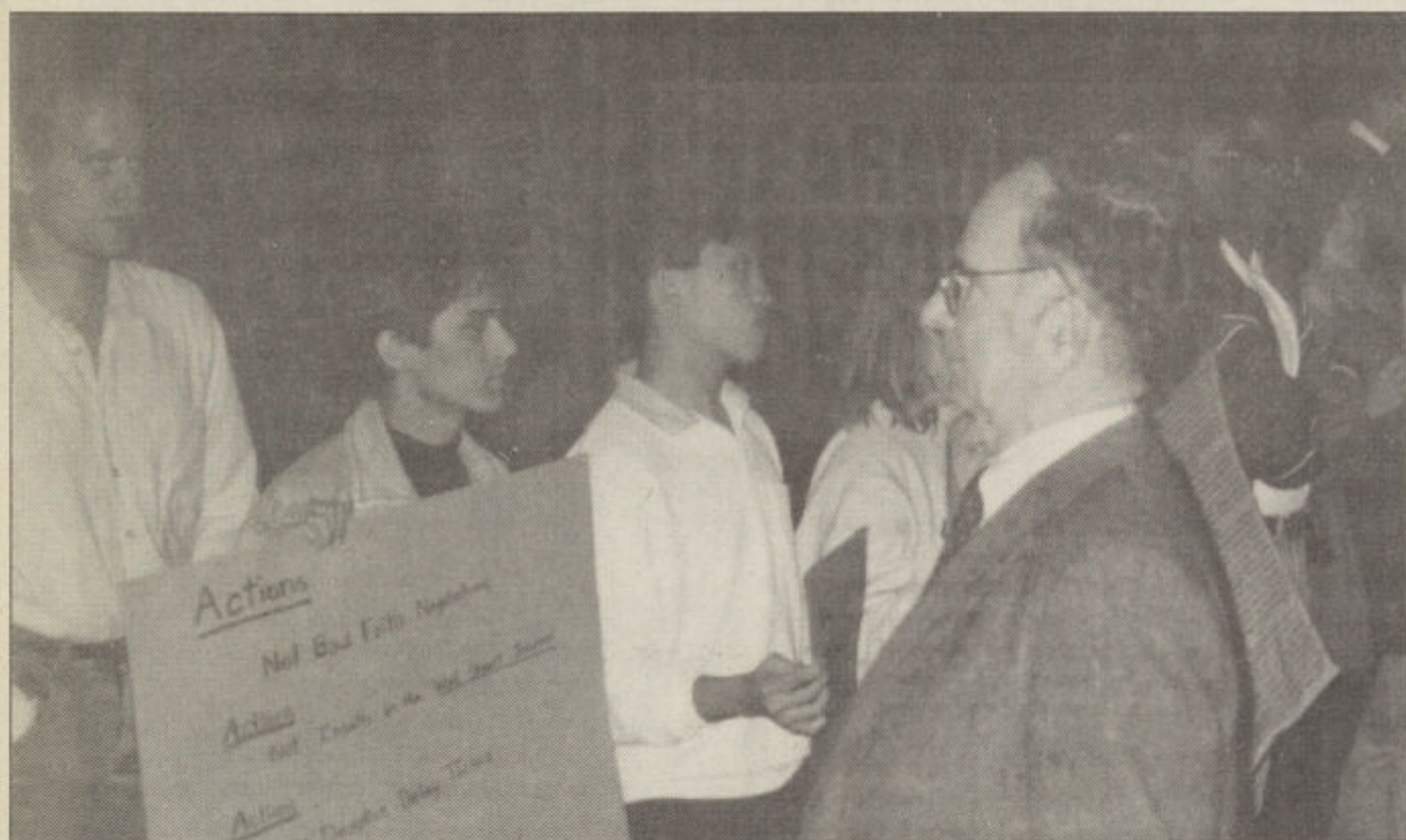




Prof. Vorenberg walks past students participating in a vigil outside last week's faculty meeting.

Students Hold Silent Vigil

Protesters Later Meet with President Rudenstine

By Rob Weissman

Students are again clamoring for faculty diversity. However, this year, they began their protests quietly — with a silent vigil.

On Friday, October 16, approximately 75 students participated in a Coalition for Civil Rights-sponsored silent vigil outside a faculty meeting in Pound Hall.

The students lined the entrance hallways to Pound 107, where the sparsely-attended fac-

ulty meeting took place. After the vigil, about 20 students marched to President Neil Rudenstine's Massachusetts Hall office in Harvard Yard, where they held a 20-minute impromptu meeting with the University president.

"We don't want the Dean to think we've gone to sleep," said Lucy Koh '93, an organizer of the demonstration. She said the well-attended vigil got the diversity movement off to a "strong start."

William Anspach '93, another vigil organizer, agreed. "We

wanted to show the issue was still alive, and students are still committed," he said.

With a new first-year class and a summer to have calmed students' anger, Anspach contended, the Dean and his allies "always assume that they can start with a clean slate at the beginning of the year." To counter that impression, "it is important to keep things going this fall, so [last year's] momentum continues and they don't think student protest is only a 'spring hormonal thing.'"

One conscious strategic choice of the faculty diversity movement is to call on Rudenstine to apply pressure on Dean Robert Clark. The students who walked to Ruden-

please see *VIGIL*, page 14

Richardson Fills in as Acting Dean

By Glennis Gill

As Sarah Wald completed her final duties and bid the Law School community adieu last week, Suzanne Richardson began filling in as acting Dean of Students.

Richardson, who has been at HLS for fifteen years, is "happy to be doing this." Noting that



Suzanne Richardson

"my entire career at HLS has been focused on students and student interaction," she continued that "it's important to me to work with students. . . I hope to be able to carry on many of the policies of Dean Sarah Wald's

office, with which I agree very strongly. These include fairness, facilitating student interaction with the administration, and making our office more accessible to students."

While acting as Dean of Students, Richardson will continue to handle about 25 percent of the responsibilities she has as Director of Student Activities. Enice Matera, an Administrative Assistant in the Dean of Students Office, will pick up the remaining 75 percent.

Richardson graduated from Boston University with a Bachelors of Fine Arts and has a Masters from the Harvard Graduate School of Education. Before becoming Director of Student Activities, Richardson spent eight years in the Clinical Programs Office, both as an Assistant and Associate Director.

Many students are already well-acquainted with Richardson and the perspective she brings to her new job. Michael J. Twomey '93, who interacted extensively with Richardson during his reign as Law School Council President, expressed regret for Dean Wald's departure but optimism for Richardson's tenure.

Twomey commented, "I'm

please see *DEAN*, page 4

Review Trustees Consider Charges Against President

Investigator to be Appointed

By Glennis Gill
and Bob Arnold

In a surprise move that escalated the drama surrounding the recent imbroglio at the *Harvard Law Review*, Dean Robert C. Clark '72 announced that the Review's Board of Trustees will "appoint a person or team. . . to investigate the principal matters now in dispute at the *Review*."

The investigator will be responsible for probing the allegations of racism, sexism and abuse of power leveled against Review President Emily Schulman '93 by some of her colleagues on the esteemed journal.

Last Friday, October 16,

Dean Clark sent a letter to all Review members indicating that the Review's Board of Trustees held a special meeting that day. In the letter, Clark indicated that the Board will seek "alumni/ae of the Review who work in the Boston area" to lead the investigation and report their findings and recommendations to the Trustees.

The Board of Trustees is comprised of Graduate Treasurer Ernest J. Sargeant '43, Professor William Andrews '55, Dean Clark, Professor Richard Parker '70, Schulman and Law Review Treasurer Sam Hirsch '93.

please see *REVIEW*, page 13

New Harassment Policy Available

By April Rockstead

For those students eagerly awaiting the new sexual harassment policy being proposed for the Law School, the opportunity to inspect and critique it is now. A draft of the report is on reserve at the Langdell Circulation Desk as of this week.

The long-anticipated proposal would subject offenders to discipline for two types of sexual harassment:

- demands for "quid-pro-quo" based on sexual advances, overtures or favors, such as "grades-for-sex" arrangements; and

- "verbal or physical" sexual conduct that "interferes with his or her academic or work performance" or "unreasonably creates an intimidating, hostile, or offensive academic or work environment."

Both types of harassment

please see *HARASS*, page 2



Some of the action at Head of the Charles last weekend.

Photo Courtesy of HLS Crew

HLS Crew Entertains at Regatta

By Todd Hartman

The 28th Head of The Charles was held this past October 18 and the Harvard Law School teams provided more than their share of surprises. While the Harvard College team was breaking records, the HLS men's and women's squads were breaking stereotypes, smiles and, well, oars.

The day began promising enough, with almost perfect weather and a semi-attentive crowd of 250,000 on hand to cheer the various

participants in between half-smokes and big pretzels. With HLS's two eight rower teams entered in the Club Eight's division, one of the first races of the early morning, both the men and women strove to make statements as only HLS students could. The women's slogan of "We'd rather Roe than Wade" was printed on their T-shirts and got more than its share of comment.

"We certainly turned a few heads early on," said Kim Robinson '93, Women's Crew co-cap-

please see *CREW*, page 7

First-Year Sections: A Method to The Madness

By David S. Clancy

The first year class this year, as every year, is split into four distinct sections with about 110 students in each. Though similarities between the sections prevail, differences do exist.

All of the sections approach the material in generally the same way, with an emphasis on case reading, and in-class discussion — often mildly Socratic — of cases and doctrine.

The sections are also similar in that none involve much writing on the part of students. The writing that is required is assigned mostly in the "Introduction to Lawyering" class, team-taught in all of the four sections by Professor Charles Nesson '63 and members of the Board of Student Advisors.

According to the Office of the Registrar, the student composition of each of the sections is roughly the same. This reflects an administration policy of assigning students randomly to sections.

Student assignments are not entirely random, though. An effort is made to achieve balance with regard to gender and ethnicity within each section, according to associate registrar Annie Bombard. The last names of students are also taken into consideration. "We don't want the 'Kims' and the 'Smiths' all in the same section," said Bombard.

Sections are also roughly alike in the nature and quality of their team of teachers. According to Associate Dean Dan Meltzer '75, an attempt at achieving balance with regard to teaching is also made. "We try to get a mixture of professors — the popular with the less popular, visiting professors with regular professors."

Despite such measures on the part of the administration to create similar sections, significant differences — along the dimensions of class structure and teaching styles — still exist.

For example, the class structure of section I is significantly different than that of sections II, III and IV in that two

are heavily Socratic. The Socratic tension just isn't there."

Miller's reputation extends even to the other sections. John Stock, a member of section IV, said Miller has the reputation of being the professor "closest to Kingsfield on the campus."

A third dimension of variation, more

to be in years when an experimental section is created, which last occurred two years ago. An experimental section usually is formed "when a group of teachers want to engage in a joint teaching project, in which general issues are pulled out of a range of courses." According to Meltzer none of the four sections this year is

good reason for changing the section," said Professor David Shapiro '57, the first-year chair.

This year's dissatisfaction rate has been normal. "There were maybe two cases this year," said Shapiro. One of the students did not want a full year course, and another disliked a particular instruc-



Prof. Todd Rakoff in action. Faculty members say contrasting styles of professors make each Section unique.

difficult to measure, is workload. While in general, first year students seem to suggest few dissimilarities in amount of reading, the conventional wisdom among section I students — probably because of their extra class — is that the average nightly workload is greater than for other sections.

Members of the administration tend to downplay such differences, holding that they devolve out of inevitable and uncontrollable variations in personality and teaching style among professors. "Different teachers are somewhat different, so the experiences of different sections can't be identical," said Meltzer.

This explanation is borne out to some degree by students. First-year student John Stock describes section IV professor Hansen as "feeding us a steady diet of law and economics." Section II students describe Professor Gerald Frug '63, on the other hand, as an adherent of "critical legal studies." These different approaches to the law lend a different spin to the material.

Meltzer also denied that section I is substantively different from the others. "I don't think I'd characterize section I as traditional,

given all the teachers and all the courses in the first year. Duncan Kennedy isn't traditional, in the common sense of the word," he said.

On the whole, according to administration officials, differences in sections are incidental — sections exist not to test various teaching styles and philosophies, but instead to effectively shrink the size of Harvard's large entering class. "It's just nice for students in a large class to have a little sense of community, instead of random class assignments within the 550 members of the class," said Meltzer.

Suzanne Richardson echoed this point, saying that sections are created "to make the classroom experience more intimate."

The only exception to this rule seems

experimental because there was little faculty interest.

Despite differences between the four sections, rarely do students attempt to

switch sections, said administration officials. Only two or three students request a change each year, said former Dean of Students Sarah Wald, and rarely are the requests granted. "I have to have a very

Overall, students and faculty seem to

"It's just nice for students in a large class to have a little sense of community, instead of random class assignments within the 550 members of the class," said Meltzer.

switch sections, said administration officials. Only two or three students request a change each year, said former Dean of Students Sarah Wald, and rarely are the requests granted. "I have to have a very

fully accept the section system. "Dissatisfaction has been a non-issue as long as I've been here," said Shapiro, who added that "the system has been here since time immemorial."

Policy Available at Library

continued from HARASS, page 1

would be prohibited "whether on campus or off campus, in dormitories, other student residences, Law School-related business or social events, the placement process, and summer employment."

The phrase "verbal or physical conduct of a sexual nature" includes "comments about someone's body or sexuality, display of sexually graphic pictures or objects, and sexually suggestive looks, sounds, jokes, gestures, or comments," the proposal states.

But comments that may be inappropriate when directed at individuals in offices or dorms might nonetheless be permissible in general academic discussions, according to the proposal.

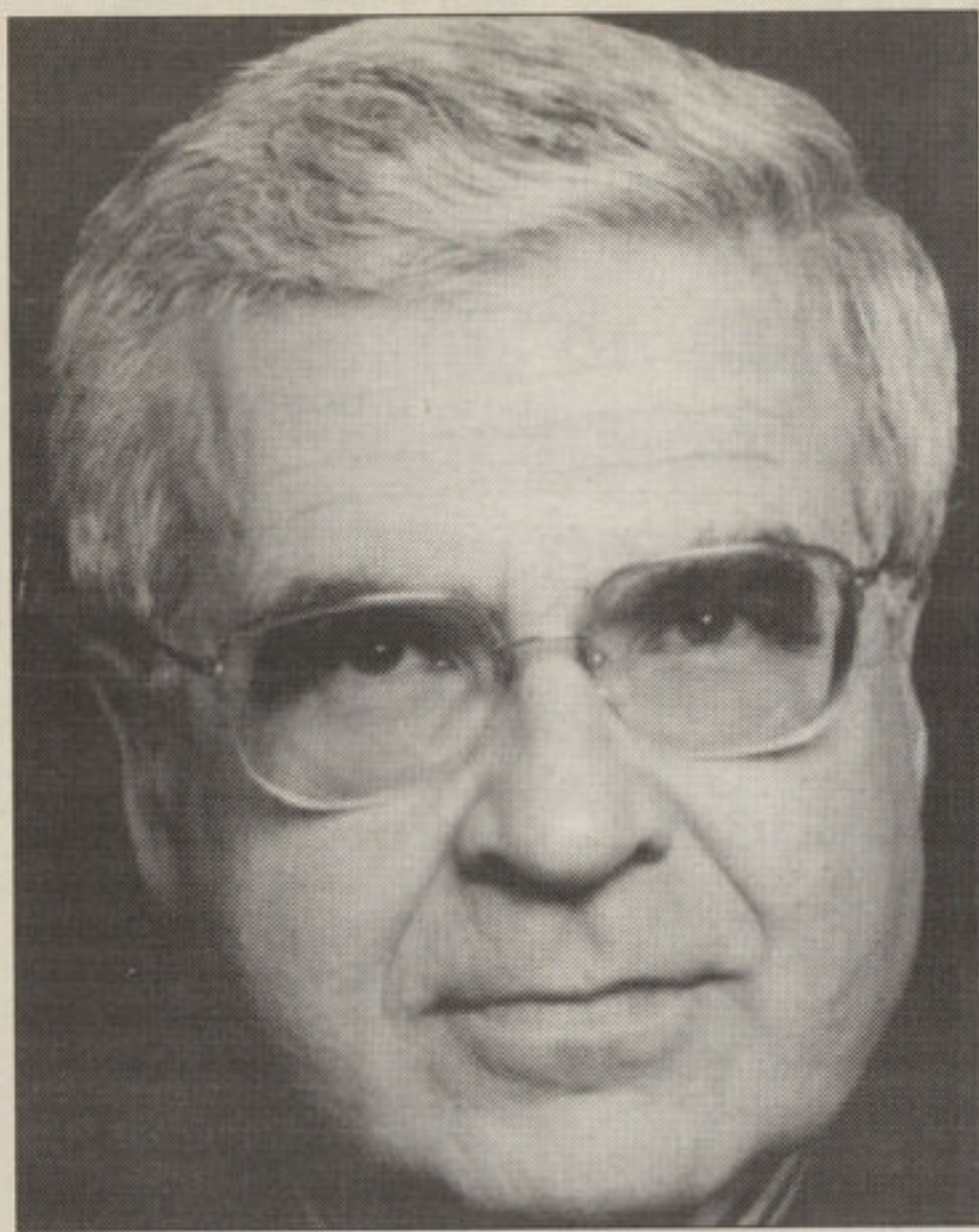
If adopted as is, decision makers would have to adhere to a "reasonable man" or "reasonable woman" standard in determining whether a particular case constituted a violation of the policy.

The policy would route complainants to decision makers, such as the Dean's Office or the Administrative Board, based on the alleged offender's relationship to the law school.

Unlike many proposals based on federal EEOC guidelines, the proposal rejects the "unwelcomeness" requirement for sexual harassment. While the term "unwelcomeness" is intended to prevent sanctions in cases of consensual sexual contact, the Law School proposal avers that the requirement frequently shifts attention "from the conduct of the alleged harasser to the conduct of the complainant in a way that has been both diverting and, more important, unnecessary in light of other ample safeguards for consensual relationships."

Consensual relationships would not be prohibited under the proposed policy, even in cases of a "power differential" — such as a relationship between an employer and employee — but the difference in the parties' statuses could help substantiate sexual harassment allegations.

The Sexual Harassment Policy Committee, chaired by Professor Kathleen Sullivan '81, encourages comments about the proposal. A final draft is to be presented to the faculty for vote by the end of the term.



Section I students liken Prof. Arthur Miller to Professor Kingsfield of The Paper Chase.

of its classes — Criminal Law and Civil Procedure — are full year courses. None of the other sections employ full year courses. The result is a significantly different schedule, both during the term and at exam time.

"We kind of got the short end," said section I member Jon Unger '70. "Come May we'll have to study for four finals, two of them for full year courses."

Sections also vary in the degree to which the Socratic teaching method is employed. The heavily Socratic teaching style of Professor Arthur Miller '58 is cited by many section I students as an important distinction between it and other sections. A member of section II — dubbed by many students "club med" — said "none of the professors [in section II]

Games People Play: The Scoop on Law Firm Interviewing

By Lisa Zornberg

It's like *Jeopardy*, being artful enough to ask all the right questions. It's like *Hollywood Squares*, charming the guy so much that your answers don't count. It's like *Card Sharks*, getting the luck of the draw, because your interviewer shares your passion for nude bungee jumping. What is it? IT'S THE FIRM GAME! The process is time-consuming and the competition is tough, but winners take home all-expenses-paid trips to the firms of their choice.

Now three weeks into the interview season, most 2Ls and 3Ls are playing like seasoned professionals. But this game takes two, and many students feel that some firms play dirty, or what's worse, that firms play by an unofficial rule book students don't get to see.

