



Review Working Through Problems

By Todd Hartman

While rumors run rampant throughout campus over whether President Emily Schulman '93 has abused her power, the atmosphere at the *Harvard Law Review* is rife with dissension and derision, according to some members. Tension between 2L and 3L editors is nothing new due to the *Review*'s organizational structure and the personalities of those who typically join the venerable journal. In past years, conflicts have tended to come to a head during the annual quest for judicial clerkships and the *Review*'s officer elections in February, but this year problems have started much earlier.

According to Gannett House sources — all holding steadfastly to anonymity — the recent allegations which have stunned the *Review* have had ramifications far beyond the individuals most immediately involved. Since monthly issues of the *Review* must still hit the presses on time, already overburdened editors have been forced to make up for time and work lost during the spate of meetings to address the charges against Schulman. More than one instance of work-related and other verbal exchanges are reported to have reduced some 2Ls to tears during the past week.

Said one 3L editor, "The general feeling is that there are still a lot of unresolved issues which are putting a strain on everybody. We are not one big happy family and we don't always function smoothly even when we are."

With fly-out week fast approaching and the clerkship process beginning far earlier than ever before, tensions have escalated. According to one 2L editor, "the 3Ls did a terrible job

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Law School Hosts Choice Pow Wow

By Lisa Zornberg

If two words can sum up the immediate hopes of the pro-choice movement, they're "November Third." Five leading abortion rights activists conveyed this political message Monday, October 26, at an HLS symposium entitled, "Beyond Burdens: Post-Casey Strategies for Securing Reproductive Freedom for All Women."

More than one hundred attended the Ames Courtroom pow-wow, which was organized by the Women's Law Journal



ACLU President Nadine Strossen '75 speaking at HLS.

ACLU Prez Speaks on Civil Liberties

By Greg Stohr

A victory for Bill Clinton on November 3 will not necessarily mean a big victory for civil liberties, Americans for Civil Liberties Union President Nadine Strossen '75 said here last Thursday, October 22.

Clinton's opposition to civil liberties in a number of areas, coupled with the ongoing need for education and activism on the grass roots level, will continue to present challenges to civil libertarians for years to come, Strossen said in a speech sponsored by the HLS Civil Liberties Union.

"Regardless of what happens in the presidential elections and the congressional elections, civil liberties are going to continue to be under a state of siege," she said. "What we have learned throughout history is that civil liberties violations cross party lines."

Clinton has articulated anti-civil liberties positions on the death penalty, drug enforcement, and restrictions on the arts, Strossen said. She noted that during Clinton's campaign for the Democratic nomination,

he left the campaign trail and returned to Arkansas to preside over the execution of a mentally impaired man.

"In many ways, Clinton is indistinguishable from Bush," Strossen said in a speech before about 35 people at the Law School.

Strossen noted that four years ago, it was Al Gore, not George Bush, who first raised the issue of furloughed prisoner Willie Horton. She also expressed concern over the efforts of Gore's wife Tipper to pressure the record industry into putting warning labels on albums that either contain sexually explicit lyrics or could pro-

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CCR Holds Meeting with HLS Alumni

Discussion Focuses on Diversity

By Steve Yarian

On Friday, October 23 the Project on Community and the Coalition for Civil Rights co-sponsored a panel for alumni entitled "Preparing HLS for the Future: Promoting Diversity in our Community." The alumni were represented by members of the Classes of '87, '77, '72, '62, '37, '32 and the Emeritus Club — alumni who graduated more than 60 years ago — who were at HLS over the weekend celebrating their respective reunions.

The panel was suggested by the Coalition for Civil Rights after the Project on Community solicited suggestions from the steering committee on what its role should be this year. The student panelists included Lucy Koh '93, Jeff Lubell '93 and Camille Holmes '93. Professor Frank Michelman '60 also sat on the panel and Professor Emeritus Roger Fisher '48 served as moderator.

The goal of the event was to present student concerns about diversity to HLS alumni. The panel was not structured to be representative or unbiased but instead sought to explore the value of diversity.

The panelists presented information on the conflict which occurred last spring and reasons why diversity is essential.

