



Council Elections Hotly Contested

By Steve Yarian

Law School Council elections took place on Wednesday and Thursday despite squabbling over the extension of the candidate filing deadline. Some Council members say this debate is nothing more than political fallout leftover from last spring.

Tension between the left leaning Executive Board of the Council, and other, more conservative students, came to a head when the committee voted to extend the filing deadline last Monday, September 21. Opponents of the deadline extension, including the newly founded Non-Left Coalition, charge that many members of the Executive Committee are sympathetic to the Coalition for Civil Rights (CCR), which is composed of six ethnic student groups and the Women's Law Association, and voted for the extension to allow more CCR affiliates to run. Despite reasons cited by the Council for the extension, including allegations of tampering with completed filing forms, and lack of candidates, these students contend that these justifications are merely a mask for the political motivations of Executive Board members.

Members of the Board responded that the change was fair and necessary. In a story

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Marie-Louise Ramsdale passes out ballots for LSC elections.

Appointments Comm. Gets Annual Face Lift

By Peter Mucchetti

The Faculty Appointments Committee is entrusted with the responsibility of recommending candidates to the full faculty for tenured, tenure track and visiting professorships. Already this year, this important committee has undergone a limited renovation.

On Wednesday, September 30, Dean Robert C. Clark confirmed a rumor, circulating at the party for Dean Sarah Wald on Friday, September 25, that he has named Professors Charles Fried and Kathleen Sullivan to the Faculty Appointments Committee. They will replace Professors Mary Ann Glendon,

Duncan Kennedy, and Reiner Kraakman. While Glendon and Kraakman's departure from the committee apparently stems from the fact that they will be taking a one-year leave of absence, the reasons for Kennedy's being replaced, though different, were unascertainable at press time. Professor Kennedy, in character, had no comment.

In addition to two new faculty members, the Appointments Committee also will be joined by a Student Advisory Group.

The news of the departures from the committee is somewhat surprising to many members of

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Coop Rebates Take the Plunge

Cash Back Rates at All-time Low

By Irie Taylor

Coop members won't have a hard time spending their rebates in one place this year.

On Friday, September 25, the Coop announced that it had dropped its annual patronage rebate to an all-time low of 1.1% of total purchases, a dramatic decrease from last year's 5% and far off the 4.5% figure some company officials had predicted for this year. In fact, the rebate is the lowest in the Coop's recorded history. For the 122,000 active student members, this represents a drop in rebate checks from \$1.7 million to \$348,000.

For the past thirty years, the rebate has generally been around 10 percent though it has failed to reach that level in the last 3 years. The 1989 rebate was 7.8% and the 1988 rebate was 10%.

Coop president Jeremiah P. Murphy blamed the sluggish economy for the small rebate. "We're not proud of the fact that the rebate is lower than before,"

said Murphy. But "we're proud of the fact that we were able to offer something in this economy." He pointed to declining sales (down \$3.3 million to \$56.9 million) and the resulting drop in company profits as the primary causes of the rebate cutback.

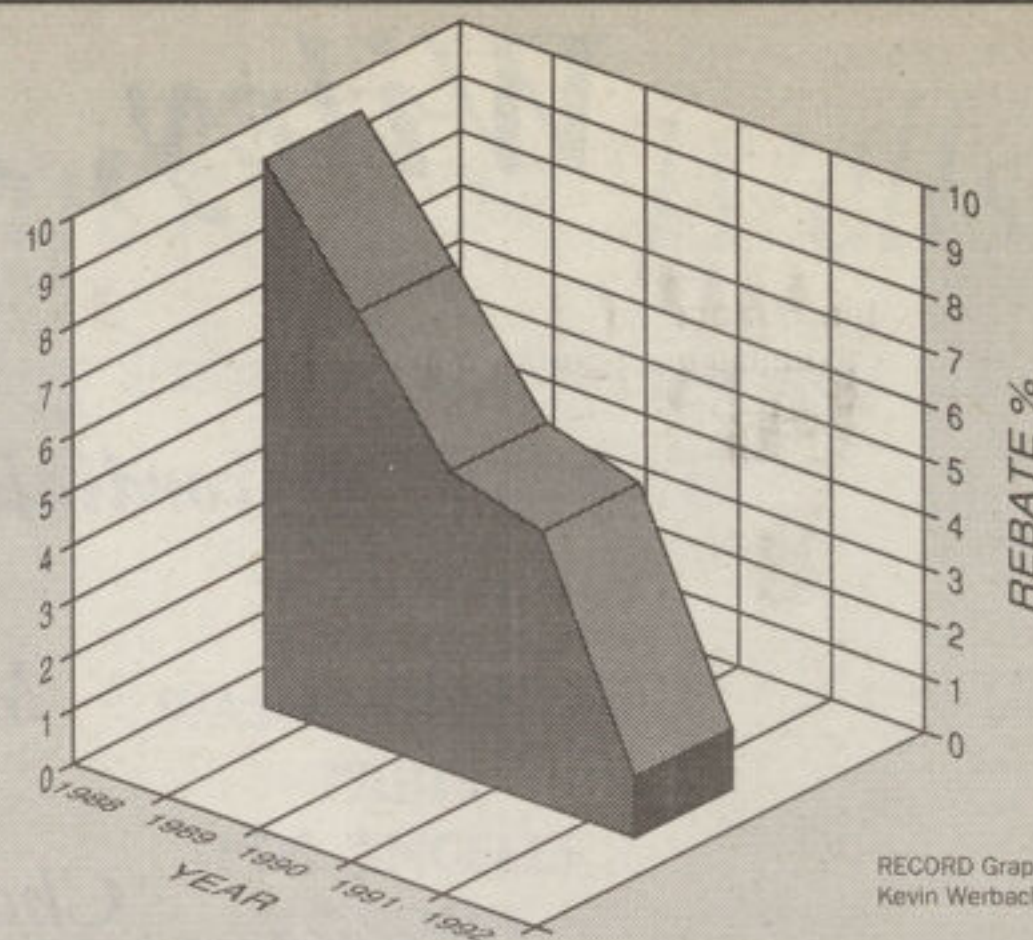
HLS students were far from overjoyed as well. Jonathan Dickstein '93 was outraged when he heard about the rebate: "It's unbelievable. It's worse than an abomination. I feel violated."

Julie Cohen '94, a student director of the Coop, emphasizes that "people are concerned and we're trying our hardest to cut costs and improve profitability." She explains that the low rebate reflects the economy "because the rebate is based on profits from member sales."

In addition to the lost sales, rising expenses were a contributing factor to the low rebate, Murphy added. The Coop's rent and health care costs have risen more than \$200,000 despite Murphy's efforts to keep

please see *COOP*, page 15

THE SHRINKING COOP REBATE



RECORD Graphic / Kevin Werbach

Inn Like Flynn: Social Club Getting a Fresh, New Start

By Eugene V. Wade, Jr.

The year-long battle over the future of Lincoln's Inn may finally be approaching a conclusion. City of Cambridge permitting, the oldest and largest social club on the Harvard Law School campus will again be housing their bacchanalian festivities within the familiar confines of 44 Follen Street for first time since September 1991.

Amid ongoing struggles with neighbors and city officials, the Inn's membership drive was dealt a serious blow in the first month of the past '91 academic year when the City of Cambridge enforced a previously overlooked

licensing requirement for any gatherings of more than 50 persons. An "assembly use" license could not be granted to the Inn until serious renovations were made to make the building safe for large gatherings. Thus, the Inn was forced to move all membership functions out of its main building.

To make matters worse, long-time neighbor and Lincoln's Inn adversary, Marc Rodwin brought the Inn before the Cambridge Licensing Commission this last December, for allegedly having a Christmas party without having yet acquired the "assembly use"

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Groundbreaking ceremony for the new Legal Services Center.

New Home for Legal Services Center

By Malcolm E. Harrison

With a substantial donation in hand from the Boston law firm Hale and Dorr for the construction of its new headquarters, the Jamaica Plain Legal Services Center held a ground-breaking ceremony Friday morning, September 25, for facilities that its directors hope will give it a greater presence in Jamaica Plain and expand the number of HLS students that do on-site clinical work.

The center, which has been providing free civil legal services to the low-income community since 1979, became the beneficiary last year of a

\$2 million contribution from Hale and Dorr partners and Harvard Law School alumni. The money is being used to purchase and renovate the former Merriman Building at the corner of Boylston and Amory Streets in the Stony Brook Commerce Center.

When the Legal Services Center moves into the 20,000 square foot, four-story former mill in February or March 1993, it will have additional space in which to meet with the 2,500-3,000 clients that it services annually. Center supervisors also project that the number of HLS students doing clinical work at the center can grow

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Ad Board Changes Policy in Response to Sit-In

By April Rockstead

New language in this year's Harvard Law School Catalog — prompted by last Spring's student protests — puts students on notice that although the Administrative Board issued warnings to Griswold Nine demonstrators last year, copycats may not get off so easily.

In its Findings of Fact regarding last Spring's Griswold Nine Hearings, the Administrative Board specifically requested that the Registrar insert the new paragraph in the Law School Catalog.

Administrative Board Chair David Shapiro said the statement, included in the catalog description of the Board's disciplinary function, speaks for itself with respect to possible consequences for demonstrators facing disciplinary reprobation.

"It's pretty self-explanatory," he said. "We now have imposed sanctions."

The paragraph states that the Board exercised leniency in issuing warnings to students involved in last Spring's sit-ins because "it was the first instance in many years in which formal charges had been brought and a sanction imposed for conduct of this kind."

"Last year was awfully tough," Shapiro said, adding that the Board's findings on the Griswold 9 Hearing weren't reached hastily.

"It was an incredibly elaborate, difficult, complicated business," he said.

In another politically-charged case last spring, the Board considered disciplinary action against students who carried placards into and occupied a faculty member's office and refused to leave. A letter from the students and a Board response

were accepted as the equivalent of warnings to be placed in the students' files.

The Board also considered, and rejected as too general and out of its scope, a faculty member's request for an Administrative Board investigation of sexual harassment stemming from the Harvard Law *Revue* parody of law professor Mary Joe Frug's posthumous article.

Administrative Board Secretary Suzanne Richardson said that although the actual number of disciplinary actions brought in 1991-92 did not substantially exceed those of prior years, the nature of the cases last spring garnered more visibility than usual.

"Last year, they got more attention," she said.

Despite students' rights to request public hearings in disciplinary actions, Administrative Board proceedings are handled confidentially as a matter of course, Shapiro said.

"We take it very seriously," he said of the confidentiality policy. "We just do not disclose the identity of the people involved."

"We have no desire to expose people or to embarrass them."

The Board does publish Adviser notices containing the bare facts of disciplinary action taken against students, though devoid of names, partly to keep the law school community informed, Shapiro said.

While the Board's most controversial function may be its disciplinary role, the bulk of the Board's time is spent reviewing non-disciplinary matters such as students' registration, examination or transcript problems, Shapiro said.

According to the Board's 1991-92

please see AD BOARD, page 12

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We also will be interviewing Harvard 2Ls and 3Ls on Monday, October 12

New Goals, Curriculum, and Director for the Graduate Program

By Glennis Gill

Although Professor David Kennedy continues to serve as the Faculty Director of the Graduate Program, the Program has a new Director this year, Jorge L. Esquirol '89.

Esquirol is replacing Bruce Cohen, who abruptly resigned in March after barely more than a year as Director.

Although the circumstances surrounding Cohen's resignation were and have been kept secretive, Graduate students and other members of the HLS community were saddened and surprised when Cohen left, suspecting that his resignation was forced rather voluntary. Kennedy's only comment as to the nature of Cohen's resignation was that he "was sorry that [he] decided to resign." He added quickly "how

pleased I am and the whole Graduate Committee is that Jorge has joined the program because he brings a strong academic vision as well as experience with cross-cultural issues in the law.

"Bruce's shoes were very hard to fill but I think we've managed to get a very strong person" to replace him.

Esquirol returns to HLS after clerking for the Southern District of Florida and spending two years as an associate at Shearman & Sterling in New York. How does it feel to be back at HLS? "I am excited to be back here, in the intellectually stimulating environment that HLS provides, and with the feeling that I can translate my past experiences into a more meaningful academic experience for graduate students."

The majority of the graduate students are in the LL.M. program, where the emphasis is on providing foreign and American lawyers with the opportunity for legal study, research and scholarship for those interested in teaching, government service, private practice or public interest. The Graduate Program offers an Introduction to American Law course, to provide foreign candidates with foundations and principles of American law, and a legal research course to familiarize foreign candidates with the research methods and sources commonly used in the U.S. in domestic and international law. In addition, the Graduate Program offers four year-long colloquia open to all students at the Law School. The colloquia include legal education, academic writing, international legal practice and U.S. multiculturalism, which will explore and discuss issues of multiculturalism in the law school community and in the nation.

In addition to a new Director, the LL.M. program has undergone curricular changes and significant changes in the program's orientation. The Graduate

Committee, comprised of Kennedy and other professors, has increased the number of credits required for an LL.M. degree to 18, from 16, and has made the LL.M. thesis optional. This will enable those who are serious about pursuing advanced scholarship to garner more faculty resources than if all the LL.M.s were writing theses, as in the past.

Also, the new guidelines require LL.M. candidates to take two courses instead of one in American Law. The justifications for these changes include shifting from primarily international work to advanced legal work encompassing all areas of the Law School, moving the program away from a focus on social activities and towards serious academics, and fostering more integration between the graduate and J.D. students.

One thing that has not changed is

that each year, highly talented lawyers from around the world apply to the LL.M. program. This year there were 700 applications. According to Esquirol, this year's LL.M. class consists of 130 of the most qualified lawyers at different stages in their legal careers from 51 countries. Thus, while the entering J.D. class appears to be less

diverse than in recent years, the LL.M. program continues to be a model of diversity. As Esquirol emphasizes, the "richest and most easily accessible resource" for the LL.M.s is their colleagues who "will provide not only a source of moral support, guidance and friendship, but also a wealth of knowledge and information on the cultures, religions, laws and legal systems of many countries around the world."

LL.M Profiles

Shelley Ryan, one of the three U.S. LL.M.s, "was really under the impression that there would be more U.S. students...but this is fine, it just makes it more interesting." Although Ryan has been an Assistant Professor for two years at Washburn University Law School, an associate at a firm, and a clerk for the U.S. District Court in Kansas, when looking around the LL.M. class, she claims "I feel boring."

Like many LL.M. students, Ryan came here to further her career in law teaching. She is currently studying Jurisprudence and the History of American Legal Thought and hopes that this year "will enable [her] to be a more productive legal scholar."