A classic horror story on campus comes from a 3L, who will remain unidentified, whose employer last summer made him a grudge offer: an offer contingent upon non-acceptance. "The firm called it a favor to me. This way, I can lie to law firms and say I got an offer. Conversely, they can lie to law students by saying they offer all summer associates permanent positions. I know that I'm completely cheating both potential employers and naive 2Ls who will look at this firm and think 'great.' But because I'm a 3L, I'm too afraid not to play this game. It's a self-perpetuating system of deceit."

Stories like this cast serious doubt on the firm statistics upon which students base their impressions, and in some cases their decisions. How accurately do firms portray themselves in their resumés? Can every firm offer summer associates a "collegial atmosphere" with "hands on

And what about all of those firms that tout a "serious commitment to pro bono work"? Yuhn Li '94 knows better. "I interviewed with this corporate guy, who for some reason misperceived me as a real cutthroat. When I asked him about the firm's pro bono policy he said, 'Oh, don't worry about that. You don't have to do that shit!'"

What of the firms that seek "well-rounded students with a diverse record of achievement"? Steve Weinstein '94 received an interesting interpretation of that clause when interviewing with a senior partner of a large international New York law firm. "I went into the interview pumped, and gave this guy, who is a contemporary of [Professor Abram] Chayes, my best riff. He was sitting there doodling! Finally, I just asked him what the firm was looking for in an associate. He said 'general intellectual achievement.' Then, when I pressed him, and asked how he could measure that, he said, 'We're looking for straight A's.'"

Though perhaps some firms have made up their minds even before on-campus interviewing, most students believe their interview is the determining factor of whether they receive a callback. June Thompson, Director of Career Services, agrees. "Students with grades in the middle or lower end of the class can talk their way into a lot of firms. It's folklore that firms go only by grades — many don't." Although Career Services statistics predict that students with lower than a B+ GPA will receive one callback for each five interviews, Thompson maintains this is a "very general figure" and that personality has much more to do with it.

Given that a twenty minute opportunity to charm and impress will, therefore,

Marry Money!"

Stories of transcript interrogation are more common. "So what class did you do well in?" questioned one interviewer of a 2L who had received all B's. For Kimberly Jackson '94, the rudeness was in the answer, not the question. "I asked my interviewer about the atmosphere at the firm and he barked, 'You shouldn't ask me that. I'm a partner, how would I know?' Then he added, 'But according to my wife, we're pretty intense.'"

In fact, four official student complaints of interviewer rudeness have been lodged with the Office of Career Services. As these complaints are very specific in nature, Thompson would not describe the charges. However, she intends to call the firms involved.

But most firms approach on-campus interviewing with extreme care and conviction, or so thought Todd Hammer '94. "I interviewed with a large New York firm at the very beginning of October, and got a callback right in the interview. 'We know what we like when we see it!' I was told. I walked out of

there feeling like interview stud, until I called my friends and realized the same thing happened to all of them! The firm really capitalized on 2L fears, hoping people would call immediately to arrange a callback."

Not surprisingly, just as students bring contemplated strategies to their interviews, firm representatives do the same. But Jeff Patton '94, unfortunately, fell right into the trap set by his interviewer. "This guy began, deliberately I'm sure, on a long monologue about the technicalities of practicing patent law. Then, all of a sudden, he stopped mid-sentence and asked, 'What did I just say?' I muttered something to which he retorted, 'No, that's not what I was saying at all! I don't expect a callback from this one.'"

Marc Channick '94 knows that sometimes it is the student who doesn't want a callback. "I went to an interview completely cold — I hadn't done any research on the firm. The interviewer asked me how classes were going, and I told him O.K., except for tax, which totally confused and disinterested me. The interviewer responded, 'Well, I'm sure you're aware that this is a 100% tax firm.' I stood up and walked out."

With less than one week left for on-campus interviews, students are already gearing up for the championship round: fly-out week. Based on last year's results, of the eighty percent of 2Ls who will work in the private sector this summer, all but fifteen or twenty will have secured jobs by January. So, fortunately, most will come out as winners.

Many students feel that some firms play dirty, or what's worse, that firms play by an unofficial rule book students don't get to see.

experience?"

Madeline Fain '94 acquired her healthy skepticism for firm resumés early. "The interviewer for a D.C. firm asked me what areas of law I'm interested in. I said immigration law, to which he responded, 'Well, we have no interest in that here.' And I said, 'But in your firm resumé it's listed as a practice area.' To which he responded, 'Well, that's only one attorney who does it on the side every now and then.' So I told him that I'm also interested in health law. 'Do people do health law?' he asked. 'Well I thought so,' I said, 'since that's in your firm resumé, too.'"

determine where the majority of HLS grads begin their legal careers, one would hope interviewers take it seriously. Think again, warns Weinstein.

In another incident, the interviewer spent the entire twenty minutes thinking Weinstein was Johanna Davis '94. "In the last minute of the interview, he asked, 'So how did you like being Managing Editor of the Law RECORD?'"

In the meantime, Davis was off interviewing with someone who'd contemplated student career options with a great deal of seriousness. "The guy looked at my resumé, leaned over to me and said, 'I have only two words of advice for you:

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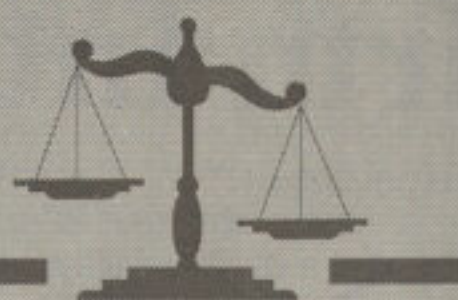


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Gregory K. Panel

The Harvard Law School Children and Family Rights Project hosted a panel entitled "A Place to Be: The Issues Raised by *Gregory K.*" The panel, organized by Betsy Fishman '93 and Wendy Kaplan '94, addressed the child welfare system, focusing on the recent Florida case in which a 12-year old boy known as Gregory K. successfully petitioned to have his biological parents' rights terminated.

Panelists included Anthony DeMarco, Director of the Children's Law Center; Dr. Kenneth Herman, Director of the Children and the Law Program, Department of Child Psychiatry, Massachusetts General Hospital; The Honorable Marie Parente, State Representative (D-Milford), Chair, House Foster Care Committee; The Honorable Chief Justice Louis Perez, Worcester Juvenile Court; and Joyce Strom, Director of the Massachusetts Society for the Prevention of Cruelty to Children.

Kaplan explained that while the impetus for the panel had been the litigation down in Florida, and its implications and consequences, recent events in Massachusetts, including some high profile cases and the resignation of the Director of DSS, expanded the focus of the panel. These recent cases included the "Andy" case, in which the child was sent back to his parents who had scalded him, and the "Mikey" case, where a child was pulled from his foster home and given back to his parents. The panelists addressed these recent Massachusetts issues and how the system does and should function, as well as the celebrated Gregory K. case.

Beyond Burdens at HLS

The *Women's Law Journal* is hosting a panel entitled "Beyond Burdens: Post-Casey Strategies for Securing Reproductive Freedom for All Women."

The panel is being organized by Jennifer Taub '93, recent developments editor of the *Journal*, who hopes that constructive ideas will emerge. She explained that "everyone on the panel is pro-choice, and we made a conscious choice to do this, even though we recognize there are many viewpoints, because we believe this is a strategy session." She continued that "in a classroom, it's necessary and appropriate to bash out the issues, but sometimes it's also necessary for groups with particular points of view to look at various litigation, constitutional, and political strategies to move forward."

Moderated by Professor Martha Field, the participants will include Ruth Jones, who works for the National Organization for Women Legal Defense and Education Fund and has been instrumental in securing injunctions against Operation Rescue's blockades of clinics; Frances Kissling, of Catholics for a Free Choice, who has spoken out for a "middle ground" between pro-choice and anti-choice groups; Eve Paul, of New York Planned Parenthood; Elizabeth Hrenda-Roberts, of Pennsylvania Affiliates Planned Parenthood; Jamie Sabino, of the Panel for Judicial Bypass; and Ann Stone, of Republicans for Choice.

Although the panelists are all pro-choice, there will be time for questions and comments in the second half, and Taub added that "we welcome anyone interested in the issue to attend."

The panel will take place on Monday, October 26 from 4 to 6 p.m. in Ames Courtroom.

Stabbing in Harvard Square

A Boston University Law School student, Norville McAndrews, was stabbed during a fight in the Harvard Square Pit very early Sunday morning. McAndrews, 22, was stabbed in the lower abdomen and was taken to Beth Israel Hospital.

Cambridge resident Jeffrey Kline, was arrested by the MBTA police shortly after the stabbing. McAndrews was stabbed as he and Kline shoved one another. The fight was apparently over a woman.

Steiner Lagged on Harassment Inquiry

Former General Counsel Daniel Steiner '58 admitted that he knew of charges of harassment and discrimination within the security guard unit since January 1990, although his office did not investigate charges of racial harassment until last spring.

Steiner, who resigned from his position in June, acknowledged that he did receive a letter in January 1990 from Stephen McCombe and Robert Travers, two security guards and, at the time, union stewards. The letter requested a meeting with Steiner to discuss problems in the guard unit including "decaying morale... and numerous occasions of discrimination." Steiner's reply, a letter dated February 10, 1990, suggested that McCombe and Travers direct their complaints through "appropriate channels with management."

The January letter did state, however, that the guards had already addressed their concerns to Police Chief Paul E. Johnson, and Manager of Operations for Security Robert J. Dowling, among others, to no avail. The General Counsel's Office oversees the police department.

Steiner's office did initiate a probe last spring following charges by seven former and current security guards that their supervisors had harassed them. Headed by University attorney Diane Patrick, the investigation cleared department officials of any wrongdoing. Following charges by the guards that the investigation was one-sided since they were never interviewed, University President Neil L. Rudenstine moved last week to reopen the investigation.



HLS Democrats join the campaign fray. Photo Courtesy of HLS Democrats

Democrats at HLS?

The HLS Democrats have been active in national, regional and local campaigning this Fall.

Locally, HLS students have been phone-banking and making noise at visibility events.

Regionally, HLS Democrats have been going up to Maine most weekends, where they mainly do advance work for events. This weekend HLS students will be doing advance work for an event where Senator Barbara Mikulski and Congresswomen Nancy Pelosi, who was the CO-chair of the Platform Committee for the Democratic National Convention.

HLS Democrats have also been trekking to New Hampshire, where they've gone door-to-door handing out literature.

Nationally, the HLS Democrats have organized the National Law Students for Clinton/Gore, a national network to get law students hooked up with the campaign. In addition, HLS students did research for Gore's debate

prep team.

The HLS Democrats, led by Andrew McLaughlin '94, Mark Gordon '94, Shawn Halbert '95, Anne Hoskins '94, Laurie McTeague '93, Mike Labson '94, Sarah Fandell '94, Hank Fincher '94 and Jamey Delaplane '95, are supported by an active group of HLS students. This should be obvious at the big rally today in Harvard Yard. The rally will be held at noon on the steps of Widener Library. Speakers include: Representative Barney Frank '77; Attorney General Scott Harshbarger; Kennedy School Professor Richard Reich, who was a Rhodes Scholar with Clinton and is one of his top economic advisors; Patricia McGovern, a former state senator considered a likely gubernatorial candidate; Diane Wilkerson, favored to be the first African-American woman in the Massachusetts State Senate; Mayor Ken Reeves of Cambridge and Councilman Frank Duehay. McLaughlin expects the event to get a lot of national press attention.

Acting Dean of Students

continued from DEAN, page 1

sorry Dean Wald is leaving but I'm delighted Suzanne is remaining and will be serving as Acting Dean of Students. Anyone who's spoken to Suzanne for more than a few moments will recognize that she's a very capable and intelligent woman. Those that know her better however also know her as a very funny and compassionate person. Those latter qualities are particularly important for someone acting as Dean of Students."

Richardson will remain as Acting Dean of Students until a replacement is found. A search committee headed by Administrative Dean Sandra Coleman and comprised of Director of Financial Aid Sally Donohue, Professor Daniel Meltzer '75, Professor David Wilkins '80, Rhonda Adams '93 and Neil Glazer '93 has begun meeting. According to Coleman, the Committee hopes to begin screening applicants at the end of November, but will accept applications until the position is filled. An advertisement for the position, approved by both the Committee and Dean Clark, will be in a variety of national publications in the next few weeks.

Marie-Louise Ramsdale '93, president of Law School Council, who just met with Richardson on Wednesday to update her on the Council, said that "I have no qualms about the credibility of Suzanne and Enice, and look forward to working with them." However, she added that "we hope they find a replacement as soon as possible, although Dean Wald will be hard to replace, because it's a very critical position at this law school."

Wald is resigning to take a newly created position as Special Assistant to two

University Vice-Presidents, John Shattuck and Sally Zeckhauser.

Although Wald claims that her resignation is completely voluntary, many students have charged that Dean Clark pressured Wald to resign because he perceived her as too receptive to student demands, especially in regard to the issue of minority and women faculty hiring.

Camille Holmes '93, Coordinator of the Coalition for Civil Rights, thinks that "it's unfortunate that HLS has not been a hospitable place for her, and I wouldn't be surprised if there were forces beyond her control affecting her departure."

In an October 15 good-bye letter to all HLS students, Dean Wald thanked everybody for their "insights and support" and wrote that "throughout my five years here, I have been awed by your talent, your intelligence, your passion for justice, your resourcefulness, and your dedication to making both HLS and the world better."

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Writing Their Own Destiny:

Homeless Bring *Change* to Harvard Square

By Todd Hartman

"Could you spare any change, please?"

These words have become almost common place in the increasing grayness of Harvard Square that seems to permeate even the sunniest days. Most who frequent this ostensible "Mecca" for those with alternative lifestyles have mastered avoidance tactics of one type or another as these requests sound out with greater and greater frequency. While the street performers have adjusted to the recession with audio equipment and disturbingly business-like marketing, the truly disadvantaged continue to be passed over, having only their all too familiar pleas to try and attract their share of the Square.

"Spare change?"

Today, the words remain the same, but the meaning is becoming something entirely different to a growing number of Boston's 8000 homeless persons. Odder than some street acts is the now common sight of a homeless person giving out *Spare Change* rather than asking for it. In an innovation that may or may not be a symptom of even harder times, *Spare Change* has come into print form, as a newspaper written by and for the homeless community and all interested in their plight.

"Our mission is to present, by our own example, that homeless and economically disadvantaged people, with the proper resources, empowerment, opportunity and encouragement, are capable of creating change for ourselves in society," said Byron H. Paladin, member of the six person Managing Committee of *Spare Change*. It is a mission printed in each issue, with beginnings which practically define the word empowerment.

"We basically began with an idea from Tim Harris [director of Boston Jobs With Peace] and six of us, all homeless, just began brainstorming at the McDonald's in Central Square," said Paladin. Equipped with two phones, a Macintosh and a photocopier, all supplied by Boston Jobs With Peace, the idea became reality in a small Boston office which was later moved to Cambridge. With the volunteer help of writers and artists throughout the homeless community, the monthly publication is now in its fourth issue, attaining distribution of 15,000-18,000 for each issue. However, the inspiring success of this publication has ramifications far more tangible than a large circulation.

"The paper creates jobs for the homeless," said Paladin, referring to the unique membership qualifications of the publication. In order to be a voting member of *Spare Change*, one must be homeless or formerly homeless and spend three hours a week working for The Homeless Empowerment Project, the organizational moniker under which *Spare Change* was found-

ed. All members of *Spare Change* are then each allowed to distribute 300 issues of the paper per week, amounting to a potential \$1200 of monthly income. With currently 30 members, *Spare Change* has achieved a success the presidential candidates would die for.

"It's working," said Paladin. "Fourteen people have pulled themselves off the streets since it started." That includes Paladin, who had been homeless for a year and a half prior to starting his work with *Spare Change*. "Personally, it's done a lot for me. I've been able to succeed in areas I've never realized were possible." That includes the personal as well as professional for Paladin, who not only is the self-taught computer operator for the newspaper but also had to face his own feelings concerning the homeless before working with *Spare Change*.

"Dealing with the homeless was much more difficult than I had expected," recalled Paladin ironically. "I had to take a break before I could deal with a lot of the problems of people who were now coming to me for answers." However, Paladin readily admits that others have had to overcome much more to make *Spare Change* a success.

One such person is James Shearer, Street Sales Coordinator, who overcame 13 years of homelessness and substance abuse through working for *Spare Change*. "I've learned responsibility," emphasized Shearer, who almost glibly added, "Also, I'm not homeless anymore — I live in Lynn."

"I think it's in the empowerment," said Victoria Mattson, another voting member of *Spare Change*, concerning why the paper has been so successful at getting the long-time homeless off the street. Mattson

knows of where she

speaks. Born in Italy, Mattson has lived on the street since age 12, all across the eastern and southern U.S. She is now 31 and finally has gotten herself off the street and into a Lynn apartment.

"When I first started out, I started living on highways and in the woods," recalled Mattson. "Then I found out about shelters. I started going into shelters when I became 18 years old."

Mattson's six years without knowing of the available shelters points out another service *Spare Change* provides. Almost more numerous than the articles, *Spare Change* is a wealth of knowledge for those on the streets, providing information on shelters, food services and empowerment seminars throughout the area.



Such networking — or lack thereof — is sometimes the only thing keeping people on the street.

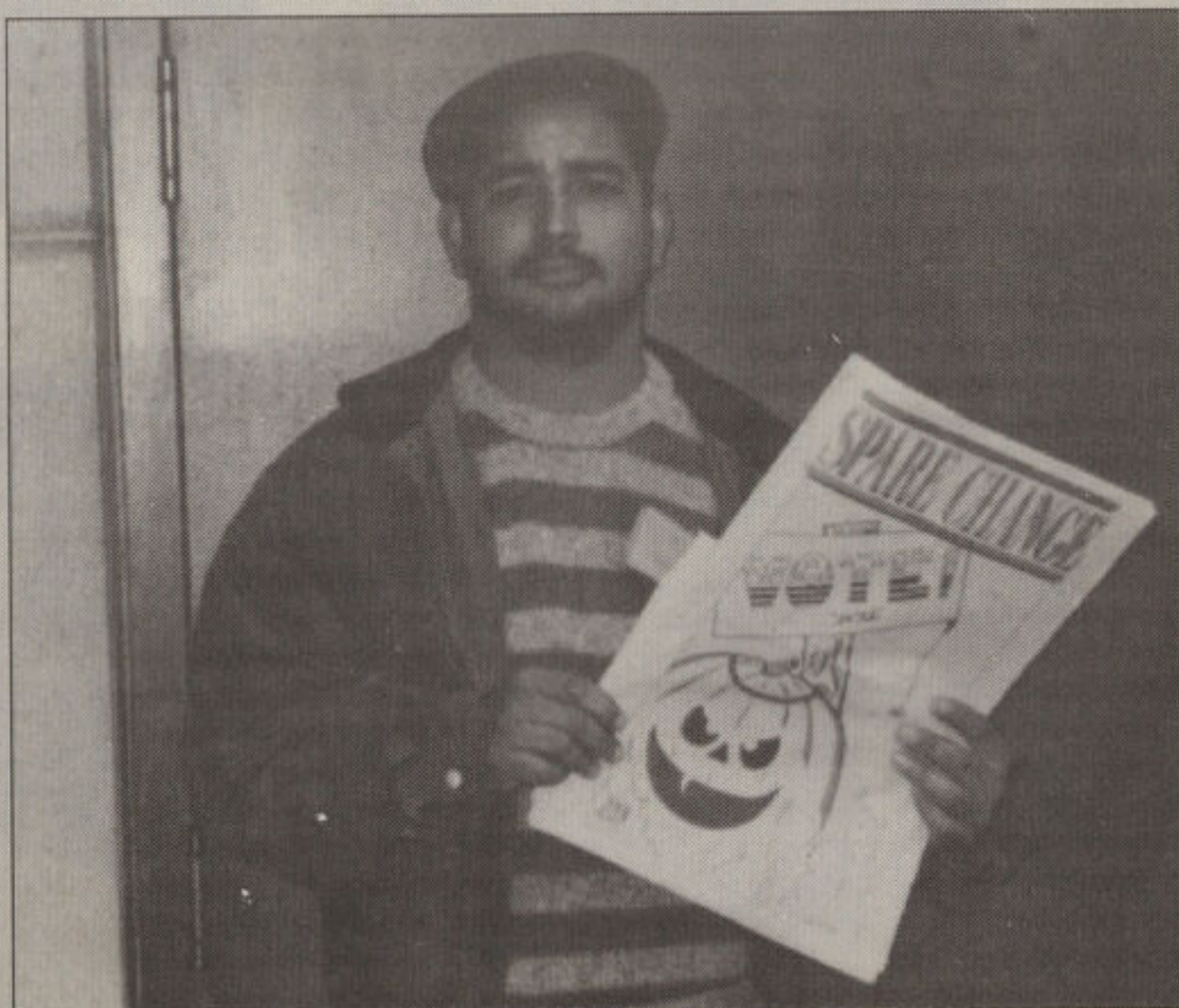
"A lot of people on the street don't really know what kind of services are available to them," explained Paladin. "I myself didn't have any idea of what I could do for myself until I hooked up with *Spare Change*." Yet, despite his personal successes, Paladin knows more is required from others before homelessness will go away.