Camille Holmes detailed last Spring's events: the waiving of the "year away rule," the package of "Four White Men," Dean Clark's *Wall Street Journal* statement, the sit-in and the reaction to it, the *Revue* and the lack of official reaction. Jeff Lubell stressed that with the power of HLS comes responsibility — to share the

power with those who have been traditionally excluded.

Lucy Koh addressed the value of diversity namely the representation of different experiences and different viewpoints which can shape the law. And Professor Michelman added

that token representation compounds the problem. Finally, Professor Fisher made one of his now famous charts — causes, strategies, problems, action — and said that HLS is not looking to a "quota solution."

The floor was then opened for discussion. The alumni had mixed reactions. One Class of '72 graduate said that "things haven't changed much" and that she will not give any money until she sees change. And she questioned what the "supportive" faculty do other than give lip service to the cause.

According to James Garland '93, "the alumni were definitely concerned and felt that there

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RECORD Interview: Prof. Fried

By Malcolm Harrison

Professor Charles Fried has taught at HLS since 1961. He served as Solicitor General in the Reagan administration and is the author of several books. Recently, Professor Fried has become the center of controversy over both the charges he pressed against students who sat in his office last Spring, the "Fried Four," and for his new position on the Faculty Appointments Committee.

RECORD: How do you define diversity, and do you think that it is a legitimate goal?

Fried: Since this is an academic institution, I define diversity in terms of broadening the intellectual perspectives and thus improving the excellence of the faculty and student body, and as such I consider diversity a proper goal.

RECORD: a) Do you believe in affirmative action?

Fried: Yes.

RECORD: b) If so, what groups do you believe deserve it?

Fried: Those persons whose academic capabilities and potential contribution have tended to be overlooked or devalued and thus not accorded equal opportunity.

RECORD: How aggressively is the appointments committee pursuing women and minority

faculty members?

Fried: Very.

RECORD: How do you feel about student antagonism to your appointment to the appointments committee?

Fried: I am not aware that there is such antagonism — just honest differences of opinion.

RECORD: What steps do you believe need to be taken to improve the sense of community at the law school.

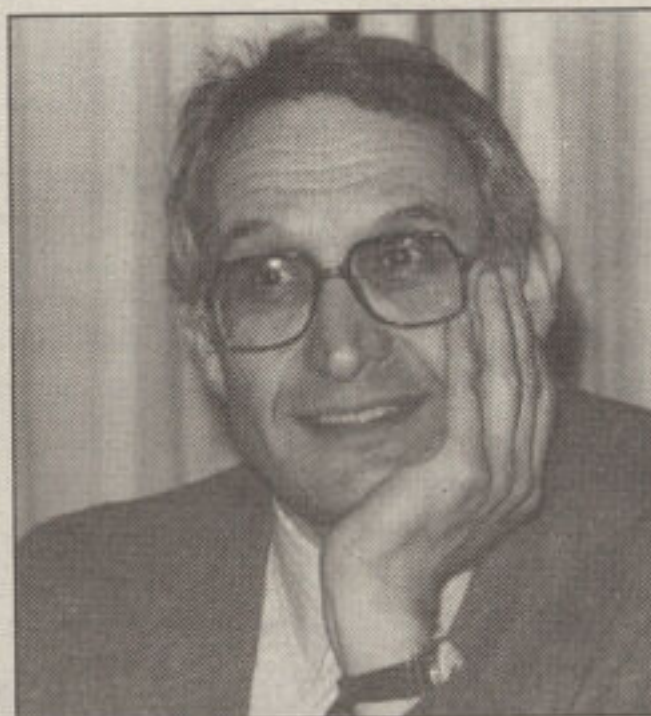
Fried: The steps being taken seem good. In general, a less adversarial and suspicious posture on all sides would be good.

RECORD: Could you explain the events leading to your misidentification of one of the student protesters who came to your office last spring?

Fried: I was asked to identify the students engaged in conduct found to violate University rules and policies. I thought I recognized one student from prior conversations, but when that student stated that I was mistaken I readily took that as sufficient to rebut my identification, and I withdrew it.

RECORD: Do you believe that there will be a greater level of respect, tolerance, and goodwill among different ideological groups at the law school this year?

Fried: I have every hope that there will be.



