was a prize on a game show. It was this very moment I knew that I could no longer maintain my denial: Harvard is definitely warping me in some very frightening ways.

At any rate, events at the Law School in the weeks after Spring Break have served to put to rest my secret worry that I am no longer a good liberal, however unfortunately. The hateful, disgusting, misogynist parody of Mary Joe Frug, a distinguished — and truly beloved — feminist scholar whose life was so violently ended honestly left me in tears of pain and rage that no apology or sanction could ever begin to redress.

Many people who have fought years of systematic discrimination in faculty hiring are subject to possible suspension. Do you want to know why lawyers have the reputation of being sharks who would eat their grandmothers if the price were right? Just look at Harvard Law School: Stand up for a morally just cause and you risk suspension.

The question begs to be asked: who really has Harvard's best interest at heart? Those who might claim so by virtue of being a member of the Administration, Faculty or even the *Review*, yet whose words and deeds serve to maintain the atmosphere of racism and misogyny on this campus? Or the students who put their careers and education on the line to bring attention to the problem of the role of racism and sexism in tenure consideration at the Law School? Who really deserves community sanctions here?

Profiting from JFK's Death is the Real Conspiracy

By Brian Bendig

Americans love a good distraction, and Hollywood has been happy to oblige us with a series of new films on the JFK assassination. Oliver Stone, showman and shaman, beat everyone to the grassy knoll with his crass, preposterous, brilliantly shot and amazingly edited *JFK*. Philosopher Stone's latest love letter to the baby-boomers is still playing in many theaters. The second film in the series is the vastly more modest *Ruby*, a commercial failure that is fast disappearing from first-run houses. Although it was good to see Danny Aiello get out of Brooklyn for once, his rendering of the title character was about as compelling as any volume of the Warren Commission's work. Finally, later this year, we will see the release of *Libra*, the film version of Don DeLillo's novel about Lee Harvey Oswald.

The publishing industry—often part of economic units that include film enterprises—has been right in step. Biographer and historian Stephen Ambrose recently surveyed the battalion of best-selling books that has accompanied the cinematic redirection of our cultural energies to Dealey Plaza ("Writers on the Grassy Knoll: A Reader's Guide," *The N.Y. Times Book Review*, 2/2/92). The upshot of these tomes, he writes, is that "[s]o many important people and power-

ful agencies wanted to murder President John F. Kennedy in November 1963 that they all but had to draw straws to see who got the first shot at him."

Unlike *JFK*, *Ruby* avoids a chaotic, universalistic conspiracy mishmash. The "thesis" of *Ruby* is the old and inchoate notion that Kennedy and Oswald were both victims of mob hits. Aiello's Jack Ruby is very similar to other characters he has played: genuine, earthy, beset by fate and hemmed in by *Vast Impersonal Forces*. Still, his character in *Ruby* is written as a vague and muddled figure, a frustrating personification of the events in Dallas.

Ruby errs in the opposite direction from *JFK*. Whereas the latter film is excessively spectacular and hubris-laden, *Ruby* is monotonous and fails to deliver the visual and pretentious goods that sell mainstream films purporting to comment on or explain historical events. Also, Aiello's Jack Ruby is too drab for a central character. Stone had the good sense to augment his dull central character with a Byzantine but taut drama staffed by good actors.

In terms of technique, if not truth, Stone's film actually stands out positively from a line of films going back to the 1960s that have something to say about the JFK assassination. These films seem to cluster around the Watergate Era and

have received a boost from the popularity of Stone's film and the virtuosity of his publicity machine. For example, the 1973 film *Executive Action* has recently been released on video. Written by Dalton Trumbo, a prominent screenwriter blacklisted in the 1950's, *Executive Action* depicts the JFK assassination as the result of a conspiracy by right-wing plutocrats. This film is unusually turgid and marred by low production values, though the cast is impressive (Robert Ryan, Burt Lancaster, Will Geer).