"There are so many ways to address the problem and so many ways to take care of it, but the main thing is just getting active about it," reflected Paladin. "That's true of homeless people and the rest of society. A lot of people are afraid to step out and do something because they're afraid of people putting them out. I'm not afraid of that anymore." And the answer may be in Harvard Square itself, where hundreds of people pass by the problem each day.

"It's a damn good place to sell papers," quipped Mattson, "although people still pass by us and give more money to the handicapped. But that doesn't bother me because I feel they need help more. I give money to people who are handicapped." Indeed, with renewed self-esteem, no one at *Spare Change* begrudges not getting help from others anymore.

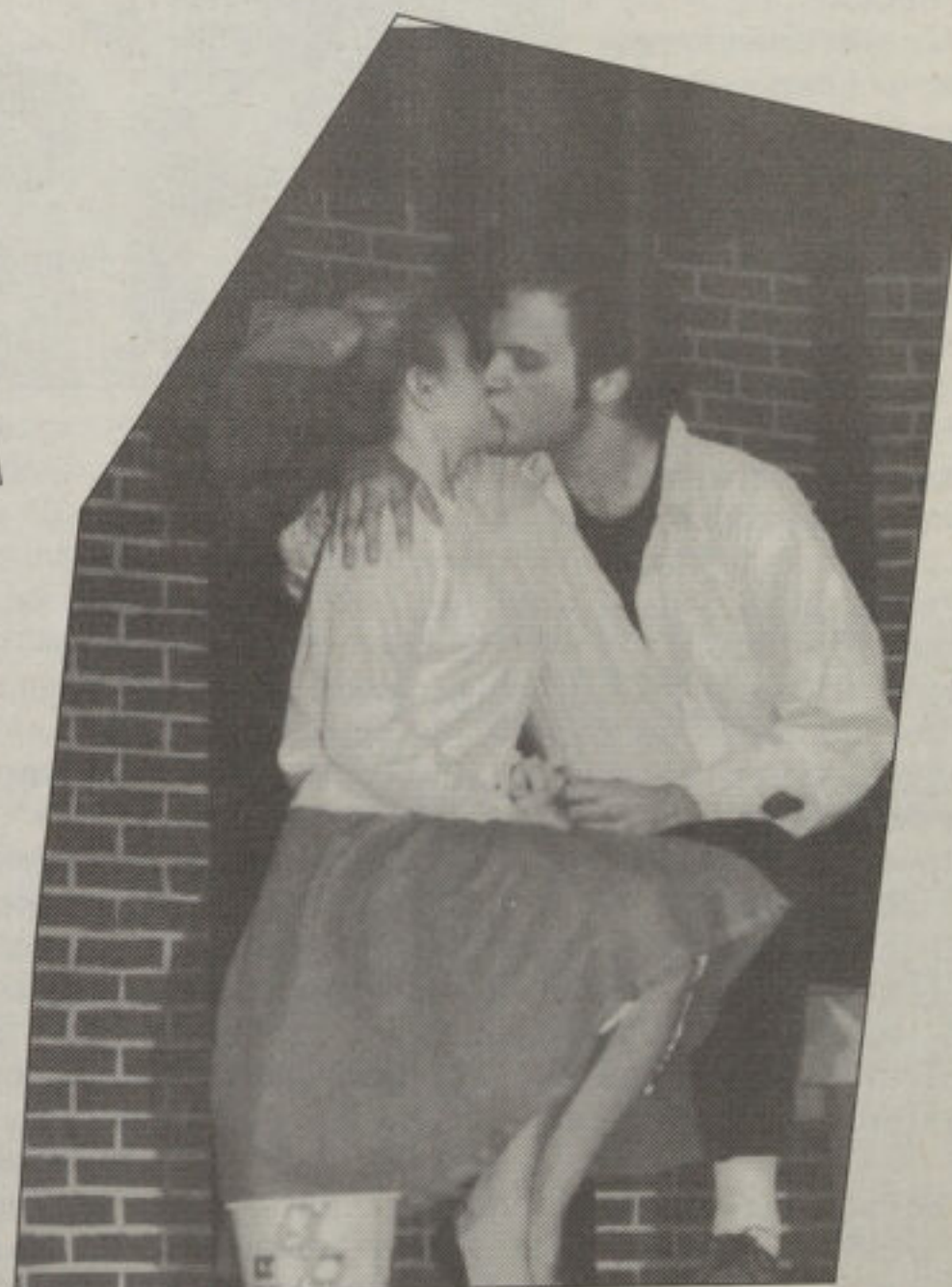
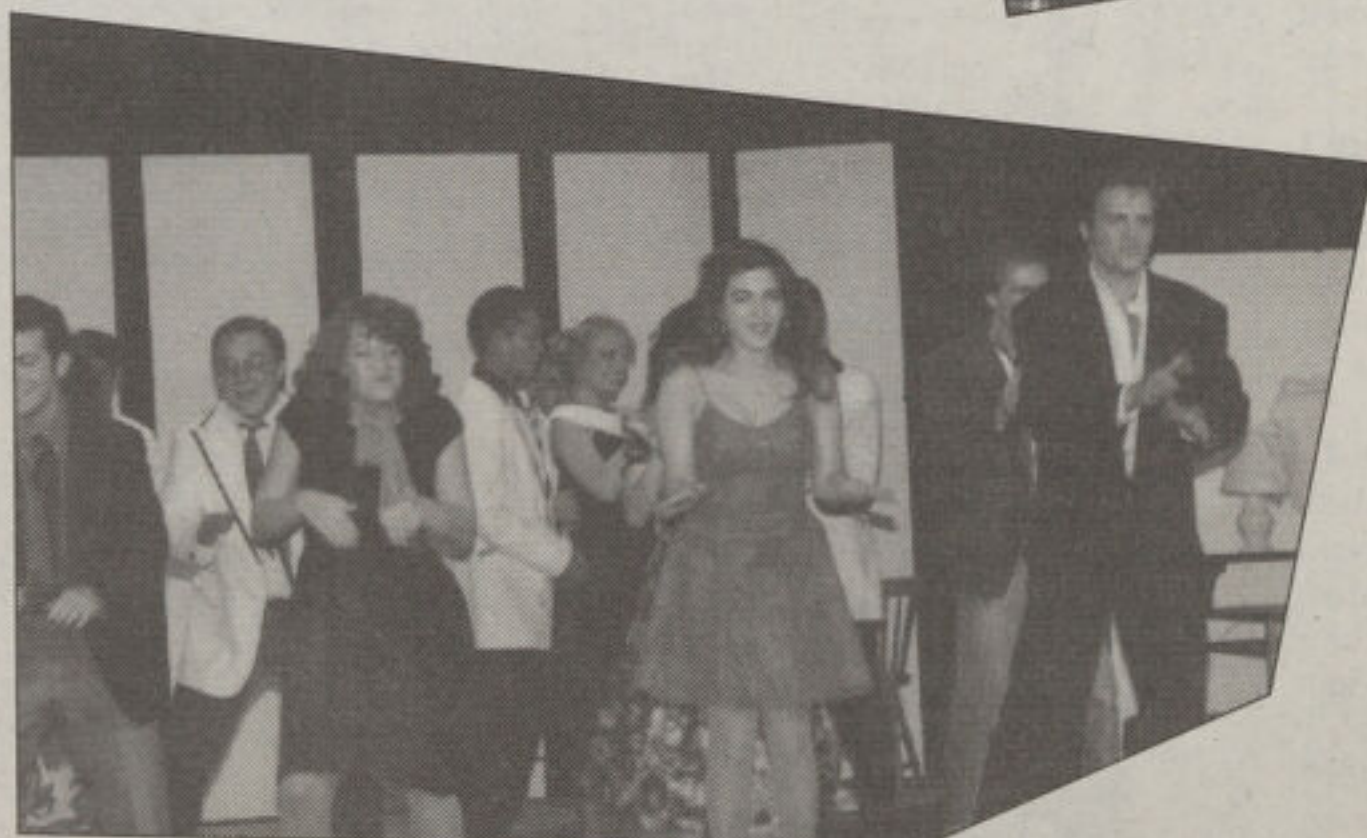
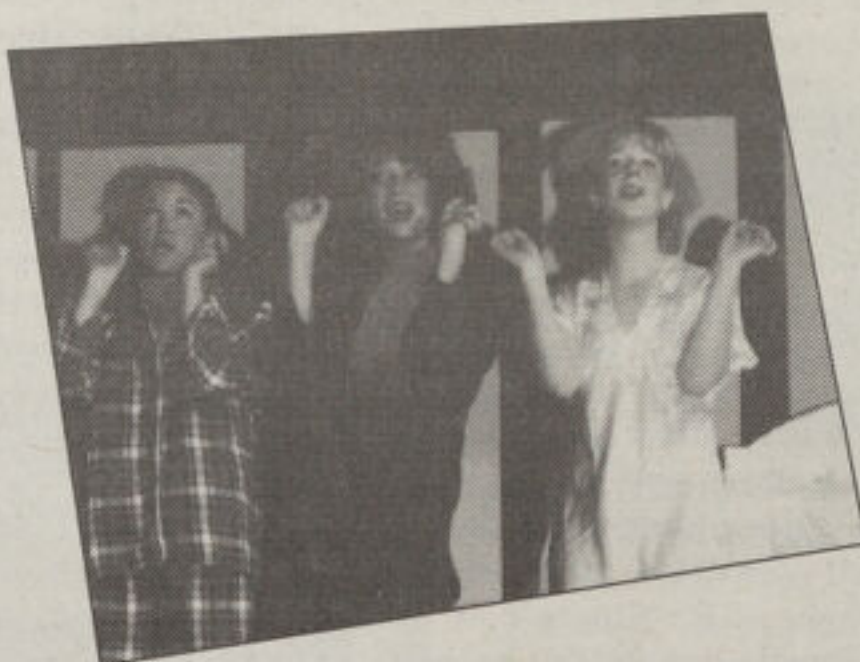
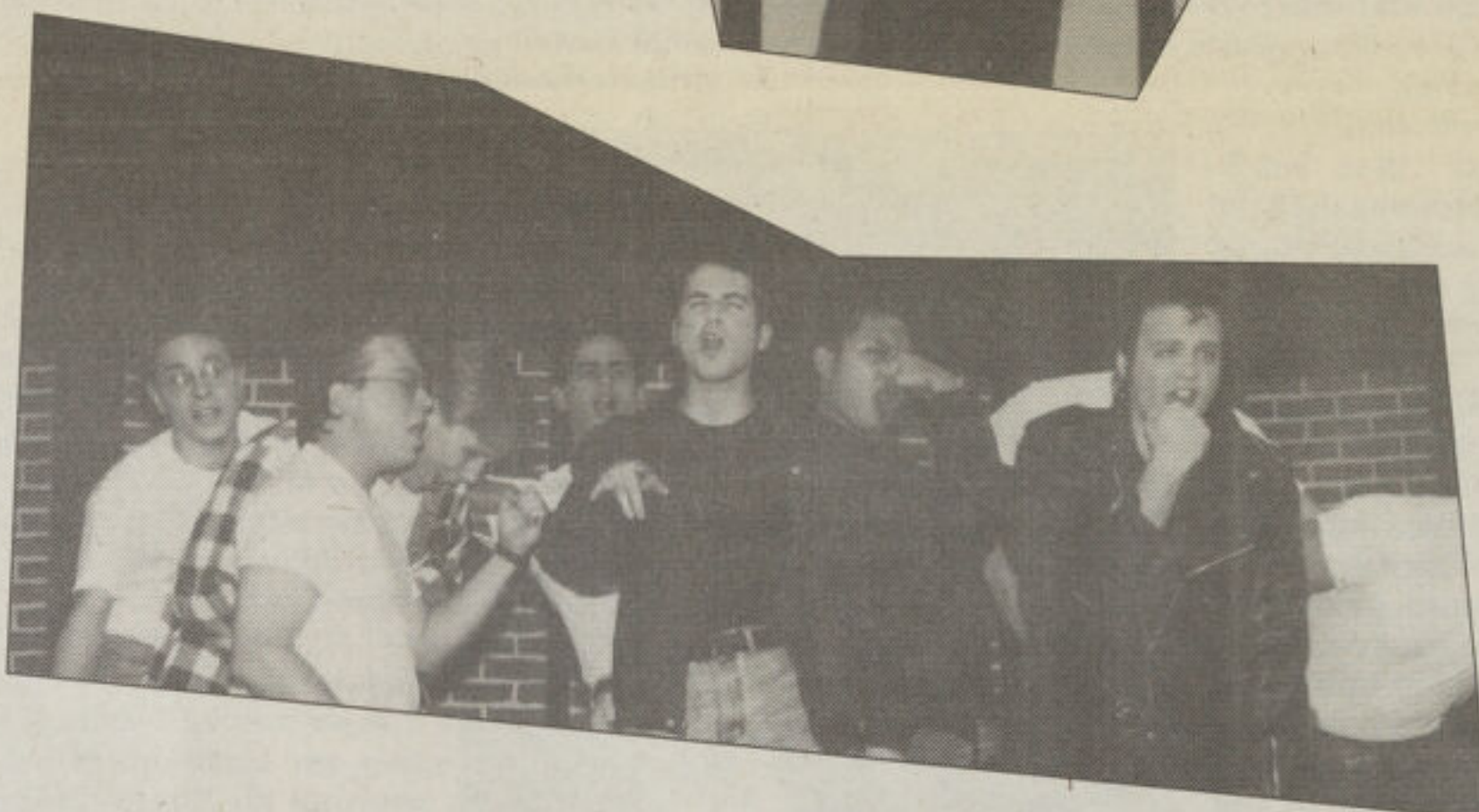
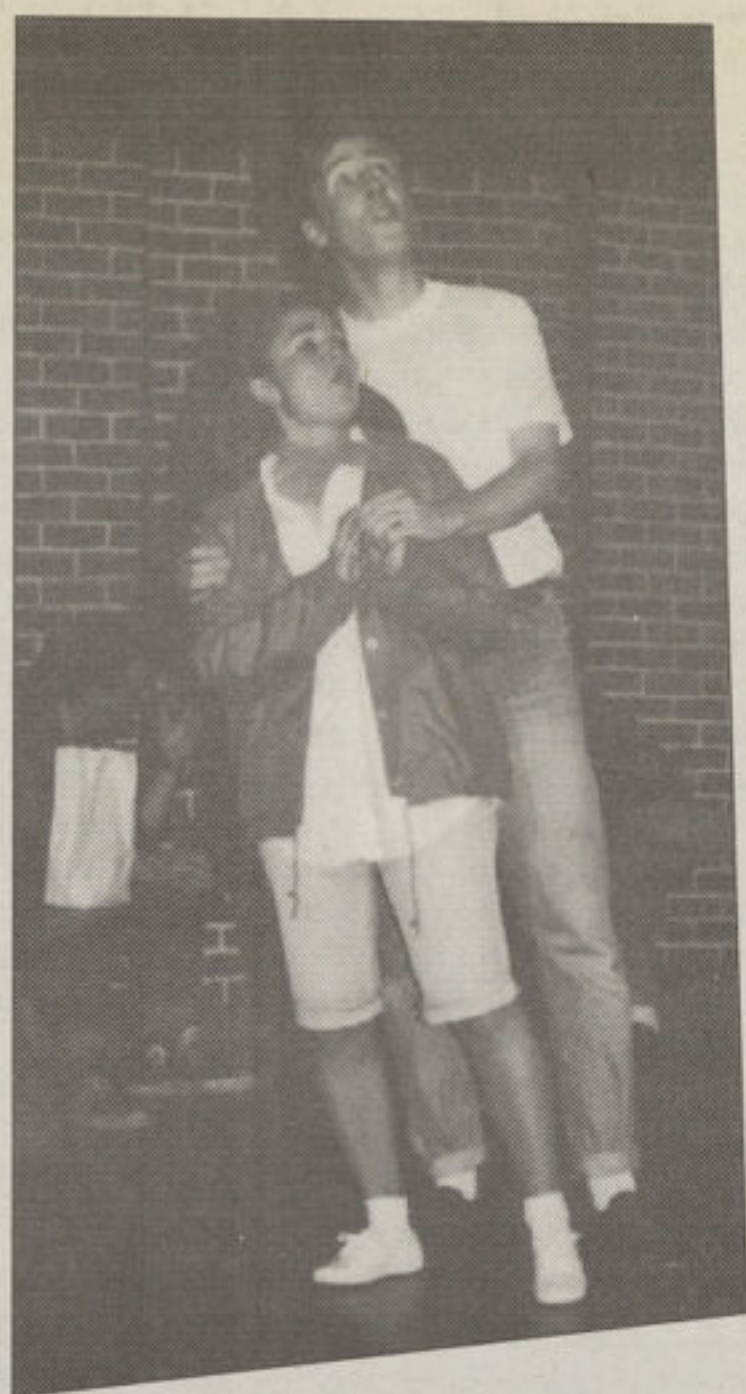
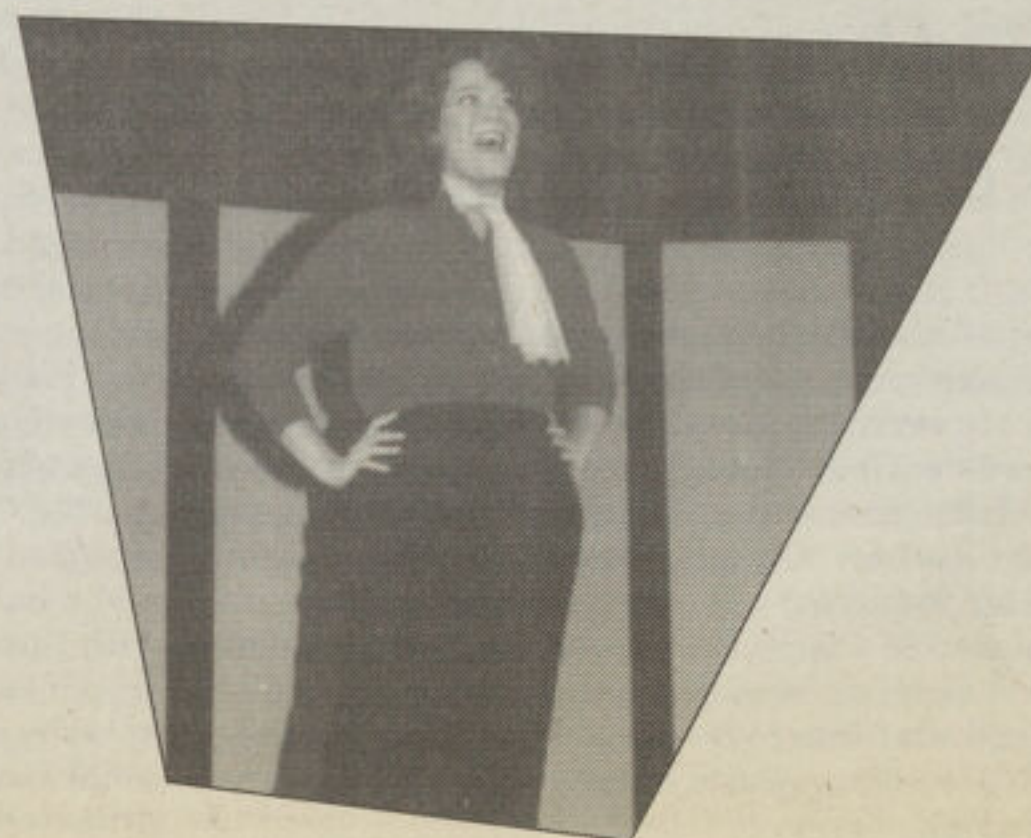
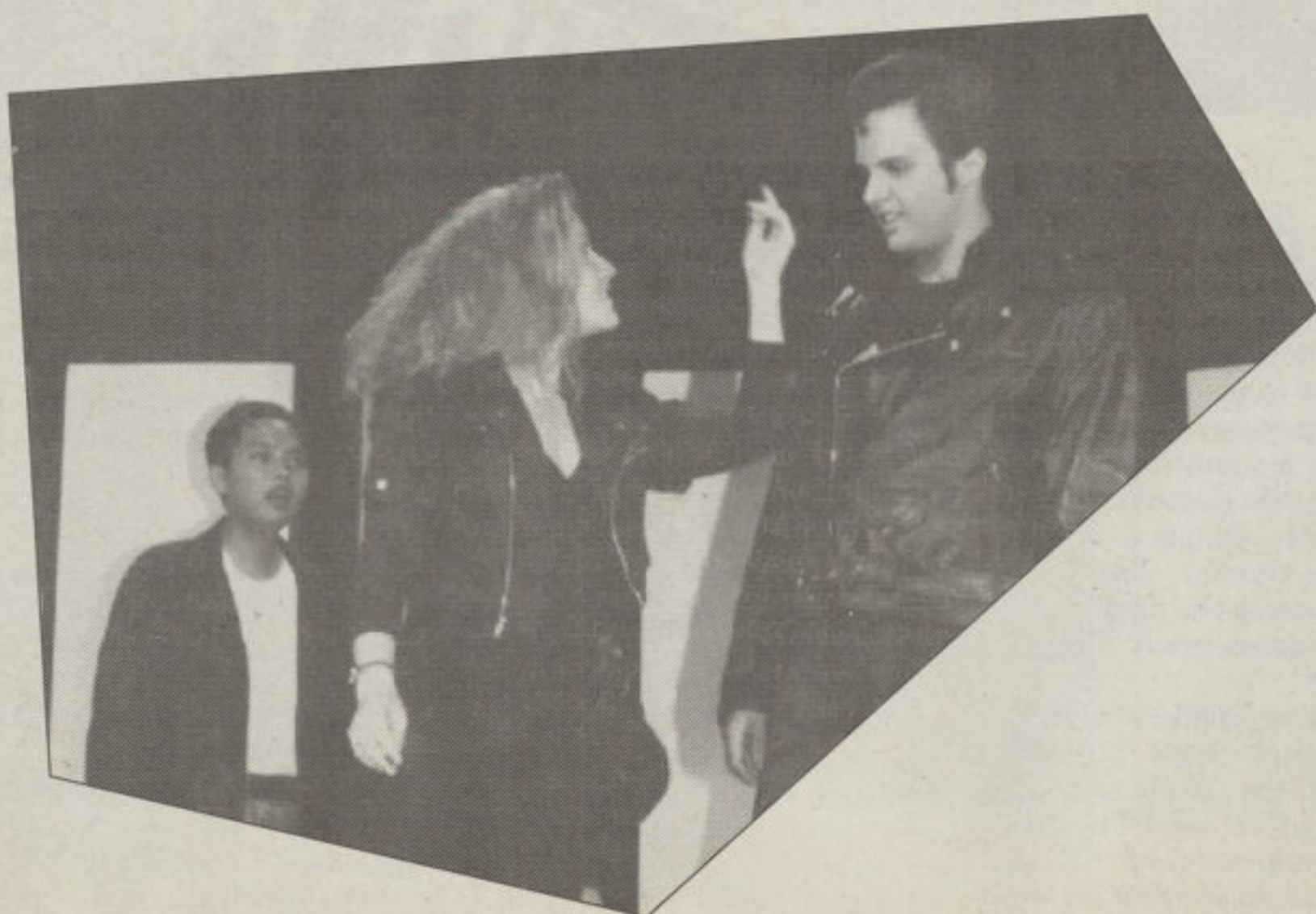
"There are a lot of different things people are capable of and most aren't capable of some things," philosophized Paladin. "Just sitting down and talking to a homeless person is a lot for some, while others serve food." Whatever the extent of the homeless problem, the members of *Spare Change* have made it clear they are looking to themselves for help now. Even the name itself creates a new dignity which emanates from all involved.