Many of the foreign LL.M.s intend to continue or begin teaching law after leaving HLS. Marianne Roth has been teaching comparative jurisprudence at Johannes Kepler University in Linz, Austria and says that "it's very interesting for me to learn the American law system." Not all of the LL.M.s intend to



27 LL.M students crowd into a Type 1 Room for a Birthday Party.

teach, however. Sonsoles Seoane from Madrid intends to specialize in international commerce. She explains that the Law School curriculum at her University was fixed and therefore she felt that the LL.M. program would give her an opportunity to further her legal education in the areas that most interest her. However, she points out that upon seeing all the courses available at HLS, she broadened her study; one of her favorite courses is The Warren Court. Seoane thinks that "everyone came very convinced about a certain area of study but I think everyone has diversified."

Besides being "really impressed with the faculty and the library," where she is researching her thesis on the Maastricht Treaty, Seoane is thrilled with her colleagues, and what she and other LL.M.s have coined "the magnetic effect." Seoane explains that "everytime two LL.M.s are together, there are suddenly four, and then eight... we always end up having 30 people at dinner." She adds that "we all get along very well, and we always go out together."

The LL.M.s have even organized what

they are calling a "Free Dating Service." The two LL.M. spokespeople for the service, Bonnie Chan and Eric Malinvaud, explain that blind dates or group dinners can be arranged for any LL.M. or J.D. student who places their name, address, phone number, evenings available in one of their ILS boxes. In addition, participants will be required to sign a statement releasing the organizers from liability.

As program Director Esquirol points out, "the confluence of different personalities and cultures brought together is one of the factors that make the experience in the LL.M. program truly outstanding and memorable."

So could the Roger Fisher "Project on Community" learn something from the LL.M. program?

Esquirol sees the LL.M. program as "cause for optimism" since "the LL.M. program is a sort of microcosm of the Law School and, in part, of the different concerns of students." He notes that "although we're very diverse, we're able to foster a high level of understanding and tolerance among the students."

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We look forward to meeting
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on

FRIDAY, OCTOBER 9

at

The Charles Hotel

HISTORY OF THE GRADUATE PROGRAM

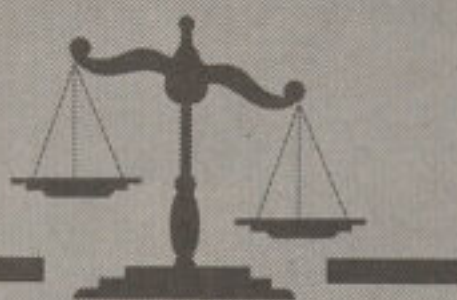
Founded in 1924, the Masters of Laws program at HLS is now unrivalled world wide in its commitment to academic excellence, international legal education and cultural diversity. Although the LL.M. program, as the Masters program is called, is unknown to much of the Law School, LL.M. students are a treasure of knowledge and diversity to those who become involved with it and its participants.

Initially, the LL.M. degree was offered as an additional year of legal education for HLS graduates and other graduates of American Law Schools. After WW II, the number of foreign students began increasing and by the early 1950s, advanced degree studies were formally organized within the Law School under the aegis of the Graduate Program.

The International Legal Studies Program began in 1954 with the appointment of Professor Milton Katz as the first Director of International Legal Studies. An award from the Ford Foundation in 1955 provided for the construction of the ILS building and the development of additional positions, research, staff and fellowships to "nurture informed leadership in international law."

The Graduate Program, which includes the LL.M., S.J.D., and various specialized programs, currently serves as the focus of international legal education at HLS. This year there are 130 LL.M.s and 28 S.J.D.s. There are also 25 students in the International Tax Program and about 25 visiting researchers and scholars.

BRIEFS



Alumnus Chronicles Salem Witch Trials

Ken Bresler '84 has published a guidebook chronicling the people and places of Boston and Harvard connected with the Salem witch trials. *The Witch Trial Trail of Boston and the Harvard Witch Walk* features the trial of George Burroughs (Harvard, Class of 1670), a preacher who was accused of practicing witchcraft by a young girl who claimed that his specter tortured her and urged her to sign the Devil's Book. Also featured are profiles of 36 key persons involved with the trials and two walking tour maps covering Boston and Harvard Square.

The book is on sale at book stores and newsstands throughout Harvard Square. Ken Bresler is currently a prosecutor in Massachusetts.

Boalt Hall Changes Admission Policy

The law school of the University of California at Berkeley, Boalt Hall, has agreed to change its admissions policies so that they no longer violate civil rights laws. The agreement is in response to a two-year investigation by the Office of Civil Rights of the Department of Education into whether Berkeley's affirmative action program violated Title VI of the Civil Rights Act of 1964, which outlaws discrimination on the basis of race, color or national origin. The university agreed to the changes, despite its denials of any wrongdoing.

Since 1968, Boalt had target ranges for different minority groups in its entering classes. From 1980 to 1988, the law school maintained waiting lists for different ethnic groups, including Asian-Americans, African-Americans, Hispanics, and American Indians. In 1989, the university switched to one waiting list, but continued to indicate the applicant's ethnicity. The basis for the discrimination claim was that by having separate target ranges for different ethnic groups, student admission was based on race, instead of competition with students of other races. According to the Office of Civil Rights, such discrimination has led to a lack of competitiveness among applicants.

Dean Herma Hill Kay announced that admissions teams would no longer read all of the applications of a particular ethnic group, but would read random applications. She also said that the law school would no longer use ethnicity among waiting-list applicants to fill in slots when the law school did not meet its target number for the entering class.

HLS, Ben & Jerry's and Homelessness

An HLS alum, Joe Holland '82, opened a Ben & Jerry's shop this past July 25. But this is not just another ice cream outlet — Holland is employing formerly homeless men in his store.

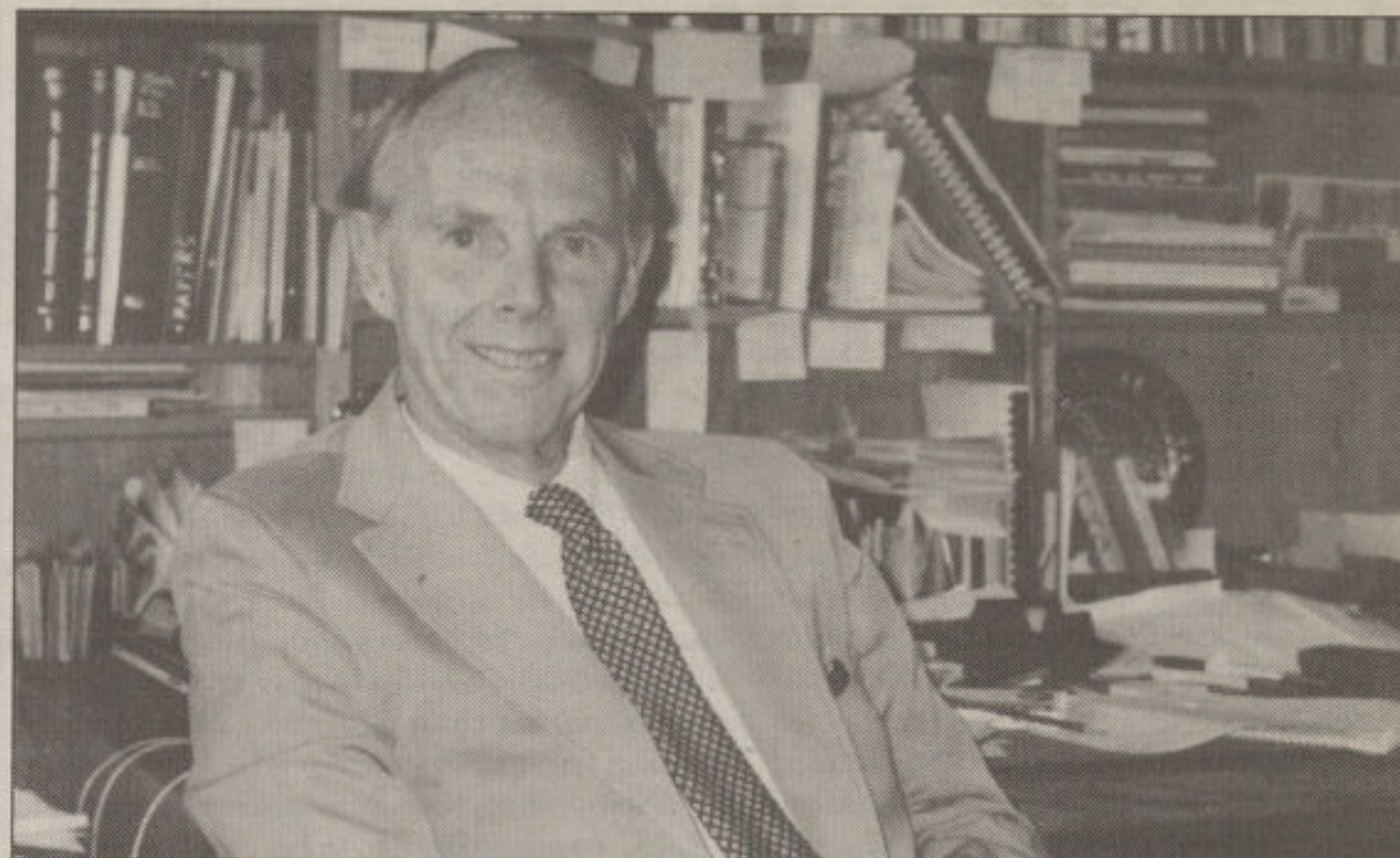
This latest effort is just the latest in a long line of socially conscious projects for Holland, who since graduating from HLS ten years ago, has founded a counseling program for substance abusers at a Harlem church, a shelter named HARKhomes that houses nineteen men, and the Harlem Travel Bureau, which provides jobs for shelter residents.

Holland discovered Ben & Jerry's three years ago and proposed opening a Harlem Ben & Jerry's whose profits would go to the homeless. Ben and Jerry liked the idea so much that they waived the franchise fee. According to Joseph Rose, who went from prison to HARKhomes and is working at the store, Holland provides the men with more than just a job. "Joe gives us his soul and his time."

Walk for Life This Weekend

The Massachusetts Citizens For Life are sponsoring their sixth annual "Respect Life Walk" and "Biggest Baby Shower Ever" on Sunday, October 4, 1992. The Purpose of the Walk is to raise funds for pro-life organizations, many of whom help pregnant women in crisis deal with the various challenges of housing, child care, and clothing and feeding themselves and their children.

According to Anne M. Kelleher, Public Affairs Coordinator for the organization, "because we care about women and children, we sponsor this Walk both to promote respect for life, and benefit the many different organizations doing their part to put respect for life into action."



Prof. Roger Fisher leads a new effort to end dissension at HLS.

Project on Community at HLS Gets Underway

By David S. Clancy

In the wake of last Spring's *Revue* controversy, a new committee composed of faculty and students has been formed to address Harvard's decaying sense of community.

The committee, currently called the "Project on Community," was created by Dean Robert C. Clark in a September 8, 1992 letter addressed to all members of the Harvard Law School community. In the letter, Clark announced the inception of a "major effort to help build a stronger sense of community at the School."

The letter also stated that the committee's first major goal is to "explore ways in which we can create an environment that fosters greater mutual understanding and respect within the school, while preserving the School's overarching commitment to freedom of expression."

Clark appointed Professor emeritus Roger Fisher to lead the project, and also enlisted the assistance of Professors Charles Ogletree and Alan Stone, according to the letter.

Fisher's appointment as head of the Project on Community is due in large part to his work as director of the Harvard Negotiation Project, said Clark. According to its newsletter, the HNP's main goal is "to improve the theory, the teaching, and the practice of dispute resolution."

One of the insights HNP will bring to the Project on Community is the importance of the style and the substance of discussion in resolving disputes, said Fisher.

Therefore, a major goal in the first stages of the Project on Community will be to encourage discussion of sensitive issues of race, gender and sexual orientation. "People are so quiet on the gay and lesbian issue, for example," said Fisher. "How do you deal with something without putting your foot in it?"

Working to improve the quality of discussion is also a goal of the committee. "Community doesn't mean a community without difference, it means one in which differences are dealt with in a constructive way," Fisher suggested.

Dean Clark echoed Fisher's sentiments, characterizing the effort's main purposes as creating "better lines of communication in times of crisis and a better evolved set of community norms."

Increasing the vocal participation of students in the project's work comprises an integral element in improving communication at Harvard, said Fisher. "A lot of this is a question of what students would like," Fisher averred, adding that "students are the most underused resource at Harvard Law School."

Three members of the student body, appointed by the Law School Council,

will serve as official members of the Project on Community. Only three students submitted letters of interest by last week's deadline and are, therefore, virtually assured spots on the committee, said Raul Perez. Their names, however, cannot be released until the Law School Council officially approves their membership sometime next week.

While only these three students will be official members of the Project, the committee is expected to be open to greater participation from non-members than most Law School committees. "Who is on and who is not on the committee shouldn't matter much," said Fisher, "we're looking at getting people from the whole school to work together."

As an example of how the project will open lines of communication between students and the administration, Fisher said that the project would serve as an "ombudsman" for the appointments committee, channeling student input to the Appointments Committee.

More specific actions and goals of the Project on Community will be determined by evaluation and discussion of the suggestions of faculty and students in the coming months, said Fisher.

The committee's schedule as of now is "a loose set of activities," according to Fisher. As announced in the Advisor, Fisher held an open forum on Wednesday afternoon in

his office for students to voice suggestions and concerns. "Bigger meetings and events will be scheduled," promised Fisher.

The Project on Community originated last spring, when Clark and the faculty saw the need for a significant response to campus divisiveness. The decision to create the Project on Community resulted from "sifting through lots of faculty suggestions" put forward in an "impromptu" faculty meeting, according to Clark.