Later this month, the Brattle Theater will be showing *The Parallax View*, a 1974 assassination thriller that is more obliquely based on JFK's murder. Still, it's replete with references to the iconography of the Dallas assassination and its aftermath. Co-directed by Alan Pakula and Warren Beatty, *The Parallax View* stars the latter as a Woodward- or Bernstein-like reporter who investigates the secret group he thinks is responsible for the assassination of a prominent American politician.

It seems clear that, in addition to enjoying distraction, Americans appreciate the vapors of conspiracy. We lap up cabals and evil plots as a substitute for reality, even beyond the murk surrounding Kennedy's murder. Susan Faludi's unsurprisingly best-selling *Backlash* describes a vast, motivated, and coordinated conspiracy of institutional actors to roll back women's gains in recent decades. Ambrose's *NYT* review also describes the persistence of the bizarre idea that Franklin Roosevelt, in order to secure American entry into World War II, conspired to allow the Japanese successfully to raid Pearl Harbor.

Still, the JFK assassination is the *sine qua non* of cabal-mania in the American mindscape. The Dealey Plaza industry adeptly caters to our desire to throw dollars at whoever will hype a story about cliques of evil men derailing hope and goodness. The latest targets are the Japanese and fat-fingered American CEOs, new villains in the continuing vaudeville of American culture.

Prof. Gerald Torres Accepts U. Texas Post

TORRES, Continued from page 1

At Yale, Torres became active in the Center for Advocacy Research and Planning in New Haven, the legal arm of the NAACP. Upon graduation, he worked for the Children's Defense Fund and a school desegregation case in New York.

While studying for an LL. M. degree from the University of Michigan, Torres pursued his interest in Environmental Law. He went on to teach at the University of Pittsburgh for three years. While at Pittsburgh, he was invited to visit the University of Minnesota Law School.

Because Minnesota supports his interest in Agricultural and Environmental Law, Torres accepted a tenured position from Minnesota. Robert Stein, Dean of the Law School commented at the time that Torres "is a superb law teacher and scholar... who excites and educates his students."

Because Torres visited HLS when the "year away rule" was still in force, he was not considered for a tenured position. He still has not been offered a tenured position at HLS.

For now, the University of Texas Law School is the beneficiary of HLS' hesitancy. Dean Mark G. Yudof stated "We are very enthusiastic about him. He has really matured and flowered as an academician." Yudof added, "Apart from everything, it's not hard to like Gerald."



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Am I the Only One Who Feels This Way?

By Ed Joy

RECORD Columnist

HAVE you ever wondered if you might be gay? In many ways, this question is a very simple one. Nonetheless, it is a question that most gays and lesbians struggle with for years before they are able to answer it. Most of the gay and lesbian community, even with all its great diversity along racial, class, religious and gender lines, shares one common characteristic: the closet. Before we come to terms with our sexuality, we spend years in a state of denial that renders us incapable of answering a very simple question.

The factors that make up the litmus test of homosexuality are short and to the point. Have you repeatedly had crushes on members of the same gender? Are your erotic dreams about members of the same gender? Do you find physical contact with members of the same gender sexually arousing in a way that contact with members of the opposite gender is not? In short, are you primarily attracted, sexually and emotionally, to members of the same gender?

While it may seem unbelievable to some, many in the closet would answer in the affirmative to all of the above questions and still not answer in the affirmative to the question: Are you gay? How is it possible that such a logical incongruity persists in the minds of closeted gays and lesbians? I personally have never been able to explain this incongruity in a satisfactory fashion, even to those with whom I have had many discussions relating my not too distant personal experience with the closet. Nonetheless, I will attempt to explain the logic of the closet here because I believe understanding such logic is essential to understanding why the closet exists. Those in the closet can only envision one answer to questions regarding homosexuality because of the prejudice that envelopes them. The closeted person responds: "I cannot be gay because I do not fit the stereotypes. My family, friends, community and church have taught me that homosexuality is immoral and perverted, and I have always tried hard to be a good person and am neither immoral nor perverted." In sum, grossly inaccurate stereotypes and perversions of Christ's true spirit perpetuate the denial and the pain of the closet because they create a distorted reality those in the closet cannot face.