"A lot of people ask us about the title, *Spare Change*," said Mattson. "Some people say, 'Why did you pick that? It makes you sound like bums.' But I say, I know what a bum is and that's not us. We're something different."



Grease is the way we are feeling...

**Scenes
from the
HLS Drama
Society's
Production
of Grease**



Soccer, Football, Volleyball, Softball: What's Your Flavor?

Fall Sports at HLS in Full Bloom

By Greg Stohr

The image of Harvard Law School may be all academics, but four sports clubs are making athletics an inseparable part of the regimen as well.

Some 300 students take part in at least one of the four fall HLS sports programs — soccer, football, volleyball and softball.

The two HLS soccer teams play in a league comprised of ten teams representing graduate programs at Harvard — including the Law School, the Business School, the Kennedy School, the Medical School, and the Graduate School of Arts and Sciences — Tufts, and MIT.

Last year, the soccer club split into two squads on the basis of ability. By splitting the approximately 40 players by class, rather than by skill level this season, Soccer Club President Kirstie McCornock '93 hopes HLS can field two quality teams, and thus give both HLS entrants a chance at the graduate league title. Last year, the more skilled team lost a heartbreaker to a team from the Business School — they also field two teams — in the championship game.

The second and third-year team, led by captain Peter Labonski '93, has sprinted to a 3-0-1 record, including a 3-1 victory over the first-year team.

"We played them early in the year," McCornock said. "I think experience had something to do with it. They have a very good team." The first-year squad, captained by Oleg Vyadro '95, is 1-1-2.

"Both teams are competitive," said McCornock, who added that their toughest competition is likely to come again from the Business School and the Harvard Graduate School of Arts and Sciences.

The soccer league is co-ed, though the majority of the players are men. Each team will play a total of nine Sunday games before the playoffs begin shortly before Thanksgiving.

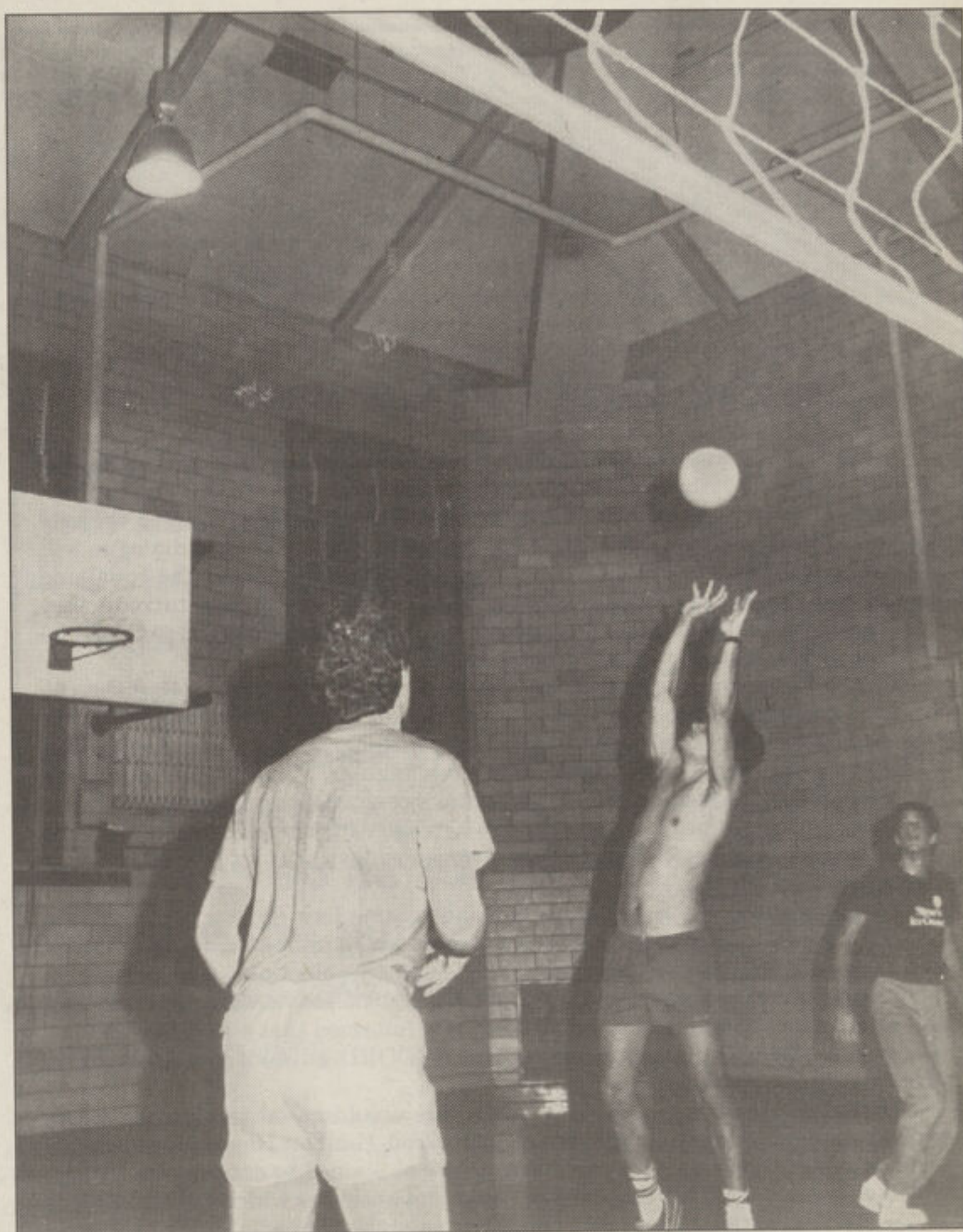
The 16-team intramural football league has just completed its third weekend of games. Only one team, the "Big Gavels," remains undefeated and untied after 6 games. The "Wizard" is second with a 5-0-1 record and the "Black Plague," the pre-season favorites, are third with a 4-1-1 mark. Graduation has depleted the ranks of three-time defending champs, the "Learned Hands," leaving the championship up for grabs.

"The quality of play is really high," states Lance Morgan '93. "There are three or four teams with a legitimate shot at winning the whole thing."

League games, played on Saturday mornings and afternoons, have showcased the athletic and strategic talents of HLS students. Although the league is overwhelmingly male, there are a few female standouts including Zanita Fenton '93 and Kathy Tarr '94. Fenton, who plays for the "Black Plague," has been described by teammate Eugene Wade '95 as "an exceptional cornerback who truly knows what she's doing."

The 8-team intramural volleyball league began play Monday. Interest in volleyball has increased markedly since

"So I didn't graduate summa. Did Frankfurter ever win the IM football championship?"



Students take advantage of Hemenway Gym for an intramural volleyball game.

last year, league commissioner Dave Frakt '94 said, and as a result volleyball will be more of an organized league this fall.

"Last year was fairly informal," Frakt said. "There were no standings. There was no tournament. There was no championship. This year we'll maintain standings just for the fun of it, and at the very least we'll have a championship."

Roughly half the volleyball participants are women, and several student organizations, including the Korean Association and the Christian Fellowship, have formed teams. Frakt said he also intends to organize volleyball socials on Thursday nights.

The softball club may soon be running out of warm weather, but club president and founder Adam Rosenberg '93 vows to keep playing for at least a few more weeks. The softball club sponsors informal games every Friday on the Cambridge Commons.

"We probably won't get too many more weeks in," Rosenberg said. "We'll start again in the spring."

Less formal than the games is the structure of the club, which includes a constitution and a board of directors, all established, Rosenberg said, so that the club could be recognized by the Law School and receive enough money to pur-

chase a few softballs every year.

"Some very rigorous debates go on at the softball club meetings," Rosenberg quipped.

The wide range of leagues in operation this fall ensures that HLS students have ample opportunity to release their stress through good old-fashioned athletic competition. At the very least, as one player has observed, someone will be able to proclaim "So I didn't graduate summa. Did Frankfurter ever win the IM football championship?!"

Head of the Charles

continued from CREW, page 1

tain, "However, all the reaction was favorable."

The men, not to be outdone, distinguished themselves as well by printing the word "LAW" on each of their oars. It was a trick they borrowed from the Business School, which routinely puts a \$ on their oars. However, the men saved their best action for the water.

Midway through their 48 boat stagger, the HLS Men were on their way to a personal best as they approached the Harvard Boathouse, having already passed four boats and preparing to pass a fifth. The boat they had borrowed from MIT was faster than any the limited HLS funds were willing to provide. But as the Men's team approached the dreaded "Dead Man's Curve" up around the JFK Bridge, the HLS boat ran into the boat from the Old Lyme Rowing Association of Connecticut, which swung wide on the turn. A hairy and temper-charged three boat pile-up was the result.

"We were boat #38 and were passing #33," explained Reade Griffith '95, Men's Crew Captain. "They tried to swing wide for a turn and by the time we turned, we were into them." While the initial collision was relatively minor, the Milwaukee Rowing club tried to pass the entangled boats on the inside, hitting both boats and snapping one of their own oars.

"I don't know what their coxperson was thinking," said Griffith. "Quite a bit of verbiage was exchanged at that point."

While tempers flared on the water, Griffith admitted, the spectators found the action quite entertaining. "Everybody likes a good crash," added Griffith, "except for the rowers." Despite the setback and verbal assaults from competitors, the HLS men exacted revenge by finishing ahead of both the Connecticut and Milwaukee teams, although the latter was without an oar. "We had a great race, except for the crash," concluded Griffith.

As for the HLS women, they made their impact on the clock, rowing to a personal record of 19:48, shaving nearly two minutes off of last year's time. Finishing 27th in a field of 31, Robinson expressed both pride and satisfaction with the teams unexpected improvement.

"We're very excited about how well we did," said Robinson. "The tone of the race was set by our coxperson, Nirav Shah [from Harvard College], who told us 'No matter what happens, we've won because we've won for ourselves.' That meant a lot." The makeshift women's squad consisted of only three current HLS students, Robinson, Christin Pae '94, and Sarah Fandell '94, collecting other rowers from recent alums.

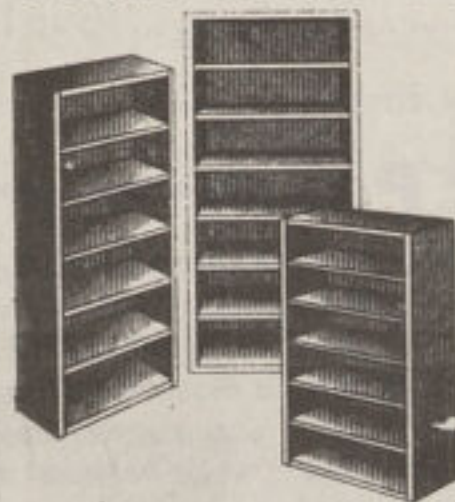
Participating for the men were Griffith, Jim Donovan '93, Mike Dierks '93, Dave Lopez '93, Matt Regan '95, Jim Freis '95, Sean Cote '95 and William Jackson '95, with coxperson Shea Van Boskink of Harvard College.

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The Silence Of The Laude

Implicit in the First Amendment of the Constitution remains the much quoted and perhaps overused doctrine of the marketplace of ideas. The concept embodies the notion that the more voices and dialogue and exchanges we have between different factions of society, the better the decisions and dialogue will become. Generally, the system works as long as the forum is free and equal and people actually decide things for themselves. If this rehash of introductory Constitutional Law sounds condescending, it's meant to be. And I hope the members of the *Harvard Law Review* take the time to read it.

I am not making a comment on the current scandal that is shaking the Review. Frankly, I don't care. But what should insult every member of the Harvard Law School community is the elitist manner in which the Review has handled its last year of controversy. While we "regular" students suffer the campus-wide embarrassment of their actions, the incestuous ring of "excellence" that occupies Gannett House has continued to barrage us with apologies and actions which basically tell us: "This is none of your business. Let us handle it. After all, we are the Law Review."

I interviewed Emily Schulman when she became Law Review president last March. Already at that time, there were rumors which intimated a deep divide in the Law Review between opposing parties in the election. But of course, Schulman wouldn't comment on that. "Of course, some people were disappointed," she said. I tried to ask others about it, but was informed that a new Law Review policy was not to talk to anyone at the RECORD without first talking to Schulman.

Therefore, it surprised me little when this unaddressed resentment manifested itself in the Revue, nor did the response from Gannett House to the campus wide outrage. Almost as if they would somehow be stained by entering the debate, the Review handed us "official" explanations and apologies which claimed "this is a Law Review matter and we as a whole will take the blame."

I don't know if the Review realizes it or not, but as long as "Harvard Law" is on the publication, we all take the blame.

Now a new scandal has plagued the Review and HLS yet again, and again the Law Review isn't talking. Indeed, Schulman and the rest of the "society" have made a secret pact not to speak to any press at all. To this day, not a single Review member has gone on record with any publication to explain what is really going on other than tangentially. It's their business, not ours.

Now let's suppose that there is no real insult in the supercilious manner with which the Review disposes our interests in the reputation of Harvard Law School. Let's suppose that, like me, we're all 3Ls killing time and praying we just get that damn piece of paper. Wouldn't someone at the Law Review still get off their sub-citing ass and say "Hey, you know, maybe if we got these problems out in the open and talked about them, we'd have fewer problems?" I'm saying it, but if history serves, no one at the Law Review will answer me.

Todd Hartman

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"Congress shall make no law...abridging the freedom of speech, or of the press;..."

—First Amendment, U.S. Constitution



Letters

Legal Literature as Guidance

Recently you were gracious enough to print an Op-Ed piece I submitted discussing the importance for students whose goal is being an Article III lawyer and an officer of the court in the spirit of Chief Justice Rehnquist's welcoming words to new members, to wit: "...as duly admitted and qualified as an Attorney and Counselor of the Supreme Court of the United States," and as "an officer of the Court." The importance of being an officer of the court has been the subject of legal fiction over the centuries. Harvard Lawyers should be familiar with the masterpieces of that literature.