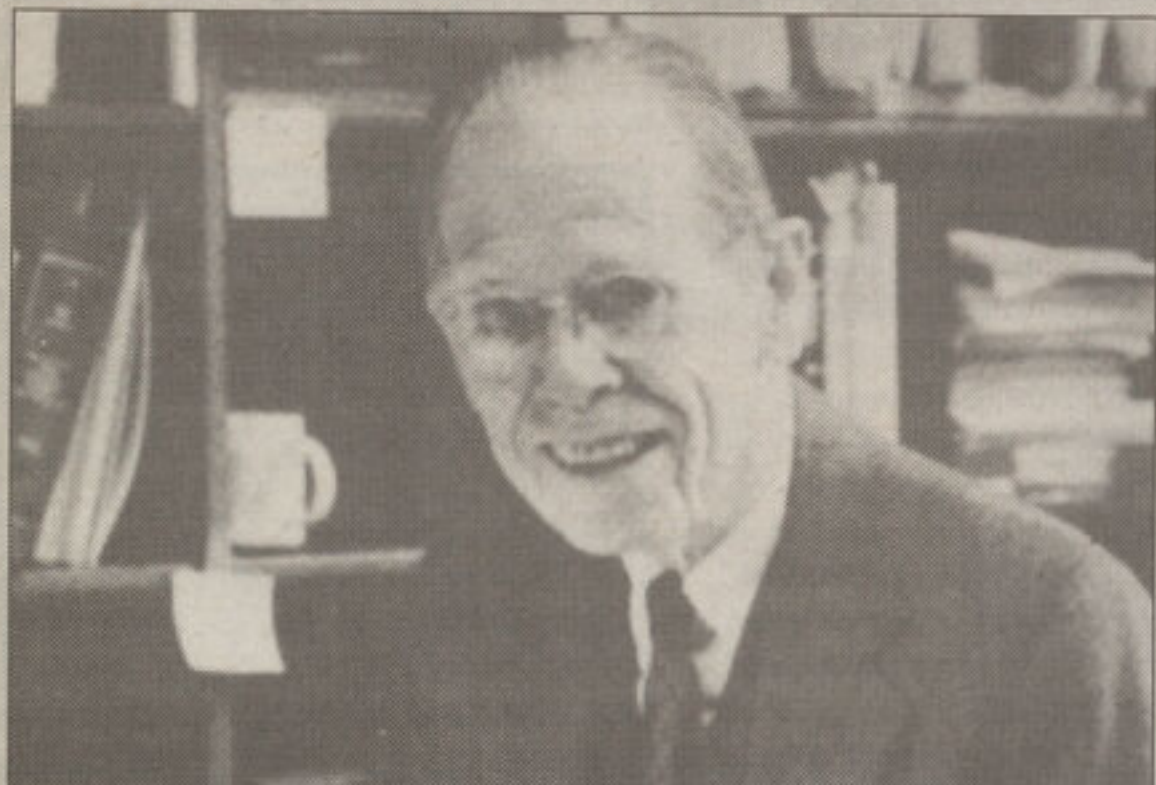
Among the proposed committees were a number of task forces dealing with individual issues such as free speech, said Clark. The Project on Community satisfied Clark's desire for a "more general task force...encompassing civility, free speech, exclusion and inclusion."

The Project on Community will be active for an indefinite period of time. "On-going social problems require on-going attention," said Fisher.

"On-going social problems require on-going attention," said Fisher.

**I'll flip ya
for it**

Why some of the most famous Harvard Law School professors aren't allowed to teach here.



Prof. Clark Byse, who also teaches at Boston University.



Prof. Archibald Cox, who now teaches at Boston University.

THE EMERITUS POLICY AT HLS

By Todd Hartman

CARL M. Loeb University Professor, Emeritus, Archibald Cox, perhaps the most respected and fabled professor on the Harvard Law School faculty, will be teaching Constitutional Law this spring. Unfortunately, there won't be any HLS students in the classroom. Professor Cox can't teach Harvard students. So, like many others on the HLS emeritus faculty, Professor Cox has taken his services elsewhere. He'll be at Boston University Law School, where he's been teaching full time since a Harvard University policy forced him into retirement seven years ago.

"I would like to be teaching at Harvard Law School," admitted Cox, "but Harvard had at the time, I guess a wise policy, which wouldn't have me." The policy to which Professor Cox refers is Harvard University's mandatory retirement policy which forces professors off the University payroll after the age of seventy and gives them the title of "emeritus" in order to make room for new blood.

"The current system is that faculty members have to retire as of June 30 of the school year in which they reach age 70," explained HLS Assistant Dean for Finance, Paul Upson. Left with a small office, a secretarial allotment and no official duties, many of these esteemed scholars have become vigilante lecturers, padding the academic resumes of other law schools and enriching other students with their impressive experiences.

Take Henry L. Simpson Professor of Law and Director of International Legal Studies, Emeritus, Milton Katz, for example. Since being made emeritus in 1978, Professor Katz has taught full-time at Suffolk Law School for the last 14 years. "I plan to keep busy until I die," promised Katz, "now how far I'll do it in the form of teaching, I don't know. But Suffolk seems extremely happy to have me teaching and I love the students so I will continue to do it." As for keeping busy at HLS, Katz admits that the emeritus policy leaves him with few options.

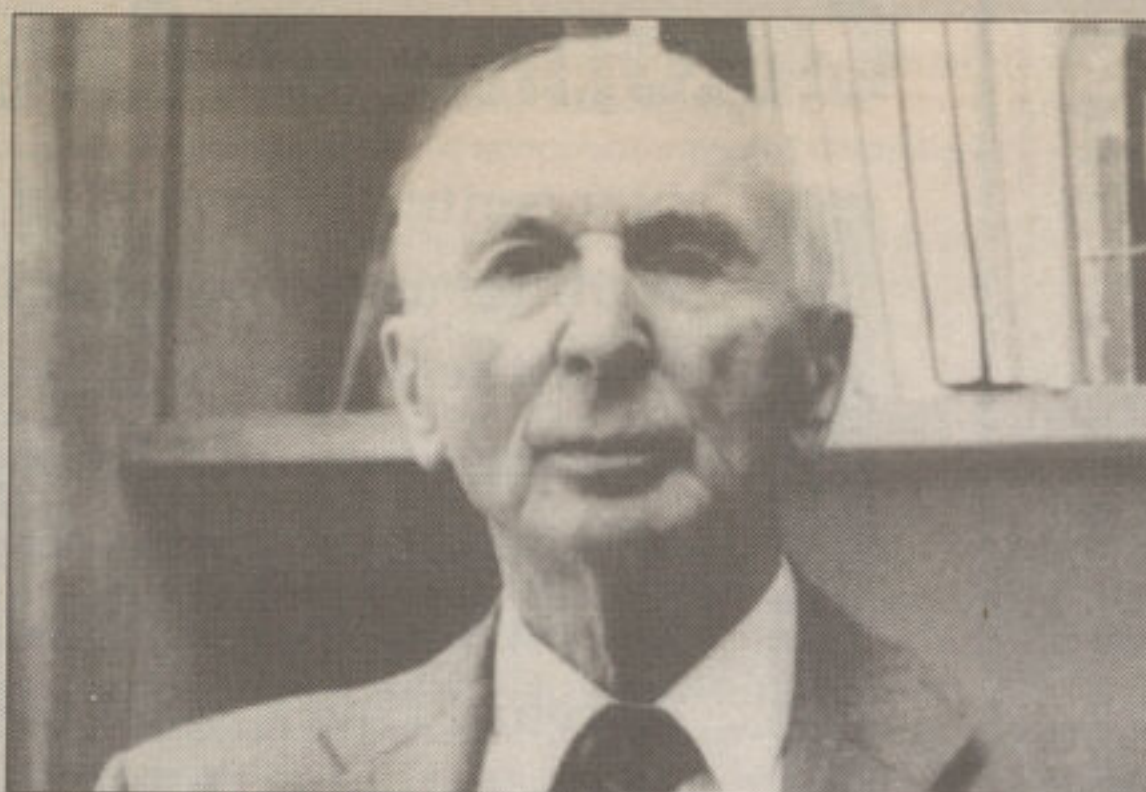
"In a formal sense I do nothing," Katz said as he ironically looked over a desk full of papers in his HLS office. "I know at one point I was asked to teach a class by Dean Sacks, and I would have liked to, but by that time I was too busy. I only get this big office because I raised all the money to have this building built."

Besides having headed the HLS program at HLS for over 30 years, Katz was instrumental director of the Marshall Plan in Europe from 1948-1954, an experience in which his colleagues at Suffolk relish.

"We're delighted. We've found that several senior professors who have retired from other institutions continue to be excellent professors," said Associate Dean of Suffolk Law School, Charles Kindregan. "They are persons who bring a wealth of experience, knowledge and energy into the classroom. We do not have a mandatory retirement policy and we never have. Hopefully, we never will."

As for HLS, the University's policy continues, leaving many students upset over not receiving the benefits of the Law School's impressive Emeritus faculty. "Obviously, anyone would love to have someone with Professor Cox's personal and academic experience teaching them," asserted Kevin Kakareka '94. "It doesn't matter how old they are."

"I think it's ridiculous that if I want to have Archie Cox or Milton Katz as a professor I have to go to another law school when I'm paying \$30,000 a year for supposedly the best faculty in the country," added Frank Yokoyama '93. In addition to



Prof. Milton Katz, who currently teaches at Suffolk U.

Professors Katz and Cox, Royall Professor of Law, Emeritus, Benjamin Kaplan, has also taught at Suffolk in recent years and Byrne Professor of Administrative Law, Emeritus, Clark Byse, has joined Cox at BU. And they could soon be joined by one more.

Having turned 70 this past May, Professor Roger Fisher will be formally off limits to Harvard classrooms when he completes his teaching in the spring. However, Fisher assures that, for him, the change only closes off one of many options. "If I want to keep teaching after this winter, I'll teach in South Africa, or Barbados or Canada. This retirement just gives me a chance to start a new life," reflected Fisher.

As to mandatory retirement in general, Professor Fisher found room for a more reasonable compromise. "To declare somebody presumptively senile at age 70 is merely a way to avoid the difficulties of administration," said Fisher. "I think the Law School and the University should organize themselves around facilitating prospects for longevity. If [Professor Emeritus] Louis Loss wants to teach a seminar, why not let him? We're short on faculty and surely some arrangement can be made."

WHATEVER Professor Fisher chooses to do in the future, he may be among the last university professors forced out to pasture. In 1986, Congress amended the Age Discrimination and Employment Act of 1967 to prohibit forced retirement at any age in almost all situations. However, just before the final Senate vote, Senator Jesse Helms (R-NC), who is over 70 himself, successfully added a seven year exemption to the bill for all institutions of higher learning. That exemption expires in December of 1993 and according to the American Association of Retired Persons, the move away from mandatory retirement at colleges and universities has already begun.

"Many schools have now abolished mandatory retirement because age is a lousy predictor of performance," informed Kathy Ventrell-Monsees, Manager of Worker Equity for the A.A.R.P., reflecting the fact that almost all recent studies have shown that professors who are poor performers have been so long before the age of 70.

"If an institution has a good grasp on how to review performance, then they aren't as nervous about removing mandatory retirement," agreed Pamela Ebert Flattau, Director of Studies and Surveys Unit of the National Research Council. As codirector of *Ending Mandatory Retirement for Tenured Faculty*, a 1991 NRC study, Flattau recommended to Congress that the age discrimination exemption be lifted.

"For lazy management, mandatory retirement was seen as a way to avoid the difficulties of performance evaluation throughout employment," continued Flattau. "The study found that we shouldn't be afraid of removing retirement if we have good performance review."

However, Flattau admits that reliance on performance review has its problems as well. "In the recent past, people felt that the theory or practice of performance review wasn't fully developed enough to be used as an elixir for the problem." Even some who have proven the effectiveness of the aged, remain unconvinced that mandatory retirement should be prohibited.

"If retirement is no longer feasible and there is no policy of firing," asked Professor Katz, "what do you do with people who actually do deteriorate. There are lots of things about [mandatory retirement] that are annoying to a lot of people, but it's a much more difficult and complex problem than people seem to think."

"You reach a point where you have to ask will people say he's hung on too long," added Cox. "The individual isn't always the best judge of that. There's the danger."

As for the law school administration, Dean Upson does not see the changing law as a difficulty. "I don't think it will be much of a problem because we do well at dealing with the current members of our faculty over 70," said Upson. "Of course, how the policy proceeds is up to the University and is as yet undetermined."

Whatever the future of the Harvard Emeritus policy, clearly professors such as Cox and Katz will continue to find a way into the classroom and clearly both teacher and pupil will continue to benefit.

"I love teaching. It was the central thing in my life. It still is," said Cox.

"It sounds corny as possible but I love to stay in touch with the younger generation," mused Katz. "You can lose touch with what goes on in the world if you don't."

"If Louis Loss wants to teach a seminar, why not let him?" asked Roger Fisher.

Non-Left Coalition Encourages Students to Move to Moderation

By Toy Chandler

Reactions to last Spring's events varied throughout the campus, but six 2Ls, including Gregory Taxin and Mike Pompeo, decided to form what they have called the "Non-Left Coalition" to articulate their own response to the events.

According to Taxin, the spokesperson, the group is made up of some "raging moderates," some conservatives and some liberals, all of whom "share the view that the tactics used by the far left and by the far right in response were irresponsible." The group argues that "the majority of HLS students are not represented by either the extreme left or the extreme right. We want to give a voice to what we see as a majority of the HLS students, the moderates, so we formed this group to be a sort of clearinghouse for those views." Taxin adds that "we hope to help foster a different kind of dialogue this year."

Taxin expects the group "to start on a small-scale dealing primarily with the media and by giving out names of moderate students for outside press to talk to when issues arise." The group will eventually have some meetings open to the Law School community and hopes to

become a part of the HLS political scene "to foster a little bit of moderation around campus."

Thus far, the group has authored a press release charging that "the CCR has adopted the very tactics it previously condemned." The group asserts that late last year "CCR managed to get a group of its top activists elected to the Law School's student government" and that this year, faced with "losing control of the LSC," the "LSC executive committee, controlled by CCR activists, took 'emergency action' — ostensibly to provide an opportunity for students to run for the positions for which no candidate had yet declared — and extended the deadline for declaring candidacies for all positions." The release then goes on to charge that "the obvious real goal of this partisan action was to provide CCR with enough time to

convince several of its cronies to run for office."

The Non-Left Coalition's release concludes that we "condemn the Harvard Law School Committee for Civil Rights and the executive committee of the Law School Council for violating the very standards it claims to advocate. We can only suppose that power feels different when one wields it."

When asked about the Non-Left Coalition, LSC President Marie-Louise Ramsdale '93 comments that "I have no idea who they are, or what their goals are. I don't think they have any idea what the LSC is all about. They haven't identified themselves and to be perfectly honest, I can't comment much further on them because I know nothing about them."

Raul Perez '94, Administrative Vice-President of the LSC, characterized the Non-Left Coalition's charges as "unfounded paranoia" with "thoroughly racist implications." Perez explains that "this is their reaction to the fact that the entire executive committee is Black, Hispanic or women," and adds that "they are labeling them members of the CCR because they are women and minorities." According to Ramsdale, only one of the ten LSC officers is also a CCR officer.

Ramsdale concludes that the Non-Left Coalition "is diverting attention away from the real issues of the LSC, whose main objectives are non-political and geared toward improving the quality of life at HLS."

The group argues that "the majority of HLS students are not represented by either the extreme left or the extreme right."

BLSA Puts Christopher Columbus on Trial

By Jonathan V. Newton

Special to the RECORD

The Black Law Students Association is suing Christopher Columbus. While millions of Americans embrace the legendary explorer, BLSA is taking action to amend the pages of history. Unfortunately, the trial, docketed for next Thursday, October 8, will have no precedential value because it will be argued in the fictitious State of Ames.

The Christopher Columbus quincentennial has generated mixed reactions among many Americans. For some, it is indeed a celebration. It acknowledges the first in a series of steps which led to the establishment of the United States of America. For others it is a painful reminder of the first rock in an avalanche of oppression, genocide, slavery and dehumanization.