For those in the closet, I wish I could offer the solace that they will be able to find happiness and peace if only they try harder to be good students, good friends, good family members and good people, but I cannot. True happiness will only come with acceptance of this important part of your being. Anything less is tantamount to accepting the majority's view that a fundamental part of your being is inferior. If heterosexuality is not inferior to homosexuality, then why should you have to deny or hide your sexuality when the majority does not? Ultimately, this message of inferiority carries far more weight than any issue of material well-being or apparent standing within the community. Do you really think you will be happy because you are a wealthy or a revered leader within the community when, if the truth regarding your sexuality were known, you would be viewed as nothing more than a "fag" or "dyke" in the eyes of your peers? And the truth will always be known, at least at some level of consciousness, by you. The majority's message of inferiority cuts deep into basic human dignity and flies in the face of the simple truth that all human beings are created equal. If you do not step forward and claim this basic equality that is rightfully yours, you will be left with only the stigma created by prejudice and discrimination. No amount of career success or personal popularity can counterbalance the sting of this stigma.

Therefore, I implore you to come out today

for your own sake. Come out and you will find, as I did, people within the gay and lesbian community willing to aid you in your struggle to come to terms with your sexuality, people who are not motivated by any desire to supplement the ranks of a community fighting for its civil rights, but who simply wish to extend a hand and reach out to those who are hurting as they once did. You will simply find that the appropriate level of being out is that which is most comfortable for you.

Come out and you will find yourself amazed at how many of your classmates, friends and neighbors share your homosexual sexual orientation. Once you begin to walk freely in the gay and lesbian community, you will see that our members defy the stereotypes that demean both those who seemingly fit the stereotypical image and those who do not, because such stereotypes paint all with the broad brush of prejudice and fail to recognize the individual spirit of each member of the community.

Come out and you will find a community that has been touched by the crisis of AIDS and has shown the strength of its character in response. You will see gay men united by bonds of love, bonds that society has seen fit to disregard, who stand by their lovers as they face the gruesome end that comes with death due to AIDS. You will see lesbians who are crossing the ugly gulf of discrimination created by the sexism of the gay male community in order to come to the aid of their gay brothers. You will find a community leading the world in AIDS education, treatment and prevention measures that starkly outshine the response of the majority.

Come out and, of course, you will also see the flaws of the gay and lesbian community. You will see a community that has not learned the lesson of prejudice well enough and thus has not cleansed itself of elements of racism, sexism and class boundaries. You will see a community that does not do enough to help its young members or its elderly members, both of whom too often feel as if they have no place within the community. And you will see many more flaws, for we are all, after all, only human.

In spite of our flaws, come out. Come out and recognize that your flaws are also simply the result of being fully human, not inferior. Come out and recognize that neither are you unique in experiencing the closet nor will you be alone in your coming-out experience. It is cruel irony that those in the closet feel so alone and isolated in their experience when, in fact, the experience of the closet is nearly universal to all gays and lesbians. Thus, while there are no guarantees as to how your coming out experience will proceed, rest assured that others have beaten down the same path before you. I only hope that you will find it within yourself to take a step out of the closet into the light of the path.

RESOURCES

BOOKS

Brian McNaught, *On Being Gay* (former high-ranking Catholic layman writes about coming out).
Jonathan Livingston Seagull (an inspiring book for anyone who is different).
Aaron Fricke, *Reflections of a Rock Lobster* (gay youth writes about his experiences).
Essex Hemphill (powerful collection of writings by Black Gay men).

GENERAL

GLAD Day Bookstore (673 Boylston Street, Copley T-Stop).
Contact (friendly peer talkline staffed by gay and lesbian students, 495-8111, Th-Su 7-midnight).
Bay Windows (gay newspaper provided at Out of Town News, sometimes in the Hark on the bench by the door).
Clubs (If you use any of the three preceding resources, you will be able to locate some of the many gay and lesbian clubs in Boston).
Metropolitan Community Church (gay and lesbian church, 131 Cambridge Street, services 7 p.m. on Sunday).