In *ex Parte Garland*, 18 L ED 366, the Court pointed out that, "It has been stated many more times that lawyers are 'officers of the court.'" Moreover, once admitted to the bar, lawyers are subject to continuing scrutiny by the organized bar and the courts. In addition to discipline for unprofessional conduct, the range of post-admission sanctions extends from judgments for contempt to criminal prosecutions and disbarment." In *re Griffiths*, 413 US at 919.

Mr. Justice Frankfurter had written, "From a profession charged with such

responsibilities there must be exacted those qualities of truth-speaking, of a high sense of honor, of granite discretion, of the strictest observance of fiduciary responsibility, that have throughout the centuries, been compendiously described as 'moral character.'" *Schwartz v. Board of Bar Examiners*, 353 US at 247.

Mr. Chief Justice Burger has said that, "The concept of a lawyer as an officer of the court and hence part of the official mechanism of justice in the sense of other court officers, including the judge, albeit with different duties, is not unique in our system but it is a significant feature of the lawyer's role in common law....The role of the lawyer as an officer of the court predates the Constitution; it was carried over from the English system and became firmly embedded in our tradition."

As an officer of the court, a Harvard lawyer owes it to himself or herself to be familiar with "Masterpieces of Legal Fiction," copyright 1964, Lawyers Co-operative Publishing Co., Rochester, N.Y. Described in the introduction as a "meticulously careful selection of the law as it lives in the world's finest fiction," and in the editor's for-

ward as reflecting "the ubiquitous feature of human society which is the law," these masterpieces span time from "The Usurer's Will" written by an Italian author in the 16th century about a testament that is striking because of its extremely cynical character, to Harvard Law School's own famed Professor Lon Fuller's "The Case of the Speluncean Explorers," a fictional account of two actual shipwreck cases in 1884 and 1942 dealing with the question of whether, when two or more persons are put in harm's way by a common disaster, the law should tolerate the sacrifice of a part of the group in an attempt to save the others.

No student should leave Harvard Law School without having read and contemplated these great stories, so that in the real world where, in the days when legal literature was a literary art form, rather than the Perry Mason garbage of scribblers like Mr. Gardner, they can better appreciate the importance of Article III in making Articles I and II work as the Founders intended.

Carl Shipley '48
October 19, 1992

Todd and Rob, Cut it Out

Alas. I thought you boys... er, puberty-challenged males had stopped your bickering. After all, this sibling rivalry is not only petty but is tedious to the rest of us who must endure your outrageous slings and arrows in each and every edition of the RECORD. Don't you know that your tomes of babble are keeping out the important news items usually found in these pages? To quote Rodney King, who was beaten on by the L.A.P.D. much as we are beaten on by your interminable stream of polysyllabic non sequiturs, "Can't we all get along?"

So, as Drama Society President, your intellectual idol, and your substitute mother since both of you were raised by wolves and fed rocks instead of warm, nourishing mother's milk during your formative years (hence Rob's obsessive fixation with lactating), I amassed advisory reports on what to do with you from various members of the Drama Society Board, promptly recycled them unread, and decided to take action myself on behalf of the organization. I thus hereby of my own power revoke your respective memberships until you either cease this infernal blather or produce evidence that Elvis has been dining in the Hark (and although with Todd's greasy pompadour and Rob's pretensions of golden-throated warbling and pelvis-thrusting gyrations you may think you can together approximate the King, you're WRONG!). In the words of

Brian Bendig '92 and Cam Jones '92, without whom neither of you would be anything, much less mindless protozoa, "If I read another diarrhetic flatulent, I... fear that my brain will run out of my ears..." So it has been written, and so it should be heeded.

I must say though, really, we can't blame Todd for this infantile behavior, for he has been prevented from reaching even that high a level of conduct because of the tractor incident. He merely responds unconsciously, hemorrhagically spewing out strings of meaningless words, in the way of all reptilian newspaper editors. No, the real source of all our pain and discomfort is Rob Rader. Rob, the pariah who dared return to HLS assuming the guise of the prodigal son, you deserve

not our acceptance but our revulsion, repulsion, and expulsion. Even when we were rid of you last year, your putrid spirit hung over all Drama Society meetings, Law School Drama productions, and those neat DSAC parties in the Hark. Like a fungus which will not leave despite repeated scouring with ammonia, so too are you, Rob. We all know who was responsible for the myriad of annoying, nonsensical, mea culpa letters stuffed in our Hark boxes on a minute-by-minute basis last spring (and now available in both complete and abridged versions from HUCopy): Rob, the Phantom of Fetidness, Rader. Since you mercifully left us last year, Rob, why did

please see DRAMA, page 9

Do you care about anything that happens at HLS?

You don't?

Well, write a letter to the RECORD anyway!

Letters may either be placed in the RECORD drop box in the Hark or Bob Arnold's 3L Hark box, or mailed to the Harvard Law RECORD, Harvard Law School, Cambridge, MA 02138

Escalating the Image of the Law and Lawyers

By Carroll J. Donohue

THE public image of the law and lawyers is at a low level and distinctly not improving. Increasingly over the last twenty years, surveys and studies reflect that much of the public distrust the law and its fairness. The public believes that lawyers are over rewarded egotists, greedy, materialistic, concerned only about fees, uninterested in the public welfare, and greatly overpaid for their efforts, most of which are regarded as "dirty work."

Sleazy lawyer jokes and ugly slurs punctuate contemporary conversation literature. The media, writers, columnists and cartoonists, routinely portray the law as an ass and lawyers as venal, scheming and untrustworthy.

And, nobody is kidding!

Realistically, those concepts are largely incorrect. The legal profession is generally responsible. Most lawyers are hardworking, honest, ethical, at least fairly bright, and are dedicated to making the law work for their clients and for society. Democracy will work better if the people respect the law and lawyers, and recognize that the law generates our high quality of life.

The public interest will be fostered if all of us — from the freshman law student to the seasoned veteran — conduct ourselves so as to escalate the public view of the law and lawyers.

Much of the task is that of the organized bar — from the ABA to the smallest rural associations. They must point up that law is the foundation of our democracy, our considerable personal rights and our high quality of life, recognizing, however, that there is considerable room for improvement. The Bar must also emphasize the substantial contributions that lawyers make to society. Moreover, there must be unrelenting efforts to improve the administration of justice and to cause the legal profession to act strongly in the public interest.

More important, each lawyer, and prospective lawyer, by his or her conduct and achievements creates the public's image of the law and lawyers. With thoughtful attention, each lawyer can help reverse the present disaster. The concepts suggested below are elementary. Most lawyers adhere to many of them. It is vital that we maintain the high level the public expects from a profession to which it entrusts its most vital interests.

The law student will gain by cranking these guide paths into his or her plans and future actions:

(i) Convey the concept that law is the cornerstone of our democratic society; that lawyers are asserting the rights of individuals, the government and other entities

often in an adversarial manner — and that is the essence of a free and democratic society.

(ii) Radiate dedication and diligence to the end that clients and the public will have trust and confidence in you and in the legal profession.

(iii) Do everything competently, knowledgeably and expeditiously.

(iv) Adhere rigidly to the unwritten rules of morality, honest and credibility — and, of course, to the Code of Ethics.

(v) Be a decent person! Be courteous and thoughtful, avoid arrogance, conceit and condescension. Civility is not inconsistent with vigorous advocacy. A "pit bull" atmosphere damages the law and provokes expense and wasted time. Avoid showmanship and non-productive non-cooperation. Lawyers have been worsening in these areas!

(vi) Be a productive leader in public, community, civic, philanthropic and political affairs, thus establishing that lawyers are good citizens and care about the community. The public must be disabused of the widely held and partially correct belief that lawyers are wholly self-centered, greedy materialists who care next to nothing about the community.

(vii) Encourage settlement and dispute resolution on the most efficient and economic basis to clients. Aid clients in avoiding disputes — and in resolving disputes speedily and inexpensively when they occur; utilizing ADR whenever feasible. Supercharged, interminable litigation involving huge expensive, nit-picking discovery and emotional trauma infuriates the people — and then they blame the lawyers and the courts, even

though it is frequently obstreperous, polarized litigants (not well guided by counsel) who cause the problem.

Minimize the toll of litigation by realistic dispositions and alternate dispute resolution.

(viii) Remember that the law terrifies most people. Insecure and uncertain, they overreact when they feel helplessly entrapped by a monster which they neither understand nor trust. Much of that can be eliminated by a lawyer's intelligent guidance.

(ix) Within the range of intellectual honesty, be supportive of our system of justice and its general fairness and somewhat satisfactory results. Avoid unjustifiable assertions that the courts are slow, the judges are dumb, other lawyers are devious, public officials are crooked, and the system stinks. Bad situations must be addressed with candor, but unwarranted criticism by lawyers understandably foments public disapproval of the law.

(x) The substantial salaries paid some beginning lawyers are resented by much of the public. Educators, middle management and many others feel that overpaid, smug, young snots are driving up legal bills. You must demonstrate that you are worth it, that you are a decent, concerned human being, and anyway, professional athletes and pop entertainers are far more overpaid.

The currently skeptical public will gain if it understands the benefits of freedom and individual

rights — and the vital role of the legal profession in creating them.

Every day, every lawyer, by his or her actions, can contribute to enhancing public understanding and respect for the law.

"Now" is the time to start!

**The public interest
will be fostered if
all of us — from the
freshman law
student to the
seasoned veteran
— conduct
ourselves so as to
escalate the public
view of the law and
lawyers.**

THE JOHN DEWEY LECTURE IN THE PHILOSOPHY OF LAW

Ethical Individualism & Presentism

to be given by

Jon Elster

Professor of Political Science and Philosophy,
University of Chicago; Director of the Center for
the Study of Constitutionalism in Eastern Europe,
University of Chicago Law School

Thursday
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The lecture will be followed by a reception in the Spy Room, Pound Hall, 3rd Floor

In his talk he will attempt to defend the views that for purposes of distributive justice, groups don't matter and the past doesn't matter. Justice is concerned with living individuals. The view that groups don't matter he calls ethical individualism, the view that the past doesn't matter he calls ethical presentism.

His current research interests include the comparative study of constitution-making, empirical approaches to distributive justice, the relation between rationality and the emotions, and the study of addictive behavior.

• Letters (Continued) •

Drama Mama Gets Her 2 Cents In

DRAMA, from page 8

you unmercifully come back? Did they find out about the molestation charges? (And by the way, get a grip with this "93-'94" crap - you lost your chance. You're a 2L. But at least that means you get another chance to make at least one friend.) To you I give but one piece of advice, as someone who lives only a few doors down from you: If you wish to maintain the facade of sanity that you so desperately but clumsily try to portray, you would do well to discontinue playing the Village People at a 90-decibel level on your stereo. Trust me on this. People are talking.

And Todd, poor Todd, cannot be held culpable. Like an idiot cousin, he knows not what he does. When we got to know Todd and were told the story of his unsuccessful attempted self-lobotomy, we all grew immune to his drooling and sycophantic opportunism. Considering the depths of mire from which Todd drug his sorry carcass eleven and a half years ago, previous to his much-vaunted sex change, one can only hold Todd up as a superior sub-human. So what if Rob beat Todd

out for the role of Kenickie? We only gave Todd the starring role in *The Malfased Falcon* to end his persistent whining and to provide him another personality to add to his vast collection — and it worked. Today he walks, albeit dragging his knuckles, rather than crawls. We're all so proud of him, in a limited sort of way.

All that aside, perhaps you both could benefit from either professional help or electroshock therapy. In any case, we may bring in Roger Fisher or his hapless sidekick, Bruce Patton, if this pre-pubescent activity does not soon end. Roger may even give you cookies and milk and allow you to recite your favorite-theater-of-the-absurd monologues in your underwear under a white hot spotlight if you cooperate.

In closing, I leave you with the immortal words of Franz Kafka: "This village belongs to the Castle, and whoever lives here or passes the night here does so in a manner of speaking in the Castle itself. Nobody may do that without the Count's permission." You figure it out.

Susan E. Brooks '94
October 21, 1992

Drama Society Plans Coup D'Etat

Susan Brooks brought this issue up at a Drama Society Board meeting and proposed writing a letter, which was overwhelmingly rejected by the Board. Then, on her own initiative, she wrote and submitted it anyway. We condemn this action as an unjustified usurpation of

executive power and call for an investigation into the recent Drama Society elections. In addition, a coup will be forthcoming.

HLS Drama Society Board
October 21, 1992

Carroll J. Donohue is a partner in a St. Louis law firm and Chairman of the Public Information Task Force which has as its goal the elevation of the perception of the law and lawyers in society.

Liabilities

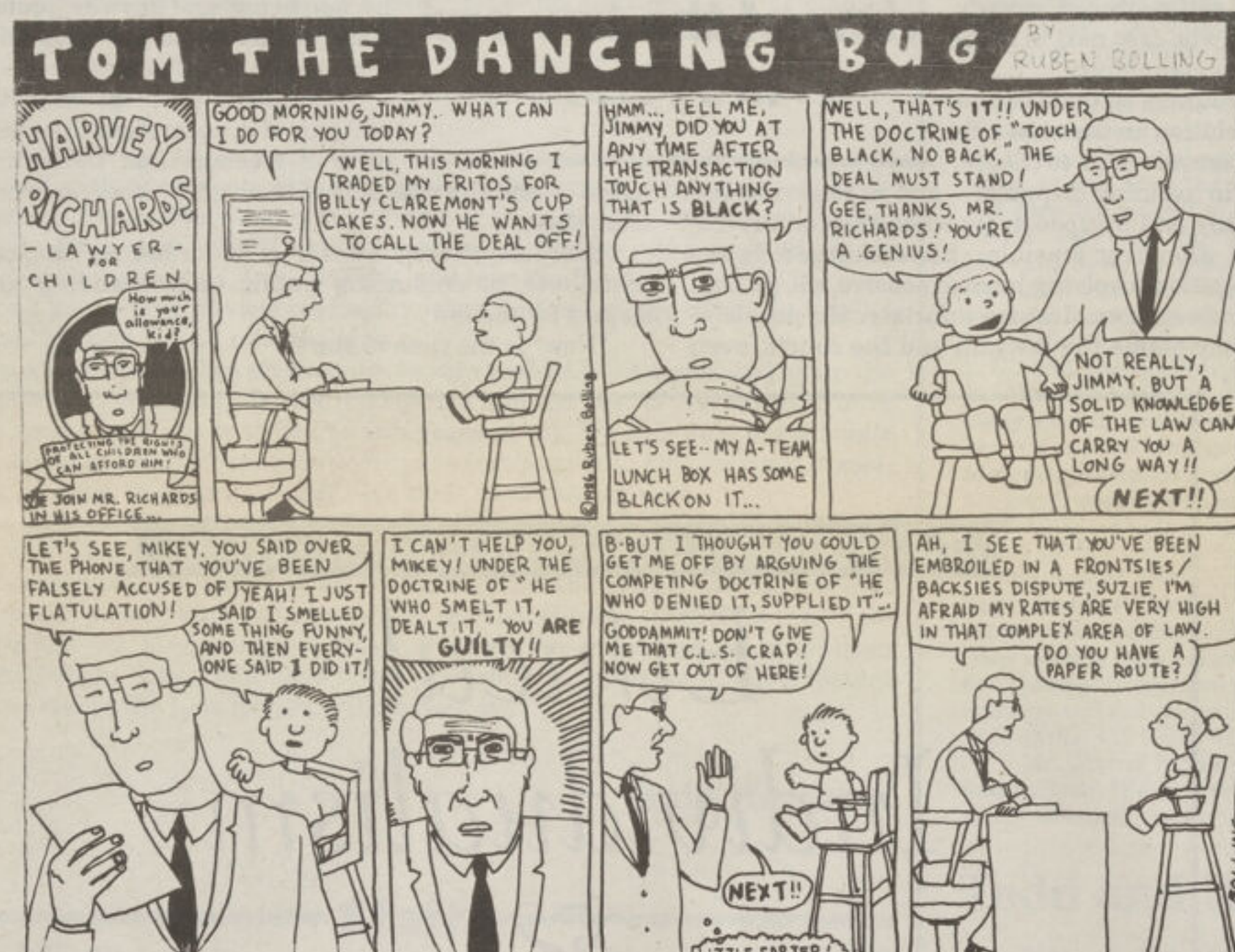
By Paul Taylor

CORPORATIONS EXAM. Question 1 -- 95 points. Corporation B, desiring a merger with Corporation A, must send out a proxy statement. 	Directors of B ask you to draft the statement, keeping in mind that if the merger is not approved, they will lose their jobs following a takeover. Draft the statement. 	THE STATEMENT WOULD AVOID AFFIRMATIVE FALSEHOOD BY OMITTING REFERENCES TO THE DIRECTORS' STATE OF MIND. IT WOULD ALSO INCLUDE VAGUE ARGUMENTS FOR THE MERGER, SUCH AS "IT WILL OPEN UP THE SHARES TO MORE TRADING..." 
...AND IN ANY CASE, PLAINTIFFS WILL NOT BE ABLE TO PROVE THE PROXY STATEMENT INFLUENCED THE VOTE SINCE MOST SHAREHOLDERS ARE UNSOPHISTICATED AND NEVER READ THESE STATEMENTS. 	Question 2 -- 5 points. Reread your answer to Question 1. 	Describe briefly why it should condemn you to the lowest tier of Hell. 

Tom the Dancing Bug

By Ruben Bolling

TOM THE DANCING BUG BY RUBEN BOLLING



Alumni and Professors will remember Ruben Bolling's work as the RECORD cartoonist before he graduated in 1988. We run this cartoon to commemorate the release of his new book, *Tom the Dancing Bug*.

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Fried on Fried

Nadine Strossen

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HOROSCOPES

By Rosie Cosentino

ARIES March 21-April 20: This is the week to travel for pleasure. Watch for important changes in status and relationships with people in positions of power. Interests in religious functions, or philosophical pursuits. An offer of partnership.

TAURUS April 21-May 21: You may be the lucky one to be offered a corporate position. The next few weeks are very important. Sympathetic inclinations for friends could stand in your way, watch those emotions. A new relationship introducing you to the world of music, art and a foreign culture.

GEMINI May 22-June 21: Continued success with your social contacts and the general public. Your vitality and will power are enhanced this week which leads to your being sought after by superiors for positions of power and authority. Overcome any negative conditions with your charm and a smile.

CANCER June 21-July 23: Opportunities for engagement in social activities both romantic and business. Try bringing flowers or a new picture to work to brighten up the atmosphere. The new moon could bring a reward into your life. Let go of the old, new and different is for you.

LEO July 24-August 21: Those of you working in or with the media, art, or music are favored now, pursue your goals and seek favors or a head of the crowd. Devote time to children's organizations and fund raisers. These activities will also bring success, an enchanted time.

VIRGO August 22-September 23: A strong urge to give a party. Projects intended to beautify and improve the domestic environment can be started now. Transportation difficulties cause confusion, make sure to get the correct directions. A time for formalization of agreements and promises. Do not let friends stand in your way.

LIBRA September 24-October 23: A week to catch up on communications with family and business associates. This can be a means of establishing friendly social relationships. Your grace, tact, and diplomacy in speech can further your career aspirations. An interest in matters connected to the earth, ecology and archaeology could also prove useful.

SCORPIO October 24-November 22: A new course of study is undertaken, generally in pursuit of astrology, numerology, or dreams. These changes can alter your goals and objectives. Interest in electronics and electronic communications could cause you to seek more lucrative employment. So don't let your ego get in your way.