Did Columbus discover a New World, or was he found as a haggard traveler on a foreign shore? Was the influence of European culture in North America an expansion of civilization or a malignant intrusion? The answers to these and the endless list of other two-sided questions encountered in the Columbus debate easily can vary along racial/cultural lines.

African-Americans are among those who often answer such questions in the negative. Recognizing this, the National Black Law Students Association voted last year to oppose the quincentennial celebration, and encouraged each local chapter to stage some form of visible protest. Harvard's Black Law Students Association, however, decided that protest was not enough. Too often mere protest leaves the general public without an understanding of the underlying problem. So, as law students are prone to do, BLSA has looked to the next best option, sue!

The mock trial will be staged in the Ames Courtroom. The complaint alleges

that the quincentennial celebration is an abuse of free speech because it inflicts injury upon others. To support this contention, attorneys for the plaintiff will present evidence and testimony intended to demonstrate that the words and expression of a quincentennial celebration by their very utterance inflict injury.

By subjecting America's reflexive reverence of Columbus to closer scrutiny, the mock trial seeks to sensitize observers to the adverse effects resulting from Columbus' "discovery". If every person attending the trial leaves with an increased understanding of what minority groups have had to endure, and continue to face, then the trial will be a success. The trial will explore some of the underlying issues germane to the development of minority status in today's American society.

Rather than being viewed in a vacuum, events such as the civil unrest in Los Angeles following the verdict in the Rodney King case should be seen as exemplifying one of the issues at the root of the Columbus debate. Anyone who believes that the "not guilty" verdict was the sole catalyst in Los Angeles rioting is embracing a dangerously naive understatement of the truth. In the aftermath of the disturbance, it became painfully apparent that Blacks, Whites, Koreans, and Hispanics resented each other in one form or another. Much of that resentment was based on lack of understanding.

The true issues go beyond the superficiality of museum exhibits and local parades. Moreover, those issues will continue throughout the year whereas the Columbus Day hoopla will soon dissolve into another controversy. By sponsoring this mock trial, BLSA hopes to demonstrate its commitment to the Law School community, while simultaneously presenting a perspective that often goes unheralded.

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is a center for teaching, research, writing, and consultation. The Institute's faculty is dedicated to helping state and local government officials throughout North Carolina. On 8 October 1992, we will visit the Harvard Law School to interview second-year students for positions as summer law clerks. We will also be available on 8 October from 12:00 noon to 1:00 p.m. in Room 329, Pound Hall, to talk to interested first-, second-, and third-year students about the Institute's work and hiring needs. After 1 January 1993, we would also be glad to receive applications from first-year students. Though we have no faculty openings at present, third-year students or law graduates are invited to contact us to discuss future possibilities. The Office of Career Services has information about the Institute, or you may call Anne Dellinger, Recruiting Chair, at (919) 966-4168.

Harvard Union Protests Pay, Conditions

Hundreds Attend Rally for Union in Harvard Yard

By Irie Taylor

Most people think of rallies as contentious, confrontational and potentially explosive experiences. However, the rally last Thursday, September 24, for the Harvard Union of Clerical and Technical Workers in Harvard Yard, was anything but. The rally, held to show support for the Union's ongoing negotiations with Harvard University for a new contract, was a festive event animated by musicians, singers and high-spirited, satirical speeches.

The unusual nature of this rally is typical of the mold breaking style of HUCTW, whose creative negotiating and organizing style is well-known. Although the event itself was non-confrontational, the Union showed its willingness to be more militant



HLS students participating in union rally last Wednesday.

in the future if Harvard continues to be intransigent, when it led a picket line to Massachusetts Hall, the University's central administration's headquarters.

The workers disbanded after picketing Mass Hall for about ten minutes chanting "Harvard works because we do."

Harvard University President Neil L. Rudenstine could be seen inside the building looking at papers from his desk and talking to his assistant. He appeared to ignore the protesters from behind the closed windows of the newly-renovated headquarters. Not only did Rudenstine ignore the protesters outside of his window, there is also a sense that he has done little to move the negotiations along. The feeling is if he exerted some influence with the management negotiators, the issues separating the two sides could be resolved more swiftly.

According to Andrew Strom '93, of the HLS Labor Law Project, "Rudenstine hasn't done anything to rein in the more unyielding and unreasonable members of the management's negotiating team. He could be a lot more assertive."

At the rally, union Chief Negotiator Bill Jaeger said, "The university's posture in this negotiation is a hostile one. There are a small number of top managers, not all of the Harvard administration but a few people, who have taken positions which can only be described as competitive and mean-spirited."

Jaeger later refused to name the "mean-spirited" managers.

Vice President for Government, Community and Public Affairs John H. Shattuck, who has acted as management's spokesperson during the negotiations, denied that the University has been mean-spirited in its dealings with the Union.

"Harvard and all of its managers take very seriously the joint enterprise we have embarked on with the Union," Shattuck said.

Union organizers put the crowd count for the noontime rally at 750 to 800; an informal count put the number closer to 500.

"We wanted to show some seriousness," Jaeger said after the rally.

"We expect the University to negotiate with us in a respectful way," Union President Donene M. Williams said.

Williams unveiled the new Union slogan, "Harvard works because we do." She said it was particularly appropriate for the beginning of the school year, because Union members register students, make sure books are on the shelves and perform countless other tasks for newly arrived students and faculty.

Students from all parts of the University were a big part of Wednesday's activities.

The Labor Law Project of the Law School sent a sizable contingent of 20-25 students to the rally. HLS students played a big role in the Union's organizing drive in 1988, and the Labor Law Project plans to continue its activity on behalf of the Union.

The current issues in the negotiations were apparent from the new signs held by union members reading, "Don't mess with progression," and "Progression equals progress."

The progression increase program, which rewards work experience at Harvard, is a controversial topic in the negotiations. The Union says management is trying to gut the program; management says it is trying to do no such thing.

The 3600-member union's old contract expired June 30.

COMMENTARY

Harvard Works Because We All Do

By Robert Weissman '95

RECORD Columnist

"Harvard works because we do." Get used to seeing that slogan on signs and buttons and hearing it in conversation and at rallies.

Hundreds of members of the Harvard Union of Clerical and Technical Workers (HUCTW), which represents more than 3,000 workers on the entire Harvard University campus, including the Law School, chanted the slogan a week ago as they picketed outside Massachusetts Hall, Harvard University President Neil Rudenstine's office. And it is going to be echoed continuously in the months ahead unless Harvard stops stonewalling in its negotiations with the Union.

Harvard-HUCTW talks have moved at an "incredibly slow" pace since early this year, according to Marilyn Byrne, a member of HUCTW's executive board and a Law School faculty secretary, and have continued at tortoise speed since HUCTW's contract expired at the end of July.

This is not the first time Harvard has fought with its workers.

HUCTW, an affiliate of the American Federation of State, County and Municipal Employees (AFSCME), only became the official bargaining agent of Harvard workers in 1988, after a 17-year organizing effort. From the outset, Harvard bitterly opposed workers' attempts to unionize, and the University waged a particularly vicious and sophisticated anti-union campaign in the months leading up to the 1988 election. It held "captive" audience meetings with workers, in which staff were forced to meet in small groups with supervisors or high-ranking University officials who sought to dissuade them from supporting the Union, and distributed misleading anti-union literature.

But HUCTW prevailed, winning the Union representation election by 44 votes out of approximately 3,000. It knitted together all parts of the University clerical and technical workforce — library workers and lab technicians, professors' secretaries and health service workers — and developed a reputation for using creative tactics, for linking up with the broad Harvard community and fighting hard for worker rights. (Harvard contested the election results, but an administrative law judge threw out the University's challenge, calling it "frivolous.")

HUCTW is in many ways a women's union. Its membership is more than 80 percent women, it has always been led by women and it has focused its attention on issues particularly affecting wage-earning women. One central Union issue has been the salary and benefit levels of long-time Harvard employees. Before the Union won representation, a long-time worker, say a professor's secretary who had held the same position for more than two decades, was not rewarded financially for her years of service; a new secretary might come into the office next door and make nearly the same salary. Workers nearing retirement, especially those without other family sources of income, faced especially frightening prospects, since pension levels were inadequate and were not adjusted for inflation.

In 1989, Harvard abandoned its

hard-line stance and entered good faith negotiations with HUCTW. The two sides quickly reached agreement, and the resulting contract began to address some of the issues HUCTW had highlighted. The first contract included substantial wage hikes (although salaries for support staff still only average \$23,000), step increases in salaries (guaranteeing higher salaries for those with longer service) and expanded pension benefits. The contract also included provisions increasing employee participation in workplace decisions, extending family leave and enhancing health benefits.

In the current negotiations, Harvard is trying to reverse the workers' gains. It wants to cut salary step increases in half and virtually freeze wages in the second and third year of the contract, according to Byrne. "This is a difficult time for everyone," says John Shattuck, Vice President for Government, Community and Public Affairs. "The economy is not at all good." Shattuck says the university is giving the Union a fair shake: "The average wage settlement in New England is considerably below what is being discussed between the Union and the University."

Byrne responds that Harvard is a uniquely positioned employer. At such a wealthy institution, Byrne emphasizes, the budget "should not be balanced on the backs of working folks." She adds, "A community should mean equality of sacrifice," and there is no sign of the University administration imposing the kind of austerity on other members of the community that it is demanding from support staff.

Even small signs of student support are noticed and appreciated by the staff.

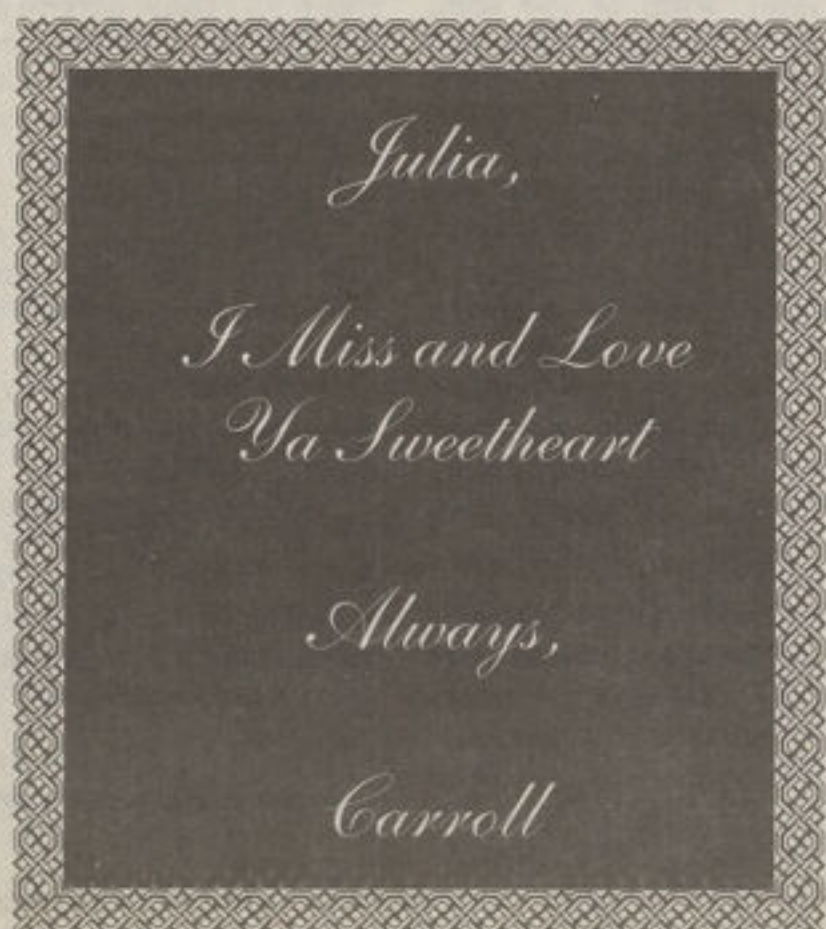
Union representatives believe the University negotiating team is split between hard-liners and those advocating more moderate positions. The University denies any split exists, but if there is in fact an internal division, then outside pressure for a settlement may tip the balance in favor of the

more reasonable members of the University negotiating team. In other words, student support for the Union may make a small, but concrete difference.

HLS students will have plenty of opportunity to show support for the union in the coming weeks and months. The Labor Law Project is planning to organize active signs of support for the Union — begun by bringing a large banner to last week's demonstration — and will be encouraging students to wear buttons, attend rallies, sign petitions, write to Rudenstine and simply speak with Law School staff members.

Even small signs of student support are noticed and appreciated by the staff. Byrne says Law School workers who attended last week's rally all noticed, appreciated and talked about the law students' banner.

Above all, students should pause and think about the meaning of the slogan "Harvard works because we do." The support staff at HLS keep the institution running and make each student's life infinitely easier. They work hard, without much recognition or compensation. "The support staff makes sacrifices daily as working women," says Byrne. Law students have an obligation to recognize those sacrifices and the immense contribution the staff make to the University and the Law School, and to support their demands for just treatment and compensation.



Harvard Law RECORD

Founded in 1946

Robert C. Arnold
Editor-In-Chief

Pondering the Future of the Coop

This past week, the Harvard Coop announced that its patronage rebate would be a meager 1.1%. This represents the lowest rebate in recent memory, perhaps ever, and ought to give us pause to think.

The Coop was established to provide students with easy access to textbooks and other necessities that could not otherwise be obtained in Harvard Square. When the Coop opened, the Square was still relatively undeveloped, and without it, students would have been forced to make the long trip into the city for their books and necessities. Thus, the Coop filled a niche, much as campus shops of colleges in small communities do today.

Today, the Square is filled with specialty stores that sell everything from CD's to pinstripe suits. Further, because of the increased mobility provided by the automobile and the T, downtown Boston, or any number of other shopping areas such as the Arsenal Mall in Watertown, are only minutes away. Given the changing times, one must ask whether the Coop has outlived its usefulness.

Outside of textbooks, there is nothing in the Coop which cannot be purchased elsewhere in the Square, or nearby, for comparable, if not lower, prices. Further, being a small, general department store, the Coop lacks the variety and inventory that many specialty shops, or major department stores have. Finally, when it comes to service, one can hardly say that the Coop is without equals.

In the past, the fact that the Coop's profits were rebated to students provided an attractive incentive for students to shop there. Given, however, the Coop's inability to compete in a contracting market, its profit margin has steadily dropped. Thus, the Coop has lost its most powerful marketing tool.

The Coop, then, seems to survive on its virtual textbook monopoly. While the provision of textbooks are a necessary service, in any university community, it is worth considering whether the University could put this monopoly out to competitive bid, or simply sell textbooks directly, without the overhead entailed by the Coop's seemingly unprofitable retail sales division.

While one might argue that the Coop's troubles are not related to its own shortcomings, but rather to the general recession, it seems that recessions, rather than affecting all businesses equally, hurt most those unable to respond to a changing marketplace. Further, one must also ask whether the Coop's management, able to rely on its textbook monopoly for survival, has responded to the recession with the same vigor and innovation that they might have otherwise were they fully subjected to the rigors of the free market.