Please Pass the Whitewash

By Rich Wareing '93

RECORD Columnist

Money talks, bullshit runs the marathon!

—Nino Brown, Wesley Snipes' character in *New Jack City*

IN the last 24 hours I have been bombarded with a dazzling array of denials, apologies, and *mea culpas* which, taken together, hold about as much water as a sieve. First, I got a letter from Bruce Spiva, Lori-Christina Webb and Charlie Robb, which, after the obligatory denunciations of the *Revue*, basically says that as an institution, we decided that determining who was responsible would be hard and painful, so we'll let the institution take the blame, while all those involved, but not directly responsible, walk. Bullshit.

Now, like any publication, I assume that the *Revue* had writers, text editors, layout editors, managing editors, and a boss. It strikes me that it wouldn't be too difficult to determine who read that piece, who approved it, who objected to it, etc., etc., all by working through the chain of command. While we don't have Grand Juries, subpoenas, and special prosecutors at our disposal, how hard would it be to sit the authors down, and find out who else was involved? That finding out the truth is possible even at HLS. is borne out by the letter of eight people who claimed "some involvement" with what went on.

To investigate what happened and determine who was guilty is not a witch hunt or an inquisition. It is called justice. To take the blame for what you did is called r-e-s-p-o-n-s-i-b-i-l-i-t-y.

The *Review* is a building, some computers, records, and a set of books. People, not a building, not a tradition, not an institution, were responsible for that piece. People, not an abstract idea, should take the blame. To hide behind the name is cowardice, plain and simple.

To say that the *Review*, and not the actual wrongdoers, should be held responsible because it would be too hard to determine who did what and punish them fairly because emotions are running high is an insult to the rationality and conscience of every person at HLS. Shame on you.

Now, as regards the letter from eight members of the *Review* who "...were involved to varying extents...." and admit to a vague sort of responsibility for not doing more, I'd like to point something out. These people were not some tangential members of the *Review* who lived on the periphery at Gannett House and exercised no authority. These are people who exercised considerable authority over what went on in Gannett House: David Ellen, ex-President; Mark Harris & Sean Lev, ex-Supervising Editors; Robert Niewyk, ex-Executive Editor; Edith Ramirez & Janis Kestenbaum, ex-Books Office Co-Chairs; Paul Clement & Andrew Fish, ex-Supreme Court Office Co-Chairs.

To investigate what happened and determine who was guilty is not a witch hunt or inquisition. It is called justice. To take the blame for what you did is called r-e-s-p-o-n-s-i-b-i-l-i-t-y.

Ellen & Niewyk especially, were the "go to" guys at the *Review* last year. It seems to me that they should be the first to offer full and candid statements about what happened on their watch. To say that these eight people could have done more is an understatement. I'm sure they could have done a lot more and I'd like to know why they didn't.

What was most disingenuous today, however, was the *mea culpa* by Kestenbaum & Ramirez. First, they tell us that they were bitterly opposed to the whole idea of the Frug parody, but that they didn't even bother to read something to which they were vehemently opposed, let alone speak out against it. This inaction coming, of course, after they were on point on the decision to publish Frug's unfinished article. I hate to break it to them, but I ain't as stupid as I look.

Then they also tell us, in a clear and dispassionate third person analysis, that "it is difficult to explain how two people concerned about the lack of respect often accorded feminist scholarship could have been in any way involved in the *Revue* which included this extremely offensive parody of Professor Frug's work." I do wonder how this happened, why don't you tell me?

When you cut through the spin control, two people have been left to hang because they fessed up to what they did, while a number of others hide behind the *Review* name, claiming "some responsibility" and expressing "sorrow" and "anguish" over what happened, without taking one substantive step to provide full disclosure of what happened, or to take responsibility for what they actually did nor did not do. Like the man said, money talks, bullshit runs the marathon.