SAGITTARIUS November 23-December 21: A new look and an expression of self confidence encourages others to take a second look at your abilities. An award of friendship, news long over due comes with a surprise. A leadership role in connection with a hospital or institution.

CAPRICORN December 22-January 20: A week of active involvement in career. Important individuals who hold positions of power and authority are likely to enter your life. Be careful of power struggles. Be political and assume a leadership role. Being helpful with children will show your sensitive side.

AQUARIUS January 21-February 20: A time for advancement and furtherance of your career. Status and positions are made known this week. Evaluate your ideas, be practical and go after what you want. An intellectual interest in politics and political figures may lead to your desires. Luck is a lady you know.

PISCES February 21-March 20: A week to seek favors, and to let your grades speak for you. Business partnerships and financial transactions do favorably. Advice from an older person can point out a new direction and lead to more personal freedom. Expect a visit from a loved one.

For personal consultations contact:

Rosie Cosentino
P.O. Box 306
Hazelwood, MO 63042
(314) 621-6529

Some Like it Haute

By Alysse MacIntyre

RECORD Columnist



I just can't help myself from looking around at some of the women in my classes and wondering if they escaped from a catholic school. Anna Quinlan wrote something about how women wouldn't go for this school girl from hell look. Anna, honey, come check out HLS. I can't believe it. I did everything I could to get out of Catholic school in order to avoid looking like some of these women. I made incredible concessions to the folks, not the least of which was a chastity belt.

Some women have really taken the look to a whole other level by getting what could only be described as Jan Brady Glasses to finish out the ensemble. I had Jan Brady glasses back when Jan herself had them. I hated them. They still make me cringe.

But at least most women here have something that could be called "a look." In the law school context the "well dressed man" is virtually nonexistent. But that's OK. Men who dress better than I do have sort of been an issue with me.

Most women think that that is what they want — a guy who can really dress. I mean, your normal guy dresses well enough to get by in daily life, but then there are those occasions where you really want him to look cool. Maybe you've just met your best friend's new

boyfriend from Milano who looks like he jumped out of the pages of *GQ* and you're a little envious. Or maybe you're going to a big party and one of your ex's will be there and you want him to be a little jealous. So then you've got to cajole and coax and plead and beg and cry to get The Boyfriend to take off that silly shirt his mother gave him and put on the shirt you gave him that makes him look foreign and sexy. And you say to yourself, "Next time, I'm getting myself a guy who can dress!"

Listen up, girls. I've done it. Twice, even. You think it's what you really want, but it isn't. There is a major draw back. Your average guy who can't coordinate his clothes unless they have matching Garanimals tags will always think you look fine. You'll be ready to go and you will ask that question that no woman can leave the house without asking: "Do I look alright?" and he'll say you look great. This is one of life's only truisms: women cannot leave the house without asking those four little words. It's as certain as death and taxes. Eric Clapton even wrote a song about it that makes every woman I know go weak at the knees. And I know about this song. A man sang it to me once. I spent three months following him up and down the coast as a direct consequence (There, GA — I mentioned you in a column! You can die happy now, you kvetch).

Now, most women when they ask if they look OK know they look just fine. They just need a little boost to get out of the house with all their imaginary flaws like big noses and wide hips and whatever keeps them up nights reading calorie tables and working out exercise plans. Or maybe they're just afraid that once again they have fallen victim to another silly fashion trend. Regardless, the fact of the matter is that Joe Average Boyfriend hasn't even noticed what you are wearing, but he will say you look great anyway. You don't believe me? The next time you ask this question and The Boyfriend says you look great, step out of the room and ask him what are you wearing and see if he can answer. If he can, hop a plane to Vegas that very day because you've got yourself a bonafide catch of a man (And that's for you WJ, you big lug).

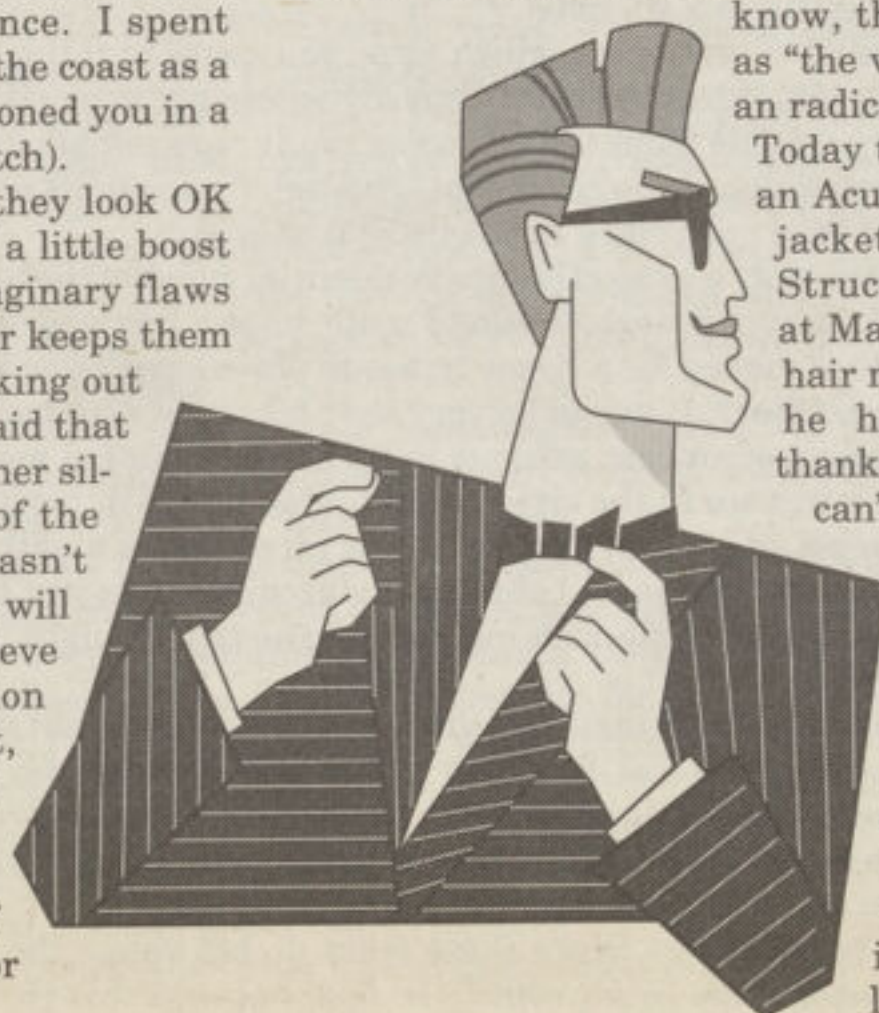
But The Man who dresses well — he will tell you how you *really* look. He doesn't care if you really don't want to know. He'll get that look across his face that lets you know that its bad news and he says, "Do you think that shirt really matches? Don't you still have that other shirt? You know, the one I gave you that makes you look foreign and sexy?"

There is only one thing more annoying than this: the man who use to dress out of a rag bag but became a fashion plate after you left him. I use to go out with this guy who only owned t-shirts. You want to talk about being too sexy for your shirt? This man went everywhere in a tee with a big hole in it that said, "Climb Nebraska." But he had Impeccable Politics (IP, as opposed to merely being PC) and I loved him endlessly. I even learned how to make tofu lasagna for him, I was so in love. The only problem was his clothes. I spent a year trying to convince him to just consider a shirt with buttons, but it wasn't happening. I would only go out with him in his ancient VW to health food restaurants and other places frequented by the "Nuclear Freeze Crowd" where he wouldn't stand out, since, as you

know, there is no such thing as "the well dressed vegetarian radical."

Today this same man drives an Acura and wears leather jackets and clothes from Structure. He even shops at Macy's and mouses his hair now. Or at least what he has left of his hair thanks to Rogaine. I simply can't believe it.

"You're just doing this to spite me," I say when he shows up to our lunch date looking like he just came from a photo shoot. "Nonsense," he says, "It was your good influence on me." Gee, lucky me.



Fenno

Fenno sat in front of his fireplace, coughing and sneezing, thinking about his day. On his way back from the Mid-Southeast Somerville Legal Services Center, he had given his raincoat and twenty bucks to a homeless person. Within minutes, he found himself caught in a downpour with only his Ralph Lauren rugby shirt to protect him. He would have hopped a cab home, except that the twenty bucks he gave away was the only money he had in his wallet. While he was proud of himself for being so generous, he was not exactly thrilled at having a 103-degree temperature to show for it.

As he reached for another Kleenex, Fenno reflected with pride on all the good he was doing in his new life: protecting the masses from exploitation, picketing evil law firms, recycling. After a few moments of reflection, he got up to look for the cough syrup. As he swallowed the horrible liquid, he tried to console himself at the prospect of spending the next couple of days in bed. Thinking aloud, he mumbled "Well, at least it's all for The Cause."

Despite his newfound commitment to The Cause, Fenno was quickly finding that being good had its price. His old friends thought he had gone off the deep end, his grandfather was threatening to write him out of the will, law firms refused to talk to him, and the local country club had asked him to resign his membership. Worse, he was faced with the prospect of having to go out and get a real job, since the trustee of his college fund was ready to pull the plug on him.

The Cause was also taking its toll on Fenno's bank account. Flannel shirts, workboots, limousine, the subscription to Mother Jones, donations to the People for the American Way — the costs were starting to add up. In fact, he had been

forced to retain lawyers from six different Wall Street firms to try to break into his trust funds for more revenue. "How appropriate," thought Fenno, reviewing the billing sheets from last month's work, "using the tools of capitalism to access its wellspring, so as to divert it to the irrigation of the precious flower of a true people's revolution!" Well, at least reading Duncan Kennedy articles was improving his metaphors.

Despite the costs, Fenno was steadfast in his faith in The Cause. "The masses will be free only when the revolutionary vanguard raises their consciousness as to their disempowerment and marginalization and leads them to a reconfigured power dynamic based upon true principles of self-actualization and otherness," he thought, trying to make sure he got it right for the next meeting of Roberto Unger's Language of Liberalism seminar.

All this thought of revolution, however, was making Fenno tired. As he climbed into bed to get some rest, he piled back copies of Soviet Life next to him. Flipping through one issue, his attention was grabbed by an article on the necessity of armed struggle to liberate America. "Hmmm," thought Fenno, flipping through the pages, "no wonder the reactionary establishment running-dog liberals are in favor of gun control."

Quote of the Week

"Spalding Gray?
Which law firm is
that?"

—Overheard in an elevator
at the Charles Hotel.

(Quote courtesy of Maddie Fain '94).

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How the Other Half Lives

By Rich Wareing '93

RECORD Columnist

"One half knows not how the other half lives."

—Jacob Riis

WHEN Jacob Riis made that statement about 90 years ago, he was talking about respectable New Yorkers who had no clue about how poverty, crime, and vice which thrived in slums such as Five Points and Hell's Kitchen, just a few blocks from their fine Manhattan townhouses. Riding in on the bus this morning, it hit me that what Riis said about New York applies today to the vast majority of us who use the men's room.

The other night, I was walking to a party with two women. One of them made a remark about how dark it was. I told her that she didn't have anything to worry about since it was still pretty early and that we were in one of the safest neighborhoods around Boston. She looked me straight in the eye and said, "Rich, no neighborhood is safe if you're a woman."

Now, that's the kind of statement which gives you cause to think.

Growing up in the city, I learned pretty quickly where not to go after dark and where not to go at all. Aside from that, I never really worried about going any place else, because generally, if you're six-foot, two-hundred pounds and you keep your mouth shut and your eyes open, nobody will bother you.

That said, the idea that a perfectly nice residential neighborhood might not be safe for me to walk around in is something I really have a hard time with. After all, when you pay lots of money for a house in a safe place, aren't you supposed to be buying freedom from fear? It would be very easy for me to dismiss my friend's statement as the product of an over anxious mind or an irrational assessment of the dangers of being a woman in the city. Indeed, even now, I'm pretty sure that what she said was fueled, at least in part, by the fact that it was nighttime and we were a little lost. But there was more behind her statement than just that. I really think she generally feels unsafe walking around the city at night, and maybe even in the daytime too.

Maybe her fears really are a little irrational and overblown, but who am I to be judgmental? I'm not a five-foot-five-inch 125 pound woman who most ninth grade boys could knock to the ground, and I doubt seriously that there's anybody out there waiting for me in the bushes. For me, these concerns are not personally relevant. If I want to walk home alone at 1:00 A.M., I can.

And that's exactly my point. Since these fears do not shape the way I live, they don't occupy center stage in my mind. In fact, because this threat doesn't really bear upon me directly, I have probably given it less thought than the question of whether Sherman Douglas or Dee Brown will start at point guard for the Celtics this year. While the question of who's at point for the Celtics is important, it's hardly of the same magnitude as what we're talking about now.

What bothers me about this is that I don't think I'm alone. Seldom, if ever, do you run across a bunch of guys getting together for a couple of beers, the ballgame, and a chat about rape. It just doesn't come up.

A lot of women, however, do think about this stuff, precisely because they are five-foot-five, weigh 125 pounds, and given the number of crazies out on the street, somebody might well be waiting in the bushes for them. For them, it's an everyday concern of life and death and they'd damn well better be thinking about it.

Don't think this fear stops at walking the streets at night, because plenty of women spend a hell of a lot of time worrying about getting bounced off the wall by a boyfriend or husband, or getting raped by somebody they think they can trust. Again, I've never really been too worried about getting smacked around by a girlfriend, and I don't know many guys who have. It's just not a risk we face, so it's not something we think about very much.

And this is the real problem. You've got tens of thousands of guys out there who would never ever do any of these things, but who are completely oblivious to it happening, even to women they know and love. It's just not an issue they think much about because it just doesn't happen to them. Like the man said, when one half knows not how the other half lives, how can you expect to change anything?



Lopez Predicts Two Snaps and a Circle

By David Lopez

Contrary to my earlier predictions, I was able to see more than one movie this week. Both were good, but not quite as good as previous movies I've seen like *Laura* and *Hero*. The first movie, a Harvard Square hit — which means it's not a hit at all as they only play movies that nobody else will play and that only appeal to pseudo-intellectuals hence the reason the theatre remains in the Harvard area — is a date-type movie.

I got lucky as I was walking to the post office. I noticed that *School Ties*

friend's girl friend. This was just too easy a case, as are all movies that try to prove a point. I mean, instead of having some tall, good-looking guy like Todd Hartman or a suave Sean "The House" Côté playing the role, I would have had a little tougher candidate to love, someone like, oh, say... Rob Rader.

I mean, would Alysse MacIntyre be anti-Semitic for not dating him or merely be prejudiced against really vertically challenged law students? Would people not want to come into his room because of the red velvet bed and mirrors on the ceiling with Bee-Gee music playing in the background or would it be something else? Would a woman not dance with him because his grin, his sideburns, his swiveling hips seem to be saying right here, right now, or is it just because he's Jewish?

Another problem I have with these simplistic, prej-

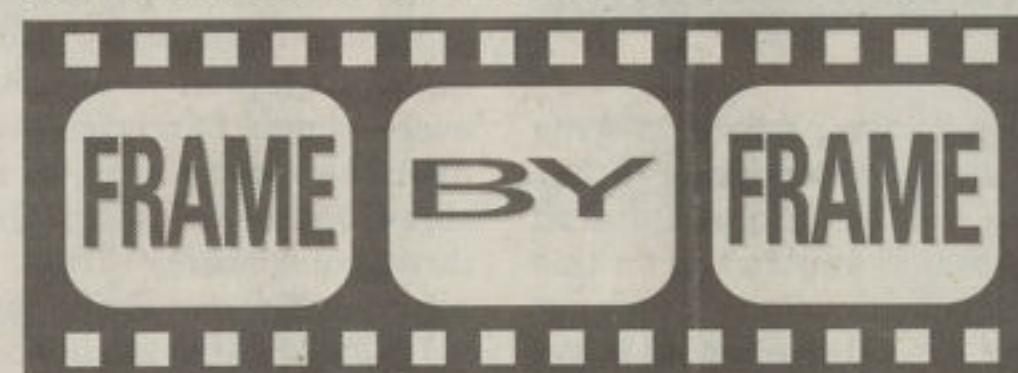
udice-is-bad-boys-and-girls movies is that the movies kind of give you a message that if there's a problem with prejudice then you'd better be really cool or you're in trouble. I totally disagree with that. I heard that English have a stereotype about Americans. They always wear jeans, they always chew gum, they wear sneakers and put them on the seats in front of them in movie theatres and talk too loud. I do all that stuff. Heaven forbid if I should go over there and pick my nose or something on top of it all. The question is, though, should I change to please them, or should they accept me as I am? There's a movie I'd like to see, a "Rob and Dave meet the Queen" type movie.

Still, all in all, this is a great high

school movie, pure entertainment. Don't expect a deep moving experience like *Europa, Europa* or even *Au Revoir, Les Enfants* where lines blur, help comes from unexpected quarters, and you take a journey through the dark interior of the human soul. More like good movie to take a date; it will show you are fun and sensitive.

If it was me doing the movie, he would have stolen the best friend's girl friend.

The next movie I saw was *Rope*, by Alfred Hitchcock. I walked in late because an interviewer kept talking to me for more than a half hour and I couldn't tell him I was late to see a movie, so when I finally got there, Ed Ducayet says, "Oh don't worry, you didn't miss anything, all they did was strangle a guy." I love the subtlety of Hitchcock. In real life, the murderers were gay, and Alfred insinuated that strongly without so much as a word. Not like now a days. Actually, there's a movie at the Brattle next week called *Swoon* that explores the whole homophobia issue in the Loeb-Leopold case, and Rob and Todd give it two snaps and a circle.



was starting just at that moment, and that I could get out just in time to drop off my letters, so what the Hey. I headed in just in time to catch the previews.

The movie was about an all-American football star from Pennsylvania who is signed on as a ringer for an old-boy, all boy, prep school whose alumni want to win so desperately that they allow the star to transfer with a scholarship even though he's Jewish. The plot is predictable, but the story is told masterfully and you find yourself believing both the story and the characters. The star goes to the prep school and everyone likes him because he is tall, good looking, great at sports, etc. . . Then the star hears some anti-Semitic jokes and hides his identity until the end of the movie where it all comes down on him like a house of cards, where he valiantly fights and wins.

I fault it for being a bit too simplistic. Although they did a great job of making the characters believable, it was too cut and dried. The star was believable in that he was just a little too touchy about being teased, he was finding it hard to differentiate between good natured fun and malicious comments. It reminded me a lot of the description I'd read about Reginald Lewis in the Wall Street Journal, where he was faulted for not giving in on anything and being defensive at times. The other students were understandable, all being under incredible pressure because all their dads had gotten into Harvard or Princeton and they were told to do the same.

On the other hand, the main character was just too good. He sees a good looking girl on the dance floor, begins drooling and then says, "Oh, my, you aren't dating my friend, are you?" Like you care, buddy. If it was me doing the movie, he would have stolen the best

So Oppress Me Already!