In any event, we ought not assume that a small general department store, with limited selection and unspectacular service is a viable economic entity in a shopping district dotted by numerous specialty shops in the heart of a major metropolitan area linked by mass transit. Further, we ought not assume that such an entity is in the best interests of the very students it was created to serve.

Rich Wareing

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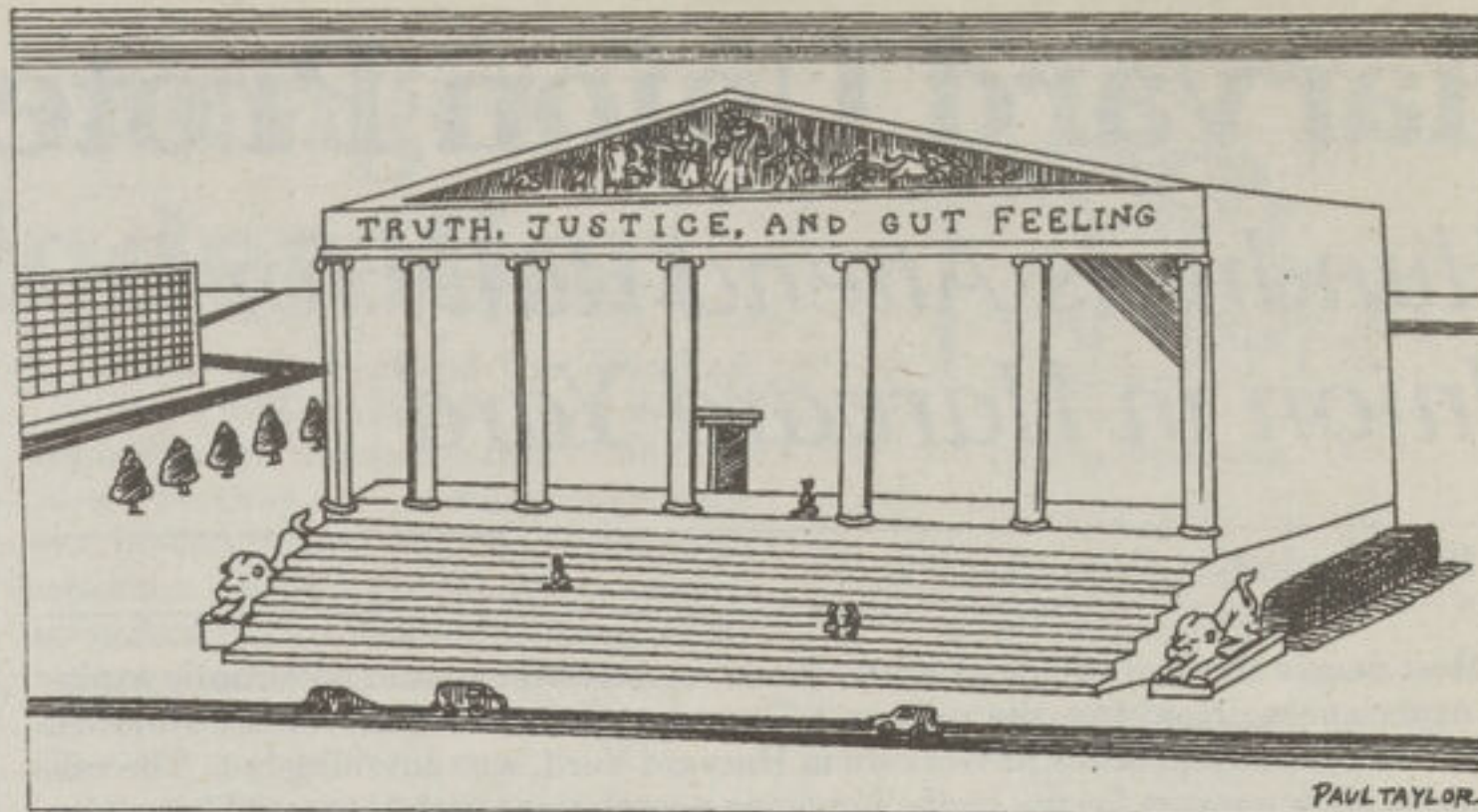
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—First Amendment, U.S. Constitution



• Letters •

LSC Should Start Rebuilding Community

In his letter to the editor [September 25], Raul Perez spoke of the legitimacy of the "democratic process" in the election of representatives to the LSC. His respectful words might actually carry substance, however, if only democratic procedures had been followed in last week's Law School Council meeting. If the LSC had reached a decision to extend the candidates' statement deadline and elections by a consensus of the entire Council, I would have been satisfied. Not happy, mind you, because I still think that the allegations of tampering were a smoke screen for the opportunity to organize candidates from the "left" to run. (And now I see that indeed an additional twelve candidates did throw their hats into the ring for at-large seats alone after the original deadline). Nevertheless, the process would have at least appeared legitimate.

Instead, the Executive Committee (EC) decided to extend the deadline with no thought given to consulting the candidates or LSC members. First, the EC's unilateral decision to postpone deadlines was constitutionally questionable at best. The LSC Constitution authorizes the

EC to temporarily exercise authority delegated by the Council; this necessary delegation never occurred and still has not. Second, the manner in which the EC "met" was also quite offensive to any proper notion of democracy. Each member of the committee was called individually on the phone — where was any opportunity to debate or hear different viewpoints? Furthermore, since it was feasible to call a meeting of the entire Council, why was that not even considered an option?

As to the allegations of petty politics, let's be honest. There were petty politics on both sides of the issue. What else do you call the hushed demand made to the President during the meeting, "which way are you going to vote Marie-Louise?", the Secretary, Francis Phillip, flailing his arms about when things did not go his way and raising his hands in victory when they did, and the stomping out of the room when certain members were speaking, among other things. Clearly, political division ruled the day.

This brings me to my main concern. Harvard Law School's student support structure collapsed last year

amid all the now familiar accusations and turmoil. We cannot afford to let it be permanently buried this year. Law School Council has a retreat scheduled for this coming Sunday and I urge all members, new and old, to take it seriously. Recognize that we have political differences and work around them honestly and fairly. Realize that the majority of the work Law School Council does should not be tainted by political infighting. We have many projects scheduled this year, including voter registration, obtaining an ATM machine in the Hark, a book-exchange system, and community service outreach. These efforts should not be compromised by the political disputes among members. Yes, I am just as guilty of the political infighting as the rest, but I am honestly willing to make an effort this year to put aside differences and work with others on the Council to bring about improvements at HLS and, most importantly, start rebuilding the student community that once existed. I sincerely hope that everyone else will do the same.

Enu Mainigi '94
September 30, 1992

Hartman's a Boob; I'm Not

I understand the difficulty of filling space, especially on deadline. That is no excuse, however, for allowing Todd Hartman free rein over the RECORD's editorial column in your September 25, 1992 issue. Just because Mr. Hartman cares to subject people to his inane blathering over whatever insignificant topic strikes his fancy during a particular week does not mean the RECORD should assist him. It's difficult enough to avoid Mr. Hartman's vociferously advanced views without thrusting them in front of me on the editorial page. Everyone I've spoken to agrees with me on this: Todd Hartman should be banned from all intercourse at the Law School until he learns to behave himself in a civilized manner.

And, what is the sage advice Mr. Hartman advances to readers in his "piece"? Is it to get a good job at a good wage in order to support oneself and contribute to society? Is it to "drop out" of an irredeemably evil, greed-driven society and work for a better world? Is it to not eat the Harkness scrod at whatever cost? No. In fact, all Todd seems to believe is that everyone should live together in a law school community of peace and brother, sisterly, and sibling-ly love. Along the way, he suggests we should dump all "extremist" leaders who do not share our views.

Frankly, Todd Hartman calling various factions on the Law School Council "extrem-

ist" is like the pot calling the kettle of color! Apparently, he thinks that by using the McCarthy-ite tactic of labeling his opponents as "extremist", he can convince us to support him instead. I, for one, decline to join his one-man putsch. In fact, this whole Law School Council tempest in a Teapot-Dome Scandal is merely another RECORD ploy to convince us to read their paper and get that damn ink all over our fingers which then forces us to have to wash our hands even if we're not having supper for a few hours. Could Dean Bob Clark be more Machiavellian if he tried? Exactly my point.

And, how come people are always telling me I belong to a "community" anyway? Maybe I don't want to be in a community. Why don't they take their "community" and shove it? I came here to grease the wheels of commerce like Dean Bob said at my matriculation—to become a corporate tool. What kind of "community" does that make me a part of? "Community"—why that sounds a lot like "communist". What are they, pinko? Pardon me, Todd Zedong, but I like my law school the way it is: hate-filled and embittered and always entertaining. If I'd wanted happy and peppy and bursting with love, I'd have gone to Sesame Street. Frankly, I'd rather have a law school that isn't sponsored by particular letters like "M" or "Q".

please see TODD, page 9

RECORD
Letters,

Gettin'
attitude
all over
the
place.

Evaluating Harvard Law School and the Job Search

By William Anspach '93

A very interesting document found its way into our hands a few days ago. It appears to be the transcript of an interview which took place at Harvard Law School sometime during the recruiting season last year. Although we are not familiar with Dewey, Screwem & Howe, the firm resembles many other management-side labor law firms which recruit on campus each year. That is why we decided to send this transcript to the RECORD, in spite of our concern over the embarrassment Clueless Applicant may experience as a result of its publication. Here it is:

Clueless Applicant: Are you with Dewey, Screwem & Howe?

Mr. Screwem: No, I'm with "Do we screw 'em? And how!"

CA: Oh, great! I'm Clueless Applicant.

MS: I'm Mr. Screwem. Pleased to meet you, Ms. Applicant. May I call you Clueless?

CA: Yes, of course. And should I call you...?

MS: Mr. Screwem. How are your interviews going so far?

CA: I guess I feel I'm in the midst of an eerily ritualistic, dehumanizing process completely bereft of any moral purpose.

MS: So things are going well?

CA: Quite well, thank you.

MS: I'm glad to hear it. Now, Clueless, why don't you tell me a little bit about yourself.

CA: There's not much to tell, really. I work on a journal, my grades are random, and I want to make a bundle of money.

MS: Well, those are the things we're looking for.

CA: You know, it's funny. Before I started law school, I had a completely different view of the law. I thought that lawyers should care about justice, should seek to further social progress. I saw the law as a grand, collective human project, stretching back in time thousands of years, with today's lawyers shouldering the awesome responsibility of perpetuating and perfecting this project.

William Anspach is former Executive Vice-President of the Harvard Law School Labor Law Project.

I imagined the law as providing society with a sublime framework of harmony and justice, within which human fulfillment could be assured.

MS: And now?

CA: And now...I want to make a bundle of money.

MS: That's a relief! For a moment it sounded as if you were speaking a foreign language. Anyway, I think you'll find our salaries to be competitive, Clueless. Of course, we'll work you so hard that your hourly pay will fall below the minimum wage, and even though you'll be making tons of money, you'll never have any time to spend it. But there's an indescribable macho thrill associated with working brutal hours for no apparent reason.

CA: I'd sure like to experience that thrill! I probably shouldn't tell you this. But I actually considered taking a public interest job this summer. Then I found out that Harvard only has a \$4 billion endowment, and so it can't afford to fund many students during the summers.

MS: That's a real shame. Now, why don't you tell me how you became interested in labor law.

CA: I'm taking a fascinating labor law class. I'm especially interested in the dynamics of collective bargaining, the way in which unions and management come at each other from an adversarial and yet good faith posture. Out of this clash of collective desires comes something noble, something which serves the interests of everyone, employees and management and even consumers.

MS: Interesting...

CA: What is it exactly that your firm does, anyway?

MS: We screw workers.

CA: What do you mean?

MS: We'll do just about anything to prevent workers from exercising their freedom to form a union. We advise our clients who are involved in union election campaigns to hire goon squads to provoke violence, to infiltrate union meetings and carry out extensive surveillance, to bring groundless harassment suits against union backers, to fire union supporters, and to sling mud and disseminate disinformation. And if all else fails and the union is approved, we show our clients how to use delaying tactics and surface bargaining to put off negotiation of a contract. We also do all kinds of nasty things to decertify a union.

CA: That all sounds pretty unethical.

MS: Why, thank you!

CA: Some of it even sounds illegal.

MS: Much of it is! We're routinely sanctioned by the courts. And let me tell you something else. We have a superb program for young associates. You'll have an opportunity to be sanctioned a number of times in your first year alone!

CA: Gee, I don't know. Is there anything that you won't do?

MS: How can you even ask me that? Of course there are things that we won't do. We have principles just like everyone else. God didn't give us human judgment for nothing. We know where to draw the line.

CA: Where do you draw the line?

MS: If it isn't sleazy, we won't do it.

CA: I'm still not sure. Sometimes I wonder whether it's a good thing to represent management at all.

MS: Remember that everyone deserves representation.

CA: But what about the 90% of the population who can't afford a lawyer?

MA: I meant that everyone who has money deserves representation.

CA: Well, I suppose that makes sense.

MA: My God, don't they teach you law and economics at Harvard.

CA: Nothing but.

MA: Anyway, isn't it your own Professor Fried who's argued that even things which screw the public are in the public interest?

CA: That's true. All right, I'm sold. Sold out, that is. As long as you give me a job and all the money and superficial respectability that go with it, I'll do anything you ask me to do.

MA: That's the spirit! It's been a pleasure talking to you, Clueless!

The Labor Law Project believes that Career Services should not cooperate with every law firm — no matter how sleazy its practice — in its campus recruiting. You should judge for yourselves, of course. But if you agree with us, you might want to join us when we protest on Monday, October 5, against the unethical practices of Morgan, Lewis & Bockius.



LETTER: Hartman Needs Help

continued from TODD, page 8

But, I guess I don't hate Todd really. I pity him.

Remembering those times when we used to check out bars together but were too fearful to approach any women, he and I truly were "Lamo Man" and his faithful sidekick, "Pathetic". Well, it seems Todd is still Pathetic, only writ large. If he honestly believes that the Law School Council should eschew both Marie-Louise Ramsdale and Michael Twomey's leadership merely because they represent opposite but equally insane poles of the political spectrum, then all I can say is: "Todd, you ignorant slut, hopping from bed to bed like a hyper-hormonal badger has clearly worn your overworked brain cells to the consistency of tiny sand granules. Why don't you let tough political decisions be made by those capable of making them, like the Board of Student Advisors, and resume your two-and-a-half-year project of de-sensitizing every nerve ending in your body."

A sane, procedurally-sound solution to the "crisis" gripping the Law School Council would involve adopting the World Wrestling Federation's method. Lock both Marie-Louise Ramsdale and Michael Twomey in an iron cage and allow only one to come out. It's fair, it's quick, and it's painless for the rest of us who have chosen not to burden ourselves with involvement in student government here because we believe that it merely serves as a tool of false consciousness—an illusory escape valve for student hopes and ambitions to create a better

place to live while really legitimating the central power structure of the law school. Or, perhaps we would rather drink at the Pub. In either case, Todd, your sanctimonious preaching just gets on my nerves as well as all over my fingers with that lousy ink, so cut it out.