Student Groups Call For Dean Clark's Resignation

This is a draft of a statement prepared by the AALSA Executive Board, BLSA, CCR, COGBLI, NALSA, La Alianza Executive Board, SDR, and WLA which was delivered at a press conference on Thursday, April 16.

Today, for the first time in history, uniformed police officers armed with revolvers and nightsticks, regularly stand guard outside the office of the Dean of the Harvard Law School. Women and minority students who wish to pass through the corridor outside the Dean's office are questioned about their intentions. And the Dean barricades himself away in his inner sanctum, protected by locked doors and a newly-built glass wall.

One can only conclude that Dean Robert Clark fears his own students. Even he, the law school's chief administrator, must seek refuge from the highly-charged environment of hostility that he, himself, has created. Meanwhile, the law school staff works overtime to respond to a flood of alumni and press inquiries about the crisis environment on campus. Students and professors rush to point fingers at one another about each new incident within the crisis. And the law school's disciplinary body struggles to complete the ever-lengthening list of items on its spring agenda. All these conditions reveal a bunker mentality in the law school Administration.

Sadly, the Dean's inaction on the latest incident, the publication of the *Harvard Law Review*, comes as no surprise. The dean's near week-long silence in the face of sexist, racist, and homophobic slurs, and his subsequent weak response, submitted only after being pressured, speaks volumes about his priorities and his purported commitment to creating a non-threatening, collegial atmosphere on campus. We regret that Dean Clark has not only failed to demonstrate campus leadership, he is no longer capable of doing so.

Accordingly, we the representatives of the undersigned campus organizations, call upon Robert Clark to resign as Dean of the law school.

From the very beginning, Robert Clark played a major role in fostering Harvard Law School's reputation as "Beirut on the Charles." As a professor, Robert Clark threatened to resign from the law school faculty and move to the University of Chicago if President Derek Bok permitted a law professor he disliked to be tenured. But when Harvard's first African-American law professor, Derrick Bell, took part in a peaceful sit-in in his own office, Professor Clark chastised him, saying, "This is a University, not a lunch counter in the deep South." What Derrick Bell, former counsel to the NAACP, understands that Robert Clark does not understand is that all discrimination is evil, no matter how intelligent or sophisticated the practitioner. This same realization, along with the law school's intransigence in the hiring of

women and minorities, led Derrick Bell to leave the law school in protest in the spring of 1989.

Robert Clark's animosity toward the concerns of women and minorities did not end with his ascension to the deanship of the law school. Instead, one of his first official actions in his first month as Dean was to close down the Public Interest Placement office that facilitated many students who hoped to provide legal assistance to women, minorities, and the indigent. In a 1989 newspaper article, he accused students interested in public service of "guilt alleviating" behavior, and in his first address to incoming students he minimized the importance of legal services for the poor.

As Dean, Robert Clark has consistently disregarded students' concerns. In his first year as Dean, he said he would not yield to student interests, which he called "mere consumerism." The law school's neglect for students should not surprise us, though, after watching Harvard University's lawyers last year defend the school before the Massachusetts Supreme Judicial Court, the state's highest court, by describing students as "incidental" to the law school learning process.

Student concerns regarding the law school's discriminatory selection of faculty led a coalition of seven student organizations to file suit against Harvard in Massachusetts Superior Court in November 1990. While Harvard tried to minimize the issue as one of faculty diversity not worthy of the courts' attention, the Superior Court refused to accept this argument and

encouraged the students to take their case to the state Supreme Court. There, the students pointed out that the claim involved illegal discrimination, not simply faculty diversity. Indeed, Professor Derrick Bell made the same point when he filed a formal discrimination complaint against the law school with the United States Department of Education, the day after the Supreme Court arguments were heard.

Only six weeks ago, the faculty voted to approve a politically-selected, ideologically-balanced package of four white men to become tenured professors. Simultaneously, the faculty, in an attempt to

preempt expected student outrage, passed a one paragraph resolution to consider "promising" non-white male candidates. However, just last Friday, April 10, the faculty approved another white male candidate for a position on the faculty and at the same meeting, rejected a "promising" woman candidate. This is how Harvard demonstrates its commitment to faculty diversity. The same law school that appointed these five white men had for 175 years been unable to find a single qualified woman of color, Asian-American, Latino, Latina, Native American, gay, lesbian, or bisexual person, or person with a disability to serve on its full-time faculty.