By Debra Dickerson

Guest Columnist

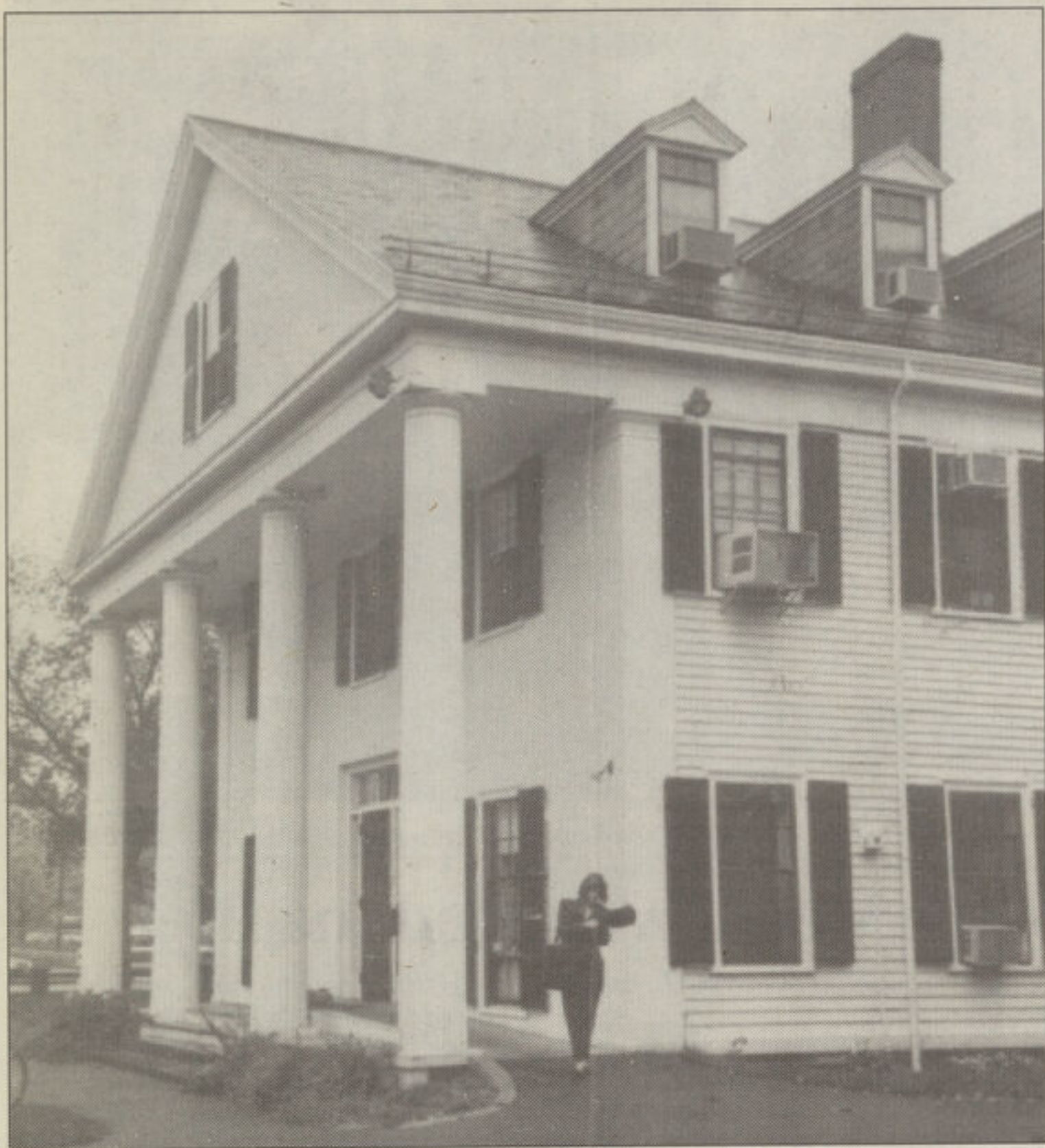
So far, I'm really pissed off. I've been at Harvard six weeks and have yet to be assaulted, insulted or victimized in any way. No profs have shoved me, none of my majority classmates have played the LSAT-guessing game with me, and my cornrows have elicited only polite interest and compliments. Damn! If this keeps up, I'm never going to have enough material for that "Harvard Scarred Me For Life" book I came here to write. By this same point, Kahlenberg (author of *Broken Contract*) must have already had a first draft on his editor's desk. That guy had to have started sniveling the morning of registration and didn't let up for three solid years. So what's wrong with me? Why am I being treated so bloody decently? Will I actually be forced to pay attention to the Law School Council election debate for evidence of institutional abuse.

Like the authors of *Broken Contract*, *Paper Chase* and *One L*, the first two weeks pretty much convinced me that I've got about as much chance of surviving as a lawyer as Marion Barry did of just saying no. I'm sure my grades will be similarly persuasive. Logically, therefore, I've concluded that my only hope of avoiding life as a personal injury hack is to write (yet another gratuitous) tell-all expose on life at Harvard Law School. Surely there's more that need be said on the subject, right? Now, if the administration will just cooperate.

I figure my best hope for lucrative harassment must be in Torts. Even an amateur ought to be able to goad Professor Rosenberg into an LAPD-type outburst. Given the good Professor's well-known equanimity and patience, how hard could it be? Even so, I've laid my plans very carefully. I'll begin innocently, innocuously — I'll wear him down bit by bit. At first, he won't be sure whether to be annoyed or to pity

my idiocy. Once each class, I'll ask questions like "Professor, did you know you had a pair of glasses super-glued to the top of your head?" Or "Didn't I see those shoes on the guy who lives under the big bush in Cambridge Common?" Then, I'll soften him up with a three day barrage of T-shirts. Monday's T-shirt will feature the following words prominently: "Fairness," "Individual Rights," and "Doctrine." Tuesday's I'm particularly proud of: the "triangle." Then, on Wednesday, the coup de grace: "Critic's Rule!" This should be enough to induce a thorough discussion of my family tree including any relevant ancestral inter-species sexual liaisons. One chapter done.

I'll need more though, because I intend to snag a movie deal. I'm going to go for all the marbles and gamble on surviving the ultimate instigation. After 15 frenzied minutes of Rosenbergian hieroglyphic blackboard drawing, I'm going to say the magic words. I'm going to take a deep breath, pray to the Goddess of Bones That Heal Quickly, and say, "Rosie, I think you're wrong." I figure I won't even have to specify what he's wrong about. I think I can reasonably expect actual physical violence at this point. That's why I got Professor Rakoff to help me write a contract with the HLS Karate Club for protection. Silly man, he thought it was for extra credit. (Mental note: consider a chapter on Professor Rakoff. Possible titles: "Karate Contract" or "Contracting for Death: Classroom Commandos.") How will I spend all the money?

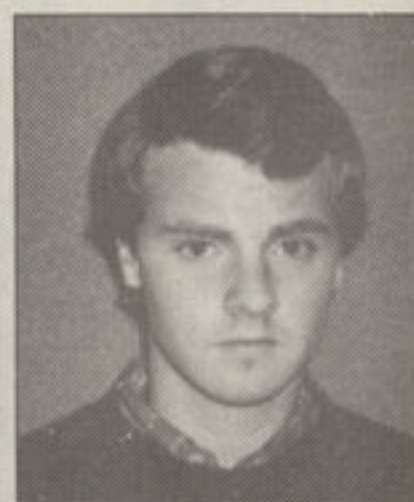


Gannett House, home of the Harvard Law Review.

Columbus: Through the Looking Glass

By David S. Clancy '95

RECORD Columnist



IN the Ames Courtroom two weeks ago, the Black Law Students' Association formally put on trial the weary, befuddled ghost of Christopher Columbus. The prosecution argued that Columbus set up a beachhead for marauding Europeans, who with military might and diseases destroyed a peace-loving native American commune, and replaced it with the human rights-offending, minority-oppressing, third world-colonizing United States of America.

This Orwellian distortion of the truth carried the day. A news article in last week's RECORD editorialized exultantly that Columbus was found guilty of "being the catalyst in a cycle of genocide, slavery and oppression" and therefore owes a "damage award too large to imagine."

Needless to say, it doesn't sound like the defendant got a fair trial. The RECORD article, however unwittingly, paints a portrait of a courtroom straight out of Lewis Carroll's *Alice* novels — a hanging judge, a mad crowd, ignorant jurors, inverted judicial principles, general chaos.

Poor Christopher Columbus. Beckoned from the grave on the 500th anniversary of his voyage, he thinks he's going to a grand fete in his honor. But instead he's pulled through the looking glass into a strange world, where everything is upside-down and everyone talks nonsense. This strange world is a politically correct Wonderland, where the fete has been replaced with a bizarre inquisition — "Off with his head," cry the natives of "PC-Land," as they pelt Columbus with revisionist history books.

For Columbus to get justice, it seems, the appeal will have to be held on *this* side of the looking glass, where the court won't be swayed by prosecution arguments which have all the facts topsy-turvy.

Outside PC-Land the court won't agree, for example, that Europeans were responsible for diseases which decimated native American tribes. Europeans never thought to assign blame for the black plague, which was carried west by Crimean refugee ships. Finding culpability for an uncontrollable event is something only a PC-Land native — or a law student corrupted by three months of Torts — would deem just.

Outside of PC-Land the court won't agree that Columbus's voyage ultimately resulted in establishment of a country (the US) which "truly does have a poor track record on ending pain and suffering." "Compared to what?" the jury will wonder, as the defense calls in witnesses of immigrant background — Irish like my grandparents, Jewish, African, Asian, Caribbean — who testify that America's superior "track record" in this area was precisely the reason they fled here from their impoverished, oppressive, or tumultuous homes.

Outside of PC-Land the court won't agree that Columbus set the stage for an insidious American imperialism which has spread "greed, environmental destruction, class division, and violent crime" into a formerly pristine third world. Political commentator P.J. O'Rourke rightly blames third world problems on the third world with this bit of on-target humor: "Their problems proceed from fatuous oligarchies...religious zealotry, fanatical nationalism, tribalism, xenophobia...notions of individual liberty borrowed from termite mounds [and] political systems that wouldn't pass muster in a troop of Barbary apes."

And outside of PC-Land the court won't even accept the prosecution's central claim — that Europe's legacy in the Americas is one of "genocide, slavery, and racism." By implying that these injustices were imported to the Americas by Columbus and his successors, the prosecution betrays its "Dances with Wolves" view that Native Americans were noble savages, peace loving mystics, and that the civilization which replaced them was simply brutish and greedy.

But this is revisionist history. Actually, native cultures frequently had a hierarchical social structure, often had a penchant for violence, and in some cases practiced human slavery and even sacrifice. Europe's political legacy, on the other hand, as anyone acquainted with world history knows, is one of reverence for the sanctity of the individual, democratic self-rule, human rights, and cultural freedom.

Despite a compelling defense, Columbus won't go free anytime soon. At present, PC-Land courts have unlimited jurisdiction over all issues of moral and political importance. Radical student and faculty groups at colleges across the country have declared themselves the final arbiters of what we should value and what we should reject.

And their decisions have been binding. One would hardly have noticed that the Monday before last was the 500th anniversary of Columbus's discovery of the Americas. The disappearance of Columbus Day is an apt symbol of the large-scale devaluation of Western culture in *fin de siècle* America.

Eleventh graders in New York learn that Iroquois culture was one of three major influences on the Constitution. Dartmouth and other schools require courses in non-Western but not in Western civilization. Oregon's social studies curriculum teaches that "Europe stole its civilization from Africa and then engaged in malicious representation of African society and people."

The reason for these absurdities is simple but sad. 500 years after Columbus, we again have two worlds: the world of the febrile radical left, and that of the more conservative silent majority. The world of the majority is silent because the politically correct rules of engagement require it to be.

Only when these rules of engagement change, or are flouted, will the politically correct judgments of guilt leveled against things traditional and Western — the classic canon of literature, freedom of academic inquiry and political discourse, the traditional family, even Christopher Columbus — finally be reversed on appeal.

Only then will symbolic and substantive issues central to the moral, social, and political fabric of our society be decided on the rational side of the looking glass.

Law Review Controversy

continued from REVIEW, page 1

Under the Constitution of the Law Review Association, the Board has general supervisory powers over the Review. They decided on appointing the investigator after Schulman and Hirsch excused themselves from the meeting to avoid possible conflicts of interest.

On October 18 the four black women 3L editors who are the progenitors of the current charges — Rhonda Adams, Renee Jones, Shelley Simms, and Stephanie Sowell — responded to the Trustees by releasing their own letter to the Trustees. Their letter sought to inform members of "two issues which are of immediate importance."

First, they stated that, although "the [television] networks have expressed their continued interest in our story, television is not the best forum to discuss the current controversy." They had declined two media invitations, one from a local station's evening news broadcast and one for the NBC *Today* show. The four wrote that "through Emily's attorney, we have been informed that neither Emily nor her representatives will make appearances or give interviews unless we do." Thus, they declined the interviews.

Second, the four addressed "the appointment of the person/s who will investigate the factual disputes in this case." Given that "the central issues deal with race and gender discrimination," the four "feel that it is imperative that any investigation involve someone who has experience with discrimination cases."

The four emphasized that given the potential for conflicts of interest and questions of credibility, they "would be troubled by the appointment of anyone employed with a firm which works for Harvard Law School or the Harvard Law Review Association, or the inclusion of anyone who is employed with a firm which Emily has worked for or from which she has an outstanding offer."

In addition to their concerns, the four wrote that they are developing a list of ideas which might further address the concerns of the Law Review in general, and of women and minority editors more specifically.

On October 21 thirteen of the fourteen third-year women editors of the Review released a letter to the Trustees stating that "we have heard and shared serious complaints regarding racial and gender discrimination and abuse of power by our President." They continued that "we believe these complaints are highly

credible and reveal a pattern of behavior that has been deeply harmful to the Law Review community."

The editors concluded that "we are confident that the recent troubles at the Law Review can be fairly resolved by a credible and professional investigation, and we appreciate the Board's willingness to address these serious issues."

Dean Clark stated that this is the first time in memory that the Trustees have decided to appoint an investigator. The Dean pointed out that "the Trustees in general want to give as much autonomy as possible to the Review."

But why didn't they appoint an investigator during the *Revue* incident? The Dean explained that "with the *Revue*, most of the controversy spilled out outside of the Review. . . The Trustees felt it was being handled well by the president and the new editors within the Review." He continued that "Last Spring I thought differences didn't get out of hand and they resolved them, and now the Trustees don't think that's the case."

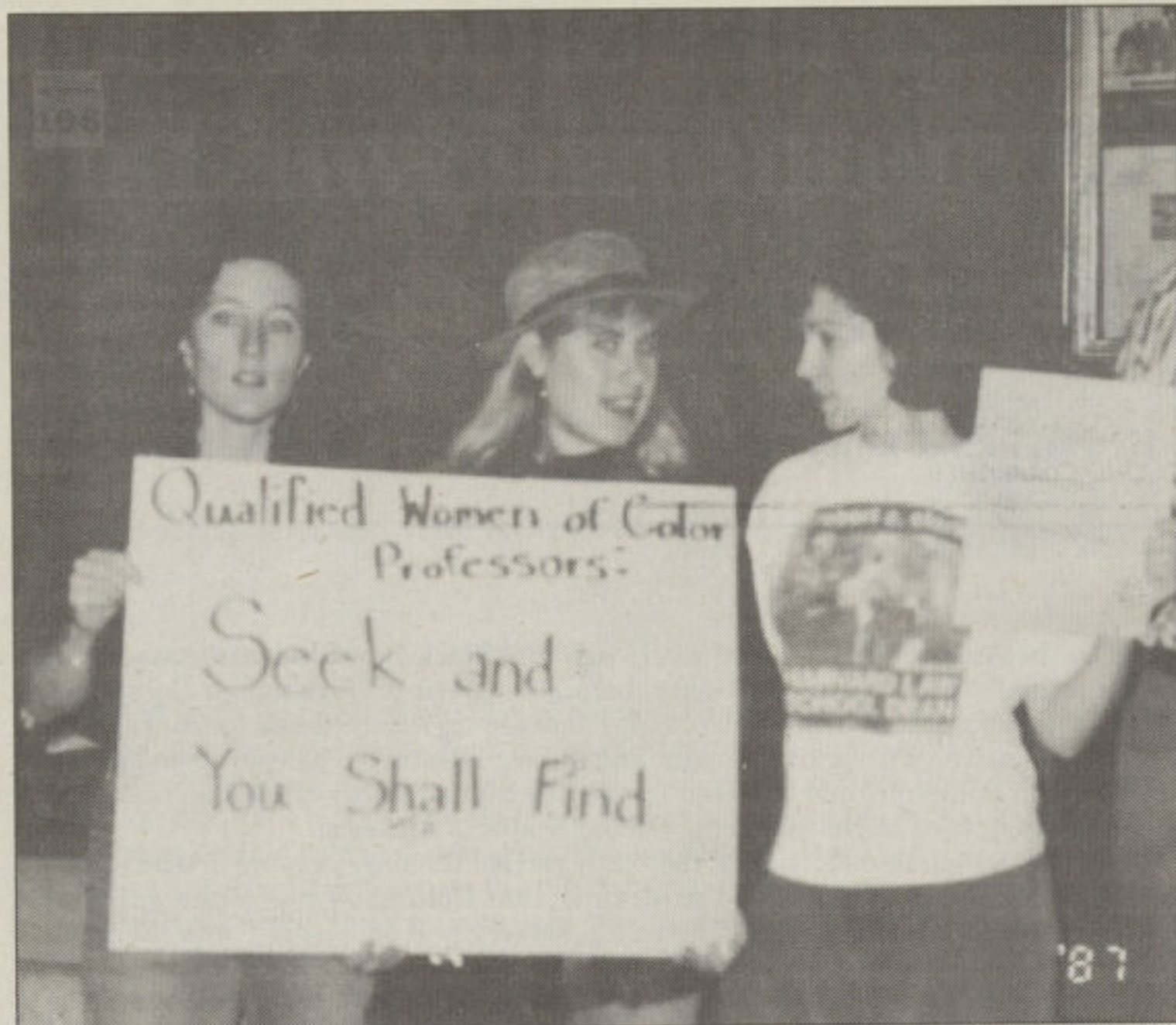
The Dean can't forecast when an investigator or investigators will be selected but he did say that "this has been my major preoccupation and we're working very intensely, thinking of possibilities." Once a decision is made, DBC said the Trustees will "give the investigator some marching orders." The first priority will be to determine what happened in the particular issues of dispute.

None of the other trustees would comment and Professor Parker said that they had "made an agreement" that only Clark would speak on the record.

The controversy surrounding Schulman began when a black women editor charged Schulman with racism at a September 30 meeting. This charge was followed by other allegations of racism, sexism and general abuses of power.

On October 4, the Review members took an unprecedented vote of "no-confidence in the president to lead the Review," which resulted in a tie. Schulman participated in the vote.

Schulman is reluctant to speak publicly, but she told the Associated Press on October 17 that "I have never assigned or evaluated work at the Harvard Law Review on the basis of race, gender or any other illegitimate criteria. I deny the charges which have been levied against me, and the media seems an ill-suited forum in which to resolve them."



Students participate in silent vigil outside faculty meeting.

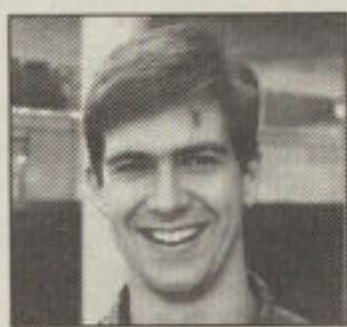


Prof. Randall Kennedy and Prof. Laurence Tribe walk past student protesters.

A Baseless Charge of Bias

By Greg Stohr '95

RECORD Columnist



I had heard that at Harvard Law School, reasonable attempts at intelligent dialogue tend to be twisted and attacked by hypersensitive partisans. Nevertheless, I had hoped that, as someone generally moderate both in political views and in approach to the law school, I could manage to stay above the fray, at least for a few months.

Not at this place. Three issues into my tenure on the RECORD, I am already being hit with a baseless charge of being too untrustworthy to write news stories.