Most ridiculous of all, Todd thinks that by holding up the recently graduated Peter Cicchino '92 as a messianic exemplar of virtue and integrity, a pillar of sanity in a strife-torn world, he can gain credibility for his own half-baked ideas. Wrong! Mr. Cicchino was a wonderful speaker, but we all know how words can be twisted to achieve the devil's work. Hartman himself—ostensibly a writer—should well know that. If Todd wanted to convince me that Cicchino should be elected Ames Moot Court Champion of the Cosmos, he'd get my vote. We all know that Moot Court is sad consolation for Law Review-wanna-be's anyway. But, you cannot vote for virtue. Not even as a write-in candidate. They just throw out the ballot and start sending you threatening mail.

Instead of passing off his pseudo-liberal, pseudo-P.C., pseudo-intelligent views off as reasoned commentary, Todd Hartman should take a good look at himself, if he can stand it and find a strong enough mirror. Those of us who've known Todd for some time now can only look in wonderment at the sad creature he's become. Smoking several packs of cigarettes a day,

Hartman seems on the verge of coughing up large, blood- and tar-soaked alveolic portions of his lungs at any instant. If the thought of that didn't make you sick enough, I ask you to remember his sad, overwrought performance in "The Malfaised Falcon" and to question whether this is not someone who needs help... immediately. In fact, if I were a more violent person and bigger than him, I'd really teach Todd a lesson...with my fists!

The Bible says, "Will you steal and murder, commit adultery and perjury, burn incense to Baal and follow other gods you have not known, and then come and stand before me in this house, which bears my Name, and say, 'We are safe'—safe to do all these detestable things?" (Jeremiah, 7: 9) I ask you, Todd Hartman, the same question for I think I know what your answer must be.

Now, go away, or I shall taunt you a second time.

Yours truly,

Rob Rader '94

Editor's Response:

Dear Rob,

Have you nothing better to do?

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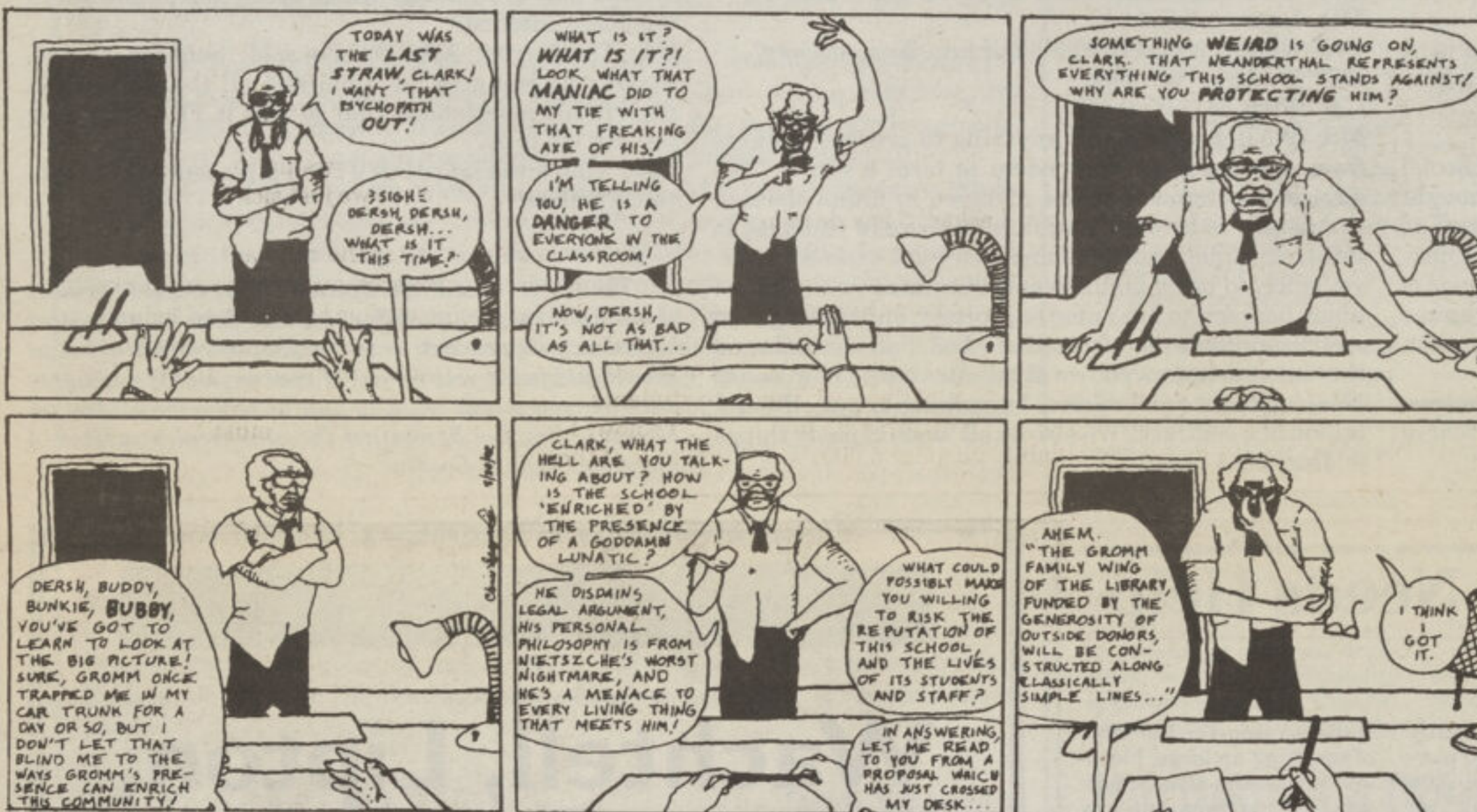
Liabilities

By Paul Taylor



GROMM: Barbarian at Law

By Chris Spagnoli



HOROSCOPES

By Rosie Cosentino

ARIES March 21-April 20: Restlessness starts your weekend, things seem to be going wrong. Relax, take a deep breath, it's only your enthusiasm running wild. A time to be noticed and honored. Let family baby you. A raise or expansion in work.

TAURUS April 21-May 21: Part time work could turn into full; co-workers find social activities more important than a job. Don't make judgments, they can come back to haunt you. Taking things personal can make you look bad. Smile and let your psychic side guide you.

GEMINI May 22-June 21: An unexpected trip can deplete your finances. Having friends over will cheer you up, and will help you straighten up. Music and dancing and some paint can work wonders. Study hard. This week you'll find it hard to concentrate. What you learn now will be of great value in a few weeks.

CANCER June 22-July 23: Keep your temper in check. You can go around the family situation by not talking so much. Telling the truth to a friend could help them make the right decision. Work allows you a social outlet and some fun. Don't take life so seriously.

LEO July 24-Aug 23: Stomach troubles due to worries. Be the child; let yourself play and mix studies with pleasure. You can take that trip or picnic. Just take your books and have a friend read to you. Avoid major purchases right now.

VIRGO Aug 24-Sept 23: Try something new. Returning to a place of fun could be a disappointment. Boredom can make you tired and restless. Work is a good cure or maybe catching up on your letter writing. Don't lend money or time.

LIBRA Sept 24-Oct 23: Good marks in school make you feel like celebrating. Just don't over do it. Your values will be tested now. Play politics, but be an individual. Stand up for your rights in a philosophical way.

SCORPIO Oct 24-Nov 22: Writing an article now can give you notoriety. Give a speech or an interview. Your intuitions are very strong and your advice to friends and relatives could be surprising. Luck comes from the South East.

SAGITTARIUS Nov 23-Dec 21: As you increase your ties to groups and projects, your social recognition in the community will much improve, and so will your finances. Friends will be jealous of your successes. Watch your driving. This is a week to walk.

CAPRICORN Dec 22-Jan 21: Exercise, it relieves tension. Friends can be enemies now. Beware. Trouble with morals and politics. Beliefs need to be put aside and look at the practical side. You can't change the world.

AQUARIUS Jan 22-Feb 20: Worry over health and work for yourself and others can make you old quickly. Action cures fear, play cures stress. Go to the movies, take a friend. Try running or just yell and scream until you feel better.

PISCES Feb 21-Mar 20: Marriage, business partnerships can be just what the doctor ordered. A change of plans for the better. Old friends coming back can help you make a decision. Being your own psychiatrist doesn't work.

For personal consultations contact:
Rosie Cosentino
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NEXT ISSUE:

Sexual Harassment at HLS

Professor Derrick Bell Speaks

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Wish They All Could be California Firms

By Alysse MacIntyre

RECORD Columnist

I wrote this last year, but chose not to print it I think because the trauma was still too fresh. A year later, I have three additional comments: I just accepted an offer with the firm whose partner espoused "Better Living through Litigation." In fact, the same attorney took me out and got me ripping drunk before my exit interview. A year later I am truthfully able to say that I do intend to go into litigation — yet another example of my life imitating my art (God, it's frightening to be me some days). Finally, I am no longer embarrassed to be seen dressed in Ann Taylor.

We at the Harvard Law School tend to be as cool as cucumbers, it's true. So its with no small amount of embarrassment that I say that the whole interviewing season has me on the verge of a nervous breakdown. I feel like I'm going out on a limb by admitting this. I fear that no one else out there will understand what I'm talking about. But, of course, that's how I feel about most of my columns.

I spent most of the month fatigued and barely able to hold food down. For a brief moment I was struck with the fear that I could be pregnant. But then I remembered that, drat it all, such a thing could not possibly be the case. That's when I knew that I was suffering from interview stress.

Day #1 in the Charles Hotel, I hid in the ladies toilet, fussing with my makeup and calming my nerves before I went to the elevator to catch the car going up. Ding! The door opened. It was all my former section-mates, looking stern and wearing suits. I might have laughed my ass off, but I didn't want to mess up my make-up. Seeing my classmates in suits reminded me of playing dress-up as a kid. Only instead of playing "You be the mommy and I'll be the daddy," it was "You be plaintiff's council, and I'll represent the defense."

I learned a lot through the course of interviewing that I want to share with others. A shy suggestion in

interview #1 that I might be considering litigation went over so well that it built up steam and gathered a life of its own. Suddenly I was sailing into interviews announcing my interest in their litigation department because of my commitment to litigation. Deep in the back of my mind I heard myself thinking, "Oh my god, that's my voice!" At any rate, it really worked.

The other thing I learned is that my pumps that look like pumps but feel like sneakers don't. But on the other hand, they aren't as bad as most pumps that look like pumps but feel like torture devices. At any rate, I have become a master at walking on Cambridge brick side walks in them, certainly a valuable skill I will be adding to my resume.

The most sage wisdom I have acquired from an interviewer? Easy. "Better Living Through Litigation!" I suggested that we adopt it as a license plate motto. Much more catchy than Idaho's famous potatoes, much more accurate than calling New Jersey a garden state.

An early interviewer complained to me of the quality of

interviews. He complained that everyone was so worried about getting a job that we're being evasive, trying to give neutral answers calculated not to offend. He complained that we were generally avoiding taking any definite stand. Easy for him to say. He's got a job.

At any rate, I took this to heart. So in my next interview I asked, "Why do men outnumber women in your firm 2 to 1?"

He said, "Oh, look, our time is up! Next!!"

Next interview: Me: "I worry about balancing a law career and a family."

Them: "Oh, look, our time is up! Next!!"

And so then I caught on. Me: "I love the law! The law is my life! I can't wait to be a happy corporate bunny! You won't mind if my billables surpass 5,000, will

you?"

Them: "When would you like to fly out?"

The only thing I think an interviewer could reasonably tell about me in 20 minutes is that my suit is very expensive. I have never in my life spent so much on an outfit that I would be embarrassed to let my friends see me in. Once upon a time, I had half my head shaved, and my remaining hair was dyed green. Today I am making Ann Taylor a rich woman. I will never live it down.

The irony in all this cannot be underestimated. I once detested Ann Taylor clothes. I would hyperventilate even to walk by Ann Taylor. Once upon a time I had a boyfriend who had gone out with a woman before me whose sole career aspiration was to have a job where she could wear Ann Taylor suits. She didn't know what kind of job, but she was sure about the Ann Taylor part of it. As hip, artsy urban types dressed all in black we laughed heartily at this. Now I stand there and say, "Don't forget the earrings, and put it on my Ann Taylor charge."

It's been a tremendous amusement to me that in the early weeks of this month of trauma everyone wore black or navy. Everyone. You could have embroidered The Golden Arches on our lapels, we looked so uniform. By the end of the month the guys were wearing bow ties and women were in suits all colors of the rainbow. Where did this devil may care attitude come from? Were we more confident as the interviews wore on? Were we just sick of it all? You can bet I was.

After it was all over, after the call backs and offers & an acceptance, I experienced a sense of relief previously unknown. In the hour after I gave my acceptance, I passed at least 5 really good looking guys in the Hark. Then I stepped outside and saw DBC actually talking to students.

I know, I know, you're right — it must have been another of those pesky acid flash backs.



The most sage wisdom I have acquired from an interviewer? Easy. "Better Living Through Litigation!"



It was almost unreal. Fenno was actually having a good time with one of his sister's friends. All week he fretted that dinner would be little more than bean curd and a lecture about the Amy Carter Legal Defense Fund. Instead, he was actually enjoying himself, and from what he could tell, so was Holly.

They had compromised on the food. He wanted Charlie's Kitchen, she wanted a vegetarian stroller. Instead, they went to The Border. He had the beef burrito, she had a salad. Sure, it cost him a little more than Charlie's Kitchen, but, hey, this was a big night. Besides, he still had some expense slips from his firm last summer.

After dinner, she suggested Shays for a glass of wine, he proposed the Boathouse and a few Buds. Again they compromised, this time on the Black Rose. All night they drank and swapped stories about his sister — her stint in El Salvador as a guerrilla leader, her six month trip to the Congo to learn about tribal mating customs, her year on a Maoist commune in Oregon, etc., etc.

Fenno couldn't help but think this was love at first sight. He knew it was time to make his move, but he wasn't quite sure how to approach it.

"Hmmm," he thought to himself, "Holly's a mature, intelligent woman. She'll never fall for the lines I used on the paralegals this summer. What to do? What to do?"

Eventually, an idea came to him. "For one of my sister's whacko friends," he said, doing his best to be nice, "you seem pretty normal."

"You know" she responded, "for a white male, eurocentric, fascist, sexist, homophobic, pig you're not too bad yourself."

"O.K.," he thought "you're on a roll kid, don't blow it."

"You know," he said, trying to sound concerned, "it's getting late. Do you want me to call you a cab?"

"Why?" she replied, gazing into his eyes, "aren't you going to ask me back to your place?"

"Yes! Slam dunk!" Fenno thought to himself. "O.K., O.K.," he thought, "keep cool, don't blow it now."