The law school's inaction, in the wake of years of student protest, exemplifies its indifference and hostility toward students. Several of the five candidates were appointed in apparent violation of the law school's once prized "year-away" policy, the hotly contested practice that required professors to leave the campus before they could be considered for a position. Later we learned that the policy, which had been applied in the past to exclude women of color and Latino candidates, had been rescinded in a secret vote of the faculty. Last month, the Dean explained his failure to notify students of the change by pretending not to realize that students would want to know of such a policy shift. The Dean's failure to communicate this basic information to students concerned about fairness in the faculty selection process exempli-

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• Letters (Continued) •

JLSA Decries *Revue's* Dance on Frug's Grave

An Open Letter to the HLS Community:

This week, Jews around the world celebrate the festival of Passover, during which we retell the story of our liberation from slavery in Egypt. Tradition urges us to look both within and beyond our own community's experience with suffering, and to continue to fight for the freedom and equality of all who work for social justice.

Professor Mary Joe Frug symbolized for many in our community the continuing struggle of women to overcome daily oppression. The mockery of her work on the

anniversary of her death inflicts pain on her family and friends, and on all who have been touched by her scholarship, her teaching, and her violent death.

There are many issues within the law school community about which Jewish law students, like all law students, disagree. Nevertheless, as Jews, we stand unified in demanding basic levels of respect toward members of the community. Ridicule and belittlement, under the auspices of *Law Review* privilege, cannot be tolerated.

In the guise of parody, the authors of the *Revue* deny

and disparage the seriousness of women's suffering when they are raped, battered, and sexually harassed. The discussion inspired by Professor Tribe's remarks on Sunday morning highlighted the critical importance of learning about and respecting women's experiences.

Jewish tradition recognizes the importance of memory. To "dance on the grave" of Professor Mary Joe Frug, as Professor Tribe suggested, was "to desecrate her death with words."

Harvard JLSA
April 14, 1992

Tribe's Holocaust Analogy was Irresponsible

To the Editor:

I was surprised and dismayed to learn of Professor Tribe's decision to characterize the *Law Review's* Frug parody as analogous to the work of Holocaust revisionists (Crimson story, April 13). Professor Tribe compared "the article's message that 'the hatred of women is a hoax' to historians who 'deny the existence of the Holocaust as a historical truth.'" The comparison distorts history and legitimizes a kind of moral relativism that trembles at the prospect of understanding human experience as anything other than an undifferentiated mass of events and ideas.

Had Professor Tribe pursued his analogy to its logical conclusion, he would have stumbled upon the novel

proposition that "hatred of women" is comparable to the Holocaust (denial of hatred of women is like denial of the Holocaust, therefore hatred of women is like the Holocaust). The comparison is simply unacceptable, both as a rhetorical device and analytic tool. As one reviewer reporting on the work of a single German police battalion reminded us in this Sunday's *New York Times*: "The [unit] would comb the woods for signs of underground hideouts On each occasion the hideout would be cleared and the Jews shot Jew hunts became a sport [In its] final and greatest spasm of killing [close to 18,000 Jews] were brought to the perimeter of the ... camp. Against a background of music blaring from the loudspeakers, and as

Poles watched from nearby rooftops, the Jews were driven, stark naked, into ditches where ... they were 'forced to lie down quite precisely on top of those who had been shot before them. The shooter then fired off a burst at these prone victims' By the end of [their assignment in Poland the battalion] had taken part ... in the shooting of at least 38,000 Jews and the shipment to Treblinka's gas chambers of 45,000 more."

The same story has been told time and again; only the victims and the ditches are different. It is not the story of sexism in America, and to suggest that it was intellectually irresponsible.