The accusations come from one or more members of the left-wing side of the Law School Council. At least one person, possibly reflecting the views of others, has asked the Editor of the RECORD that I no longer be assigned to cover Law School Council activities. That person has not contacted me directly, but his or her rationale apparently is that a column I wrote two weeks ago showed I have a bias about the Law School Council and therefore cannot be trusted to write objective news stories about it.

The column discussed the Council election controversy. In it, I suggested that (a) the left wing's charges of tampering were unwarranted, and (b) the left wing's suggestion of extending the deadlines nevertheless was a reasonable one and the right wing was wrong to prevent it from coming to a vote. Apparently, the concern arose from my assertion that the tampering charge was unfounded.

The column, admittedly, was biased. Though not nearly as polemic as many articles published in this paper, it was my opinion and was thereby formatted as a column and duly noted as being authored by a "RECORD Columnist."

Had the piece been a news story, I would have done what every fair political reporter does every time he or she writes a news story. I would have done my very best to prevent my personal bias from affecting the news story. I would have done what David Broder does when he writes a political news story for the *Washington Post* the day after he writes a political column. I would have done what Tom Wicker does when writing for the *New York Times* the same weekend he gives his opinions on *This Week with David Brinkley*. I would have done what Sam Donaldson, Andrea Mitchell, Al Hunt, Lou Cannon, and Eleanor Clift do every day:

All good reporters have opinions about the issues they cover. If they do not, they probably have not explored the issues they cover well enough. Some express their opinions outside the news pages. Others do not. The issue is not what they do when they are not writing news, but whether they are objective when they are writing news. A reporter might be the outspoken president of the Flat Earth Society, but as long as her news stories on Christopher Columbus are fair, we can ask for no higher standard of objectivity. To prevent a reporter from reporting just because he or she expresses opinions, even if in a clearly different format, is unfair and insulting, and to prevent a reporter from saying what he or she believes, in a separate format, borders on censorship.

By all accounts I've received, I have done at least an adequate job of preventing my bias, such as it is, from affecting any news story I have written. At least my detractors apparently have not complained. They concede that neither of the two Council-related stories I have written—one on the Council's decision to postpone the elections and one on the results of those elections—was biased. Perhaps they noticed that in the latter story, I quote three people who align themselves with the left, one self-described consensus-builder, and nobody—not a single person—who places himself or herself on the ideological right. I would be more understanding had the right questioned my credibility. If anything, I worry I have been too generous to the left in my news reporting.

So the question is not so much whether anything I have written has been biased, but whether anything I write in the future might be biased. The individual who complained wants me to be restrained from writing news stories with any evidence or even any assertion that I am writing news stories unfairly.

To whomever complained to the RECORD Editor: If you disagree with a column I write, I am happy to discuss it with you or read your letter to the editor. If you believe a news story I write is biased, you are free to complain, but common courtesy (as well as smart politics) would suggest you raise the issue with me directly. If you merely wish to make completely unfounded criticisms of my trustworthiness, kindly keep your petty whining to yourself.

CCR Meets with Rudenstine

continued from *VIGIL*, page 1

stine's office delivered a letter to him soliciting his help "in ending the crisis that still grips the Law School campus." The letter asked Rudenstine to "exercise your leadership to move Harvard Law School in the right direction," arguing that "a public articulation of your support would be a good first step."

Unexpectedly, Rudenstine agreed to meet with the protesters. In a 20-minute meeting, Camille Holmes '93, Coordinator of the Coalition for Civil Rights, laid out a number of specific CCR concerns.

Holmes:

- called for full funding and an endowment for the Charles Hamilton Houston fellowship, a program designed to channel Ethnic Minorities into law teaching and enlarge the "pool" of minority scholars;
- alleged that the faculty membership of the admissions committee has been altered to increase the influence of conservative white males, possibly as a means to screen out activist students;
- criticized Clark's handling of the faculty appointments committee, espe-

cially the appointment of Professor Charles Fried as a member of the committee.

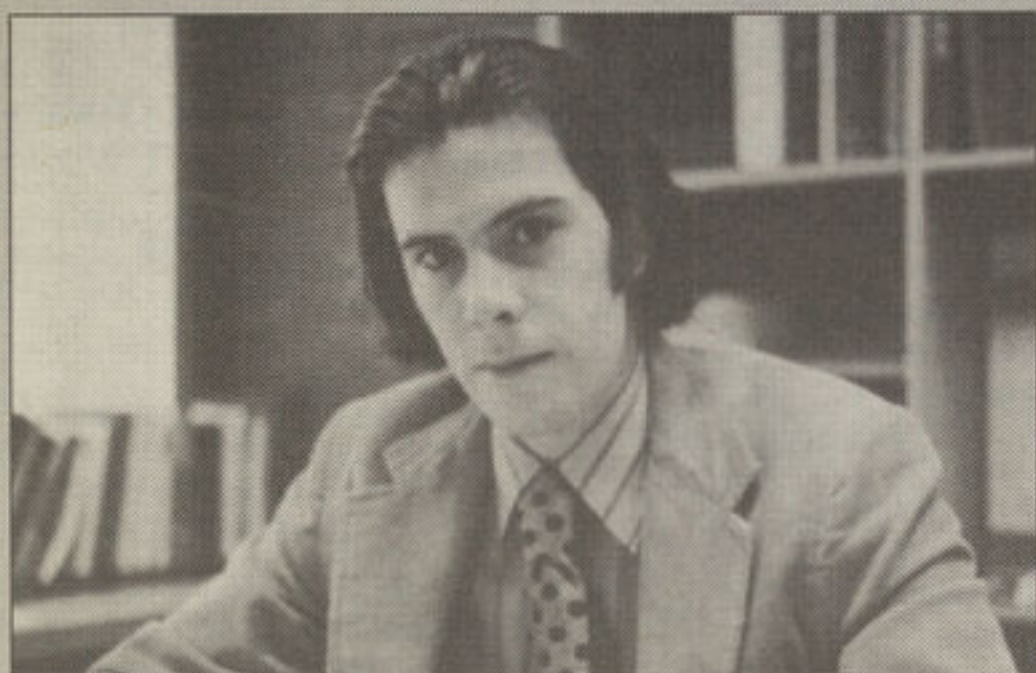
Expressing general sympathy with the protesters, Rudenstine said he conducted individual, one-on-one meetings with 45 faculty members over the summer in order to sort out what was happening at the Law School. He claimed that he is working hard to promote faculty diversity, and argued that significant progress has been made over the last 10 years.

Responding to Holmes' specific points, Rudenstine guaranteed that the Charles Hamilton Houston fellowship will be fully funded during the University's upcoming fundraising drive, adding that he is planning similar programs for other University schools and departments. He claimed to be unfamiliar with concerns about the Law School admissions committee, and defended the appointment of Fried, who he said was a man of high integrity.

The CCR members greeted Rudenstine's comments cautiously, arguing that he, like Clark, must be judged on what he does, not just what he says.

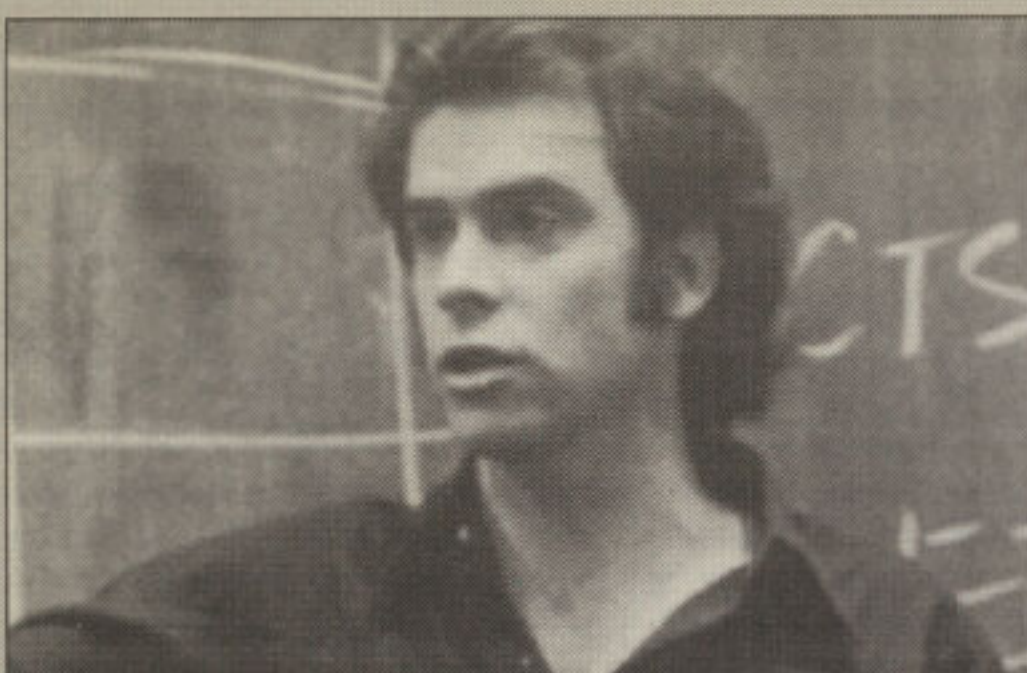
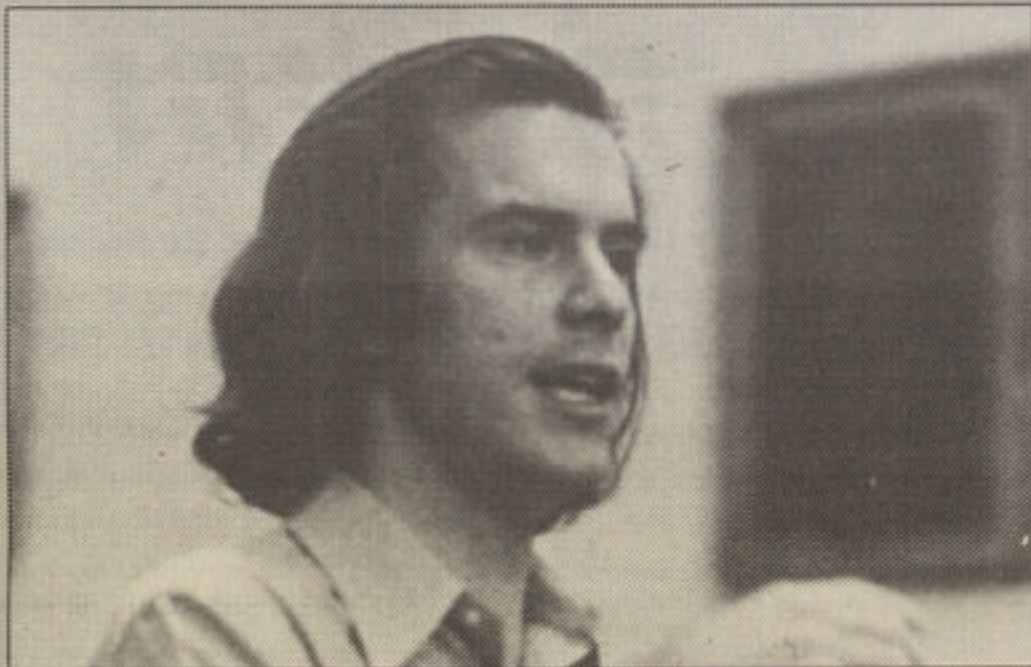
HAIR RETROSPECTIVE: DUNCAN KENNEDY

In the return of our occasional series, we turn our attention to the man with perhaps more facial hair than any other HLS professor.



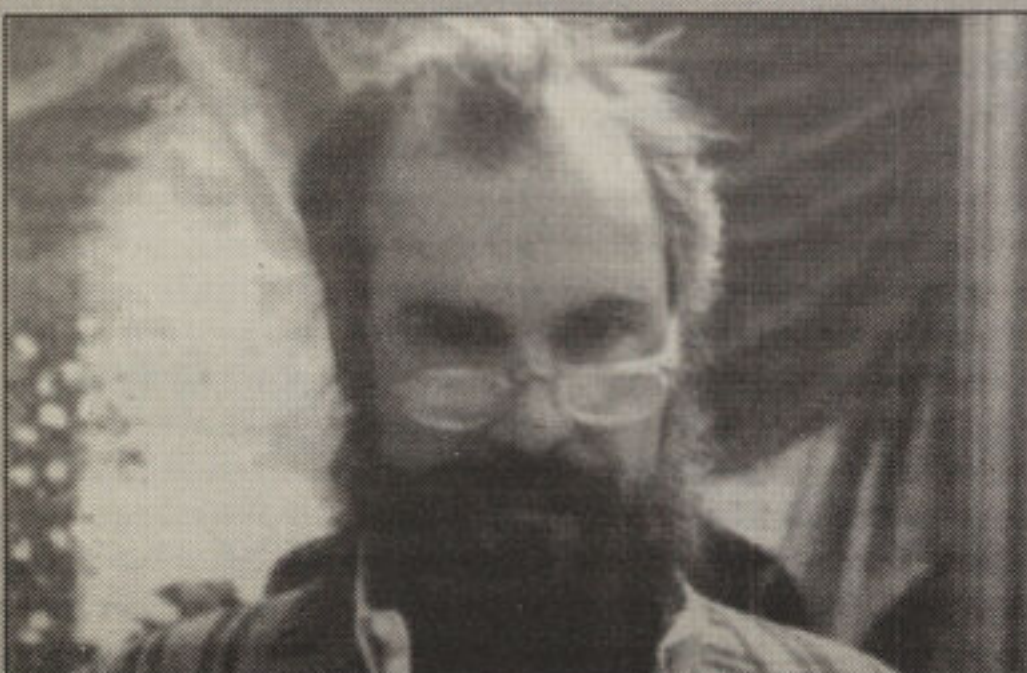
1972:
Clean cut, and he's wearing a tie?!?

1978:
Let it all hang out, dude.



1981:
Rebel without causality.

1990:
Zen Master Dunc.



1992:
The black forest.

Despite New Regime, Pressure Still Necessary

By Rob Weissman '95
RECORD Columnist

A new day has dawned for Harvard student activists. Sort of.

Last week, a group of 20 members of the Coalition for Civil Rights dropped in unannounced on the office of Harvard President Neil Rudenstine. They intended to drop off a letter to Rudenstine and to make a perfunctory request to meet with him. Rudenstine came out of his office, said hello, asked for a minute to check his schedule and then invited the students to his office for an unscheduled meeting which lasted about 20 minutes. At the meeting, he expressed sympathy for the students' position on faculty diversity at the Law School, and implied something along the lines of: "I'm with you, though I have to apply my pressure differently than you."

It is virtually inconceivable that Rudenstine's predecessor, Derek Bok '54, would have agreed to such a meeting, at least in the latter half of his tenure.

Ironically, Bok began his tenure with a reputation for being as open and accommodating with student protesters as Rudenstine now appears to be. Bok, who served a short stint as Law School Dean before taking over the reins of the University, garnered his reputation for bringing donuts and coffee to a group of law students sitting-in at the Law School library. (This incident prompted one critic to note many years later: "Marx once wrote that the impoverished lumpen-proletariat could not be relied on in a revolution because their political support could be bought off by the capitalists with some food and a few potatoes. Bok evidently discovered that the revolutionary fervor of law students could be quelled by ordering up a round of coffee and Dunkin' Donuts.")

Dean Bok's handling of Vietnam-era protesters contrasted sharply with those of then-University President Nathan Pusey, who called in police to end the student takeover of University Hall in 1969. The subsequent bust left hundreds of students injured.

By the end of his two-decade term, however, Bok's presidency had ossified. Years of hearing divestment protesters yelling "Derek Bok, Get the Word, This is Not Johannesburg" and similar chants seemed to take a huge toll. Before they could command an audience with Bok, divestment and other issue activists had to build a shantytown, threaten to stage a blockade of the President's office or undertake years of correspondence.

In fairness to Bok, it should be pointed out that Rudenstine last week was in

Rudenstine has made it clear that he intends to be more open and accessible than Bok. The transition from the Bok to the Rudenstine regime, now in its second year, offers a number of possibilities and perils to student activists.

a much less confrontational situation — with the law school protesters asking Rudenstine for assistance rather than directly challenging his policies — than the ones Bok so often found himself in.

Still, Rudenstine has made it clear that, due to personality, experience or other reasons, he intends to be more open and accessible than Bok. The transition from the Bok to the Rudenstine regime, now in its second year, offers a number of possibilities and perils to student activists.

In obvious ways, openness and sympathy at the top makes the lives of activists easier. They need spend less time demanding access and can devote more energy to making substantive arguments; if the president is truly supportive of their proposals, they can work together to improve things.

In the Rudenstine era, activists will face the difficult challenge of averting co-optation. They should be careful to assure reasonable discussion does not sap them of their emotion and energy. They should be wary of falling into the trap of seeking to match Rudenstine's "reasonableness" when the situation that enervates them is so unreasonable. Allies and adversaries alike need to feel pressure.

If Rudenstine is genuinely sympathetic to activists' demands, demonstrations — though probably of a moderate tone — and similar public forms of pressure will strengthen his hand in pushing for faculty diversity, balance out competing pressures which will undoubtedly be mounted by conservative forces and propel him to act on his beliefs.

Activists should be very cautious in operating on the assumption that Rudenstine is essentially an ally, however. It is quite possible that Rudenstine's openness and professed sympathy for faculty diversity stems more from a tactical assessment of how to deal with controversy than a genuine commitment to address the Law School's shameful shortage of minority and women professors. If Rudenstine's pro-diversity statements are insincere or not backed up with action, activists will have to be prepared to apply more intense pressure, even as the President continues to voice pro-diversity rhetoric.

It is too soon to determine the exact meaning of Rudenstine's new approach to activists. But whether he is sincere or not, pressure and protest will remain necessary.

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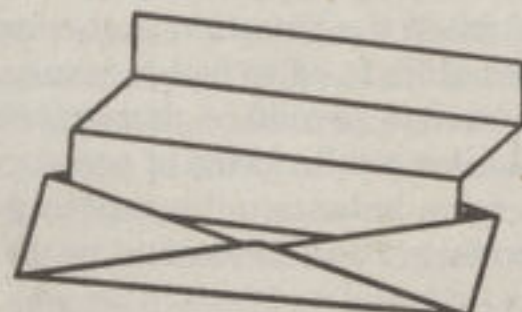
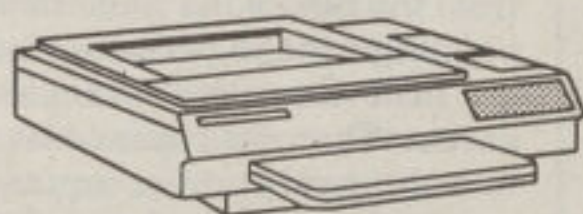
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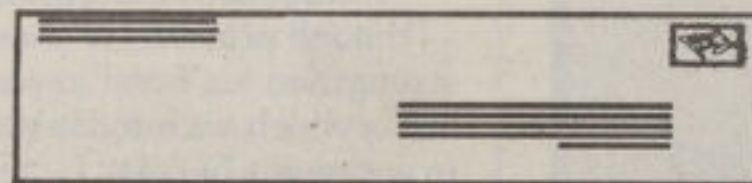


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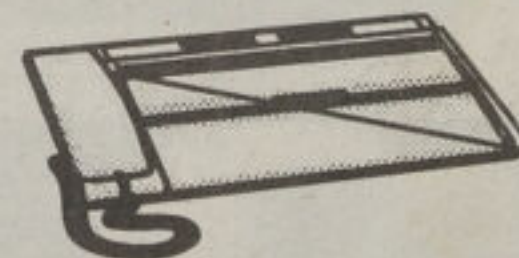


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