"Well," he replied, trying to sound a little shocked, "I hardly know you. If I slept with you tonight, why, that would be objectifying you specifically and all women generally." Crossing his fingers he added what he hoped would be the coup de grace "I could never do something that insensitive."

"Oh," she replied, "I thought you were looking for a good time, because I certainly was." Getting up to leave she added, "It's too bad you're so sensitive Fenno, we would have had a great time. Catch ya' round."

"Wait a minute!" Fenno cried. "This isn't fair. I thought women were looking for sensitivity, kindness, tenderness. What the hell is going on here?"

"Welcome to the Nineties, kid," she said walking away.

As Fenno sat there with a \$50 tab and a half-empty Guinness in front of him, only one word came to mind as Sean O'Burke O'Mally blurted out the seventh verse to "Hello Patsy Fagan."

"Shit."

Quote of the Week

"I only get this big office because I raised all the money to have this building built."

—Prof. Milty Katz

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Jumping on the Family Values Bandwagon

By Rich Wareing '93

RECORD Columnist



FOR the last eight weeks, one set of candidates has been screaming "family values" all across the country. Meanwhile, the other side has screamed "value families." Nobody, however, has bothered to explain to anyone what the hell any of this means, and while the country burns, the politicians fiddle.

If you get behind the sound bites, though, you can see that there is something very wrong. The other night, for instance, I was sitting in the RECORD office working. Since I was the only one around, I figured I'd turn on the radio for some company. I eventually settled on one of Boston's two big rock 'n roll stations. The evening DJ called his show the "Sex Palace," and between songs entertained calls from people who offered their opinions on a variety of sexual practices you don't exactly learn about in high school health class. Now don't get me wrong, if you want to share the intimate details of your private life with the entire Boston metropolitan area, that's your business, though for the life of me, I can't figure out why anyone would.

What did piss me off, however, was that the DJ brought in a bunch of high school cheerleaders to do some promo cheers for his show. Basically, these cheers had to do with what these sixteen and seventeen year old girls supposedly wanted this DJ to do to them. When they were done with the promos, he brought them into the control room and proceeded to interrogate them about their virginity, or lack thereof, and how far they let their boyfriends go on Friday and Saturday nights. Eventually, he sent them on their way, encouraging them to go out, get a six-pack and a jar of Vaseline, and find someone to "rock their world."

What in the hell is this country coming to when somebody can pry from a sixteen year old girl the intimate details of a hot date at inspiration point with a hundred thousand people listening and be thought clever and cool for doing it? What the hell is this country coming to when he can encourage her to go out, get cocked, and get laid, and have no one do so much as bat an eyelash in response?

Look, enough is enough. It's one thing for adults to talk about and do various things. It's a whole new ballgame when somebody pressures kids and encourages them to go out and act irresponsibly. What was this idiot thinking? Aside from minor complications like pregnancy, VD, and AIDS, didn't this clown realize that encouraging teenage girls to go out get smashed and sleep around is not exactly the way to develop, mature, responsible, adults? While he was at it, why didn't he just bring in their boyfriends, hand them some heroin, a needle, and a Saturday night special and encourage them to go out and have a good time? It's outrageous, absolutely outrageous.

What's really disturbing about this situation is that somewhere out there are a bunch of idiot parents who let their kids get into situations like this and don't think twice about it. Products of the "if it feels good..." generation, these people probably figure that setting boundaries for their kids would stifle their creativity. Either that, or they're so caught up with Dallas reruns on cable that they can't take five minutes to find out what the kids are up to. Either way, I'd like to tell these people something. You stink. Because of people like you, we have a generation of kids without values, standards or a clue. Thanks a lot.

Stuff like this makes me want to vote Republican, which I would, except that those guys are so out of it that they haven't yet figured out that "Leave it to Beaver" social policy doesn't work these days. When a growing number of kids are born into poor single family households, and many traditional families are forced to seek a second, or even third, income to make ends meet, invoking images of Normal Rockwell won't cut it. It's like my great-grandmother said — "When money goes out the window, love goes out the door."

Anyway, It's an election year, so everybody screams, yells, and jumps on the family values bandwagon. Of course, nobody intends to do anything about it except preach. It makes me want to puke.



Students vote in Law School Council Elections.

RECORD Photo / Josh Friedman

LSC Elections Stir Controversy

continued from LSC, page 1

published in the *Crimson*, Raul Perez '94, the Council's administrative vice president and election commissioner, asserted that the allegations of ulterior motives are, "paranoid balderdash." Perez indicated that "They expect this phantom movement to take over the Law School Council."

LSC Executive Vice President Enu A. Mainigi '94 counters that the executive board extended the deadline, "for the opportunity to organize candidates from the 'left' to run." She goes on to assert that the action of the Executive Board was, "constitutionally questionable at best," and fears that this kind of political maneuvering will undermine the ability of the council to rebuild the Law School community after the turmoil of last semester.

Last Spring, CCR members and other activists staged several high-profile events which brought attention to the Law School's hiring practices and lack of faculty diversity. The political contest for Executive Board seats saw unusually high turnout and the election of several of those students, including Perez and Council President Marie-Louise Ramsdale.

In the Wednesday and Thursday elections, students selected 16 members for the Law School Council. The Executive Board positions and the remaining council seats are filled in the Spring election. The results were not available at press time.

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Inside the Administrative Board

continued from AD BOARD, page 2

report to the faculty, only 12 out of the 125 cases that came before the Board for that period involved disciplinary matters. The number of cases handled in 1990-91 is unavailable, Richardson said.

Shapiro said the Board is a reactive entity, relying for disciplinary matters on complaints or petitions against specific students brought by other students, faculty, or members of the community at large.

The Board then follows rules of procedure set out in a statement available from the Dean of Students or the Registrar in deciding whether to administer disciplinary action in particular cases.

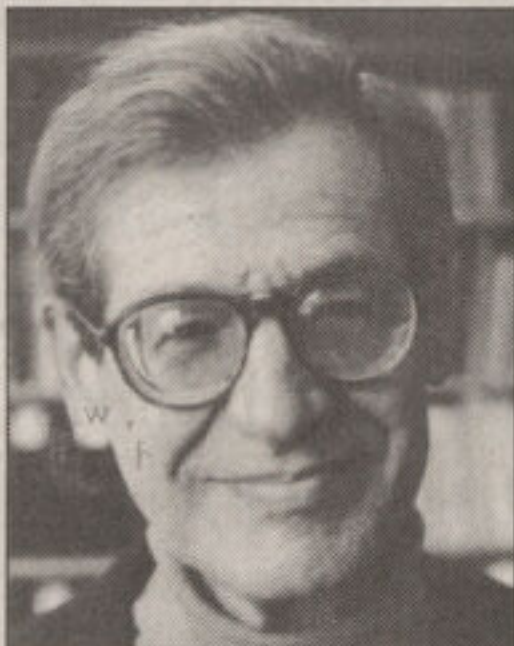
Cases in which the Board recommends dismissal or expulsion must be approved by "at least two-thirds of the

members of the Faculty present and voting at the Faculty meeting at which the recommendation of the Administrative

Board is considered," according to the Board's procedures.

Eight members — three faculty members, three student members, and two administrative members, whose names are recommended by the Dean to The President and Fellows of Harvard College for approval — comprise the board.

Current Board members are Shapiro, Professors Arthur Miller and James Vorenberg, Dean of Students Sarah Wald, Registrar Sue Robinson, and students Barry Langman '93 and Dorothy DeWitt '94. A first-year student is to be appointed soon to the remaining student member slot.



Prof. David Shapiro

Woody Allen Meets the Mohicans

By David Lopez

The first movie I saw was Woody Allen's *Husbands and Wives*. I had to see this one because of what happened with Woody's so called personal life over the summer. Let's just say that Woody Allen and I have one thing in common. We both like women in their twenties. I wanted to see if in this case life imitates art, or art imitates life, or what.



In Woody's case, the line blurs because you can't tell whether Woody is writing about his fantasy life, his real life or whether it's a mix of the two. *Husbands and Wives* is about two couples. One couple breaks up and ends up getting back together and the other breaks up and doesn't get back together. In the meantime, everyone has an affair with someone, it's like a rule.

The best part of the movie is the way it's set up. Woody has Mia play this passive-aggressive martyr who forces a breakup by blaming it all on the other person but really she's manipulating the whole thing. Then he has Juliette Lewis, who plays a young college student, hit on Woody's character, a professor. She asks him up to the apartment after he gives her a ride home, she invites him to her birthday party. Then, at her party, there is a big storm, the lights go out. Woody and Juliette are alone in the kitchen. Woody pulls a present out of his jacket; it's a music box. She loves it and asks for a kiss, Woody kisses her on the cheek and she has to keep asking and asking for a real kiss. Yeah, right. Who's being passive aggressive now?

But then again, you never know. I feel like the guys of *Wayne's World* in front of Alice Cooper when reviewing a Woody Allen movie: "I'm not worthy, I'm not worthy." Tony Roth tells me you have to be a New York Jew to really understand Woody Allen. There's a whole culture behind it. Me, I didn't even know Woody Allen was Jewish.

I had to watch the movie, though, because it was kind of a human nature thing. What can make a man go out with a girl that was adopted by his significant other? What can make a fifty-four-year-old man go out with a twenty year old? Woody's answer is that it's the heart, it's passion. "The heart doesn't know from logic" he says as his hands move in stereo, up to the head, down to the heart, fluttering back and forth. Yeah, I can understand that. Like I said, Woody and I have one thing in common. But I figure it also has a lot to do with the nature of aging.

I mean, face it, men and women age differently. Women look great when they're young and guys are bony, scrawny teenagers, and it turns around when guys are in their fifties. They look well worn while women look like Barbara Bush. No matter, guys catch up sooner or later. Woody's first social security check will arrive in fifteen years, and the heart won't know from logic.

The next movie that sucked was *Last of the Mohicans*. Somebody told me it is a good date movie; yeah, well it

depends on the date. Daniel Day-Lewis plays a white guy that has been adopted by the Mohicans. Unfortunately, in real life, the Mohicans fought for the French. I was willing to overlook that, you can't let reality get in the way of a good movie. But this movie was just so off it started to bother me.

What bothered me most about the movie is the way it glorified the American settlers at the expense of just about everyone else. There was an evil Indian tribe, the Hurons, and evil armies, the English and the French, and the American settlers were the only ones sensible enough to just defend their homes and raise their families. Awww. It just brings tears to my eyes.

It bothered me, too, that the Indians of the era were more or less sidekicks to the colonial powers. Right. More like the other way around at the time. In fact, the only reason that the colonists, both the French in Montreal and the English in Boston even survived against the Indians was because they had guns. Pure and simple, they had something to offer. The English and later Americans had it easier because they were quick to ally themselves to the powerful Iroquois confederacy. These guys nearly wiped the French and their allies out a number of times in typical Indian fashion — guerilla-warfare-type ambushes where they would kill the men, women, kids, and probably the pets.

So this movie shows the French winning. Didn't happen. It had the Hurons wiping out American homes. May have happened, but usually in retaliation since the Iroquois were far stronger. It also showed the French inciting the Indians to violence. An old American myth, actually. The truth was closer to the other way around. Colonists frequently got involved in area politics because the Indians had little sympathy for neutrality.

A few things seemed realistic about the movie. Honor was a big thing back then. A way to test an enemy's honor was to torture them. The torturee was supposed to chant their death song and hurl insults at the torturers. Then they would die a warriors death. If instead they pleaded for mercy or something, they would cut you up and eat you. Cooking someone slowly was pretty common as well.

Still, even if you didn't know how messed up the movie was historically, you still won't like it. It tries to be two things, a love story and a war story. I think it scores well on both, but it's kind of hard to switch back and forth. Daniel Day-Lewis goes after the girl with a singlemindedness of a Lincoln's Inn initiate. He changes all his plans the minute he sees her. He meets her after saving her life, and they share moments under the stars, and they gaze into each other's eyes; he goes through all kinds of hardships to be with her, and to me it was pretty much believable. The only problem is that it's in a middle of a war, so the minute you think "oh, how cute" when they are falling in love, you see someone's heart being cut out in a scene worthy of *Night of the Living Dead*.

Finally, to totally destroy the movie, the ending sucks. I don't want to give it away in case you want to see it anyways, but watch it and tell me if it doesn't end right in the middle with nothing resolved. Plus, can someone tell me what the thing was with the sister? Can you say non-

Ross Perot: The Earl of Dallas

By David S. Clancy '95

RECORD Columnist

COMPARISONS of Ross Perot with politicians of the past—Teddy Roosevelt, Winston Churchill, Harry Truman—ceased in July with the apparent end of his strange Presidential candidacy. But now, a less obvious comparison becomes appropriate: Perot as a modern-day Richard Neville.

Neville, Earl of Warwick, was a fabulously wealthy and fiercely combative English baron of the fifteenth century—a renegade who fought and intrigued to influence the political fortunes of several aspirants to the British throne, and achieved renown as "Warwick the Kingmaker."

There is compelling evidence to support a Perot-as-Warwick hypothesis—that Perot, despairing of his chances to win the White House for himself, will instead assume the role of "kingmaker" and attempt to influence the fall election in favor of Bush or Clinton.

It's even possible this was Perot's plan from the start—that he thrust himself into the national limelight never really hoping to occupy the Oval Office. After all, he repeatedly warned that he'd run only if his supporters placed him on all 50 state ballots, and then undermined his own campaign when that Herculean task was halfway to completion.

Perot looks like a campaigning politician, and so he is. But he's campaigning for kingmaker, not President—and the crowning glory of this campaign may well be a decisive endorsement of Bill Clinton.

But Perot is still politicking out of his Dallas headquarters, and it's this more recent activity which is most suspicious. Soon after dropping out of the race in July, Perot encouraged his supporters to stay organized. He then ordered that his Houston phone bank remain operational. In August he published a 118-page paperback political platform—*United We Stand, How We Can Take Back the Country*. In recent weeks he's stepped up the frequency of his television appearances, and talk of a resumed candidacy is in the air.

What's up Perot's sleeve?

The story, it seems, is that Perot is making subtle but vigorous efforts to retain a critical mass of political viability. If so, he's been successful. The skeleton of a campaign organization, and a continuing refusal to quell doubts about his status, is apparently all it takes to keep Perot loyalists loyal. An ABC-Washington Post poll recently found that Perot still has roughly 17% support in the national electorate.

Ross Perot is still a key actor on 1992's political stage, but playing what role?

That of the once-and-future Presidential candidate? Perot *could* use his carefully maintained support as a launching pad for a fast-paced late-season campaign, a kind of political version of the commando operations he loves. But a successful Perot campaign is unlikely. Perot himself, a student of American history, knows what happens to independent candidates—they lose.

A stronger possibility is that Perot, neither fully in nor out of the race, is scheming to influence its outcome. He's playing the role of the *eminence-grise*, a figure who wields power without office.