Elizabeth Wolstein '93
April 14, 1992

Clark Should Defend Rights of the Community

An Open Letter to Dean Clark;

The *Revue* parody of Professor Mary Joe Frug's work has left me shocked, upset, and angry. This is not just a women's issue; it is an issue which affects everyone at the Law School.

First, this kind of vicious personal attack on the work of a murder victim — regardless of her politics — is unpardonable. The barest regard for decency should have checked the authors and editors of the *Revue* before they hurt Professor Frug's memory, her family, and her friends in this way.

But the *Revue* parody also raises a second point. The heart of the Law School is

the free exchange of ideas. Since coming here, I have found the most exhilarating part of my education to be the atmosphere of open debate — whether it is ideas at play, or in open combat.

The *Revue* parody is doubly upsetting because it did not attack Professor Frug's ideas as ideas — it demeaned her scholarship solely because she was a woman. The mocking tone and nasty slurs were not meant to initiate debate — they were meant to hurt, frighten, and intimidate. This is speech which demeans the entire Law School, because it is speech which is meant to silence the speech of others.

Harvard University's code of Rights and Respon-

sibilities calls for "free expression, free inquiry, intellectual honesty, respect for the dignity of others, and openness to constructive change." The *Revue* shows intellectual dishonesty, contempt for the dignity of others, and hostility to constructive change.

Dean Clark, you have been outspoken in defending the rights of Law School administrators and faculty to be free from physical interference. I hope you will be equally outspoken in defending these paramount values of the University.

James H. Wickersham '94
April 14, 1992

For the Good of Harvard Law School...

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believed them, as extraordinarily insulting to women and minorities. Do you really regard yourself as a "counterrevolutionary" as your interviewer suggested? Do you really believe that the passion and commitment of hundreds of women, gay and lesbian students, and students of color can be explained by their collective inferiority complex? And even if you believed that, what did you think the effect on those students would be when they read their Dean making such remarks about them?

The insensitivity you have demonstrated on this issue is not, in all fairness, an isolated behavior for you. In fact, on the most pressing issues before the Harvard Law School community, most especially diversifying the faculty, you have served as a catalyst for further division and acrimony.

Once, a friend suggested that if I could choose the Dean I would select a prominent leftist to lead the Law School. There are several professors, here, whom I admire enormously and with whom I share many fundamental values. But I would not choose them to be Dean. The reason is that I perceive them, based upon only vague knowledge of faculty politics, as being clearly identified with one ideological faction here.

In a community torn by strife, persons identified with either extreme are unlikely to be good choices for leaders. The very presence of such persons in positions of power tends to convey an ongoing message of subordination to those of an opposing ideology and, accordingly, exacerbate the tension within the community.

The further disintegration of a deeply divided community might, however, be stopped if the person chosen to lead is capable of rising above his or her past, of putting old animosities aside, of showing breadth of vision and openness of mind, of exhibiting that rarest of skills — the ability to make a just and lasting peace.

If once you held such promise, this task, for all your gifts, is forever beyond you now. Harvard Law School's name is being dragged through the mud of a journalistic mire. Sued by its own students; increasingly more segregated in its already segregated faculty; further embittered by ideological strife; venue for the most vicious and obscene attacks on women; this is the place we have become, the place which you have — however unintentionally — helped make us.

There is no disgrace in recognizing that things have gotten out of control. There is no disgrace in realizing that one has become more an impediment than an impetus to progress. There is no disgrace in resigning from a responsibility that, for a variety of reasons, one can no longer fulfill.

Once before in your life, when you left the seminary, you must have realized that there were certain gifts which, for all your enormous talent, you lacked. Such a realization is a sign of self-knowledge, a quality to be praised. I plead with you now, in the midst of the terrible crisis which afflicts this institution, to realize, once again, that your strengths could best be deployed elsewhere. Resign your deanship. Let another person — someone who might heal this place — be appointed. And, for your part, continue to do what you do best: teach, research, write, and build the financial support which this institution needs and which someone other than a dean is more than capable of achieving.

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