Perot's power derives from his control of a significant percentage of the electorate in what may still-given Bush's scrappiness and Baker's helmsmanship—become a close contest. The Bush-Clinton margin *was* unprecedented, but Republicans hope that by election day it will probably have clear historical precedents: Truman-Dewey '48, and Kennedy-Nixon '60.

Late in the campaign, therefore, a dramatic and well-orchestrated Perot endorsement could be a watershed. In late October he may well control more votes than the amount separating Bush and Clinton—by handing this bloc of voters to either candidate, Ross Perot could decide the election.

And which candidate stands to benefit from a Perot endorsement is no mystery. The subtext of Perot's aborted early-summer Presidential campaign was his vendetta against Bush, arising from an animosity both personal and political. A difference of opinion on how to handle Perot's pet project, the MIA-POW issue, created a personal rift between Perot and Bush. But it's only become clear recently that there is also great *political* distance between them. Perot scorned Republican proposals for a new round of tax cuts as "aspirin for cancer," and called the lavish Republican Convention evidence that the administration is "out of touch."

Any remaining uncertainty as to whose side Perot is on, and whether or not there is a pattern to his intensifying political activity, was cleared up during the Republican convention. With Clinton keeping a low profile, Perot took it upon himself to take the wind out of the GOP's sails, with cryptic intimations of a resumed Presidential candidacy, no-holds-barred anti-Republican barrages, and the "coincidental" publication of his new book on the exact day of Bush's acceptance speech.

Perot looks like a campaigning politician, and so he is. But he's campaigning for kingmaker, not President—and the crowning glory of this campaign may well be a decisive endorsement of Bill Clinton.

The Earl of Warwick's big moment was a 1460 rebellion in which he "stage managed the 'popular election' of Edward IV, after defeating in battle an 'apathetic' Henry VI." One historical account reads that "Warwick's rebellion showed how wealth...and public dissatisfaction could be combined to seize the seat of government."

The Earl of Dallas's "rebellion" might still do the same.

New Legal Services Center

continued from SERVICES, page 1

from 75 to 90 by next fall. HLS students work side-by-side at the clinic with a full-time staff of 25 lawyers and paralegals who work with poor clients from Jamaica Plain, Roslindale, West Roxbury, and parts of Roxbury, Dorchester, and Mattapan.

Students typically work on legal problems involving family law, landlord-tenant issues, benefit and entitlement questions, immigration and consumer problems, and estate and probate-related disputes. Since its inception, the center has provided exposure to the legal system for over 1,000 HLS students. The students, in turn, aided the center staff in providing legal assistance to almost 20,000 clients many of whom would have otherwise not received the legal assistance they needed.

For the clinic supervisors, the importance of the Hale and Dorr contribution goes beyond moving from run-down rental space into more comfortable accommodations. "This donation was extremely generous because it has enabled us to feel like a permanent part of Harvard's clinical program and a permanent part of the community," said Cheryl Burg, the center's Executive Director. "This donation demonstrates to the staff that the legal services and the legal education that we give are valued."

According to Burg, the new location will be ideal for the Legal Services Center. Right now the center is on Washington street in the middle of a business-oriented district. The new location is just across from the Stony Brook subway station in a more family oriented community which is home to many of the center's clients. The larger facilities will also enable the center to bring more of its activities on site. The center currently has a grant from the AIDS Action Committee to help HIV positive clients

with their legal affairs that will be based out of the new facilities. Also, there are plans to expand the paid services that the clinic offers to local residents who need legal help but cannot afford to hire a regular lawyer.

The center has been in a rented building since 1980. Three years ago the directors went to HLS Dean Robert C. Clark to inquire about new rental space. The dean suggested that the center look for a building to purchase, and he included funding for the building as part of HLS's capital drive. On November 22, 1991 Hale and Dorr announced that it would fund the project.

"Hale and Dorr is delighted to support the Harvard Law School's comprehensive campaign in a way that combines two of the firm's long traditions: charitable giving to law schools and effective legal services to the less fortunate in our community," said John Hamilton '60, Hale and Dorr's managing partner.

Hamilton and John Cogan '52, Hale and Dorr's chair, were instrumental in getting their firm's support for the effort.

The center has been growing progressively closer to Harvard Law School. The original founders were Gary Bellow and Jeanne Charn, both of whom are on the Law School's teaching staff. When the Reagan administration cut off funding for the center in 1982, former Dean James Vorenberg authorized an increase in the funding so that in conjunction with the Greater Boston Legal Services, the center was able to continue representing clients and training law students.

According to Burg, Dean Clark has been especially supportive. As of last year, the center receives \$900,000 annually from the Law School, including the salaries of the center's permanent staff members. Center directors assert that Clark's efforts will make the center and the Harvard students a key part of the Jamaica Plain community.



Michael Twomey '93 does repair work on Lincoln's Inn ceiling.

Lincoln's Inn Rejuvenated

continued from INN, page 1

license. But like recent political candidates, the Inn has since made a sincere comeback.

In February, the Cambridge Licensing Commission unanimously found no evidence of a violative gathering in response to Rodwin's allegations. The Inn then spent the summer completing over \$20,000 in renovations to make the club safer and more resistant to noise. With the improvements now complete and neighborhood relations improved, the Inn should have their license granted by the end of this week.

"A lot of trust was destroyed in past years," warned Ellis Butler '93, Neighborhood Relations Director for the Inn. "We have to prove that we can be good neighbors."

Although the club can now legally have large functions, Bill Steinman '93, chairperson of Lincoln Inn's Board of Governors, asserts that the board is, "weighing very seriously if we want to have late night functions, regardless of the fact that it is perfectly legal, because

this has been the thing that has caused problems in the past.

"Our hope is not to return to a practice of arrogantly using the house however we want and whenever we want," confirmed Butler, "but rather being responsible neighbors and including the neighbors in our activities and our discussions."

"The changes in Lincoln's Inn this year involve more than just making it legal. They involve trying to increase the number of women members and trying to make it a more welcoming place rather than a place where people will feel alienated," asserted Steinman.

Based on the Inn's most current numbers, the Inn's membership will be up in both quantity and diversity. According to Steinman, the new 1L members are the "most diverse in the past ten years." Such internal changes, in addition to the structural ones, should insure the Inn's future at HLS will be a healthy one.

As Steinman concludes: "We want to poise the institution to grow well into the next century and be an integral part of Harvard Law."

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AT

THE CHARLES HOTEL

Changes Planned for the Appointments Committee

continued from **FACULTY**, page 1

the community because Kennedy's tenure on the influential committee lasted barely a year. Glendon had served on the committee as its lone woman for more than three years.

Dean Clark was pleased with the work the committee did last year and is hopeful that it will have a good year this year as well. Last year, according to Clark, the committee "did a tremendous amount of work and did it well." Clark added that the committee is "actively considering recommending women and minority" candidates this year, hinting that diversifying the faculty is something of a goal of the committee.

However, the appointment of Professor Fried already has met with protest from some parts of the student body, which claim that his appointment was an antagonistic move by the Dean, belying the hopeful intentions expressed in his September 8, community building letter.

Fried's perceived status as an aggressive right-winger is partially fueled by his decision to seek disciplinary actions against the "Fried Four," the students who staged a silent protest in his office last spring. Many students have a hard time accepting the notion that someone who so obviously contributed to last spring's divisiveness can serve with the disinterested detachment necessary to further the committee's objectives.

Ronald Sullivan '93, President of the Black Law Students Association expressed his frustration saying, "Fried is an exemplar of everything students have fought against for the past twenty-one years."

Elizabeth Moreno '93, member of the "Griswold Nine" and former co-chair of the Women's Law Association, concurred with Sullivan. "[It is inconsistent for Dean] Clark to claim he wants to heal the Law School community and then put Fried" on the Faculty Appointments Committee. Moreno continued, "And to say that Professor Sullivan's appointment will serve as a balance to Professor Fried's is not true because he is such an extreme conservative."

Professor Fried countered by saying that he hoped to "make a fair number of good appointments" this year. Moreover, though he evinced a commitment to the goal of a diverse faculty, he qualified his endorsement by noting that "different people have different views on what 'diversity' means." He further asserted that the Committee and Harvard Law School have a good record on hiring because "over the last ten years, almost half of new hires have been women and minorities."

According to figures obtained from the Law School Communications Department, since 1981, there have been seven women and five African-Americans hired for new tenure and tenure-track faculty appointments out of a total of twenty-nine such hires.

Professor Sullivan welcomed her new responsibilities and implicitly expressed hope for diversifying the faculty. "I hope

to work together to bring the best people we can to Harvard. There is a fabulous amount of legal talent in the groups that are currently under-represented at Harvard, and I hope we are successful at bringing that talent to the School." She denied that Professor Fried was a poor choice for the Committee. "He is a very broad-minded man. People shouldn't be so quick to stereotype."

Professor Paul Weiler, Committee Chair, defended the Committee's work. "The [Faculty Appointments] Committee has invested an awful lot of time and effort to try to find as broad a range as possible of women and minority candidates. We have had a considerable degree of success in the past, and I am confident we will have continued success this year."

The five person committee consists of Committee Chair Weiler, Dean Clark and Professors Fried, Sullivan and Randall Kennedy.

Students Add Their Voice

At the urging of the Law School

Council and in an effort to improve student relations with the Committee, the administration created the new advisory body to meet on a monthly basis with the appointments committee and voice student concerns over the hiring process.

The seven member committee will consist of students chosen by the executive board of the Law School Council.

Dean Clark is hopeful the committee will have a good year. Last year, according to Clark, the committee "did a tremendous amount of work and did it well."

Council President Marie-Louise Ramsdale '93 said the group is "an outgrowth of informal meetings we've had for the past two years" with Dean Clark. She said that the members will act as emissaries from the student body and will report regularly to the full council.

The committee represents the Council's most significant step in its continuing efforts to ease tensions concerning faculty diversity. Other council actions include the coordination of a diversity forum for 1Ls during

orientation and the inclusion of two students as advisors on the committee to find a successor for Dean of Students Sarah Wald, who will be resigning this month.

But Council Executive Vice President

Enu A. Mainigi '94 voiced doubts that the committee member's agenda will actually reflect the concerns of most students. As a member of the five person executive board that reviewed the applications, Mainigi observed that "the student representation is leaning to the left."

But Mainigi added that in light of last semester's turbulence the committee will play an important role on campus.

"I hope it will get some student concerns voiced to the administration in yet another way," Mainigi said, although she conceded that "I can imagine a scenario where they don't have much influence at all."

Greg Taxin '94, founder of the newly formed "Non-Left Coalition," also voiced approval for the new group. "I definitely think its exciting and can be quite useful," Taxin said. "If nothing else, it will civilize the debate."

But, like Mainigi, he noted the possibility that the committee will bow to a specific and unrepresentative ideological agenda.

"The question I would have is who's controlling the committee and whose voice it will represent," Taxin said.

All the students were invited to apply for membership via notes in their Hark boxes. While the selection process has begun, recommendations by the Law School Council's executive committee must be approved by the full Council and the administration before any selections will be made official.

JOB HUNT: What You're Up Against

A sample résumé from an HLS student (name changed to protect the innocent).

THEODORE HENRY CABOT, III

Current Address:
1515 Massachusetts Ave.
Cambridge, MA 02138

Vacation Address:
14 Rue de St. Exupéry
5091 Gèneve, Switzerland

Permanent Address:
3 Burke Street
Greenwich, CT 06324

OBJECTIVE: Associate Position.

EDUCATION:

- 1979-1981 Eton Academy, Devonshire, England. Junior Varsity Polo Team Captain; Jolly Good Squash Player; Cardinal Newman Ex Tempore Latin Oration Prize.
- 1981-1983 Philips Exeter Academy, Exeter, New Hampshire. Valedictorian; Salutatorian; volunteer ambulance driver; first violin, varsity chamber ensemble; Captain, Bridge Team; voted Most Personable.
- 1983-1986 Yale University, BA Ultima Cum Laude in Political Philosophy, Economics and Science. Phi Beta Kappa, Sigma Xi Plasma Stigma Magna Carta. Quarterback, halfback, fullback, and chargé d'affaires of kickoffs, football team; Captain, debate team, winner of NCAA Forensics MVP Award (Heitzmann Trophy); President, the unnamable dining club.
- 1986-1988 Oxford University, Rhodes Scholar in Anglo History. Cambridge University, Marshall Scholar in Anglo-Thermo-Quantum Physics. Crew: Team Captain.
- 1989-1992 Harvard Law School, Cambridge, Massachusetts. *Harvard Law Review* President, Chairman, Chief Executive Office, and Landmark Supreme Court Cases Editor. Sears Prize for highest first-year GPA; Sears Prize for highest second-year GPA; K-Mart Prize for most credits per tuition dollar; Faye Diploma for highest cumulative GPA; Pound Diploma for most academic prizes; Griswold Diploma for winning Pound Diploma; numerous miscellaneous prizes in moot court trial advocacy, contract-drafting, paper-writing etcetera, etcetera (see attached).

EMPLOYMENT AND LEGAL EXPERIENCE:

- 1988-1989 Associate, Goldman Sachs, New York City. Clerk, Nomura Securities, Tokyo. Intern, Kohlberg Kravis Roberts, New York City. President, Belize.
- 1989-1991 Assistant to Professor Laurence Tribe: translated *American Constitutional Law* into English. Assistant to Professor Philip Areeda: assisted in lecture tour explaining Anti-trust to Eighth, Ninth and Tenth Circuits.
- Summer, 1990 Summer associate, Sullivan & Cromwell, New York City; drafted client memoranda on new SEC and IRS regulations; established firm record, averaging 558.6 billable hours per week.
- Summer, 1991 Summer intern, US Attorney's Office, Southern District of New York: spearheaded BCCI investigation. Executive summer associate-in-chief, Williams & Connolly, DC: researched First, Fifth and Fourteenth Amendments, Delaware General Corporation Law, Internal Revenue Code, Bankruptcy Code, Uniform Commercial code, and US Law.
- 1991-1992 Supreme Court Clerk, Justices William Rehnquist, Sandra Day O'Connor and Antonin Scalia: wrote every majority opinion issued by the Court; sat-in for Justice Thomas while Clarence watched videotapes; wrote majority, concurring and dissenting opinions in *Casey v. Planned Parenthood of Pennsylvania*.

MISCELLANEOUS:

- Languages: Native fluency in Japanese, German, French, Russian, and Arabic; proficiency in Finnish, Korean and Lower Urdu; some competence in Muktuk (mountain variety.)
- Pastimes: Golf, tennis, skiing, opera, fine wines, and breeding Pit Bulls.
- Other: Willing to relocate.

Coop Rebate Drops to 1.1%

continued from **COOP**, page 1

expenses fixed. In addition, competition in music sales from newcomers HMV and Tower Records have hit the music department hard. As a result, the Coop has begun a new advertising campaign to win more student business and beat the competition with lower prices.

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