Prof. Charles Fried

HLS Hiring To Come Under Federal Scrutiny

Department of Education Complaint by Derrick Bell Spurs Further Inquiry

By Laura M. Murray

Crimson Staff Writer

A complaint that the Law School practices discriminatory hiring is under investigation by the Department of Education, according to a spokesperson in the Department's Office of Civil Rights.

The complaint, filed last spring by former Harvard Law Professor Derrick A. Bell, charged that Harvard has "violated several anti-discrimination provisions of Title VI of the Civil Rights Act of 1964."

Bell alleged that the Law School adheres to a set of "arbitrary" hiring criteria that have "had a discriminatory impact on qualified women and minority candidates."

These criteria include degrees from prestigious law schools, former editorships on law journals, outstanding grades while at law school and work as judicial clerks, according to John Bonifaz '92, who helped draft the complaint.

Bonifaz said the criteria exclude many qualified candidates, such as practicing attorneys who are outstanding in their fields.

"When you look at Harvard's current status in terms of who sits on the faculty, it is very clearly white male," Bonifaz said. "Other schools don't have the same

picture."

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance.

Because the Department grants scholarship programs to the University, Harvard is required to comply with Title VI regulations.

These funds contribute to scholarship programs at the Law School, according to Paul W. Upson, Assistant Dean for Finance and Operations at HLS.

University investigations are "comprehensive" and usually take about a year to resolve, the Department spokesperson said.

The Department's investigations usually involve interviews with students and "analysis of

data," the spokesperson said, adding that he is not permitted to discuss specific cases while they are under investigation.

Bonifaz said that a member of the Boston office of the Department of Education interviewed him last spring about the Law School's hiring policies.

The official requested the names of other students and Law School professors

"When you look at Harvard's current status in terms of who sits on the faculty, it is very clearly white male," Bonifaz said.



Prof. Derrick Bell announcing his leave of absence from HLS.

he could interview, Bonifaz said.

Several HLS administrators said they were not aware that the investigation had been opened.

"I haven't even heard a rumor that there was an investigation going on," said Acting Assistant Dean Suzanne Richardson. "If they're doing it, they must be doing it confidentially."

Professor Paul C. Weiler '65, chair of the appointments committee, said he knew of Bell's complaint, but "had no idea the [the case] had been opened."



Jon Bonifaz '92

Bell took an unpaid leave of absence from the Law School in April 1990 to protest the absence of minority women faculty members.

After the University declined last Spring to make an exception to its two-year leave policy, Bell forfeited his tenured position. He is now a professor at New York University School of Law.

Of 68 tenured or tenure-track professors at HLS, seven are white women and five are African American men. In the Law School's 175-year history, no Native Americans, Asian Americans, Latinos, African American women, openly gay, or handicapped individuals have been on the faculty.

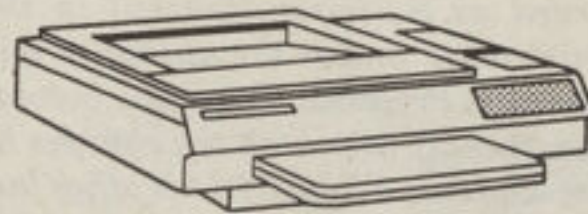
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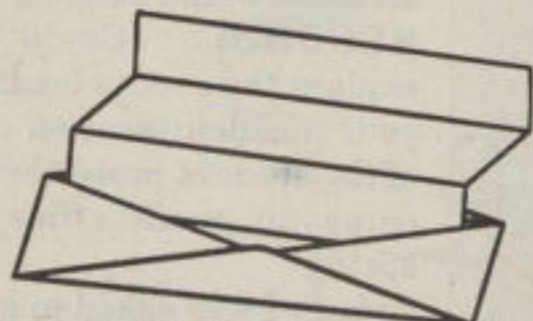
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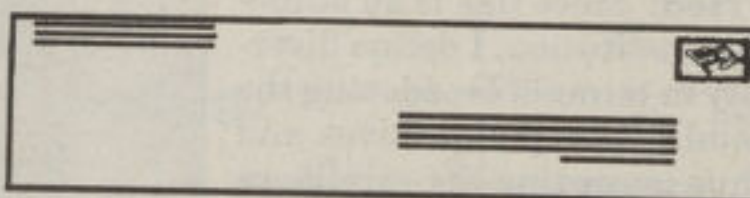
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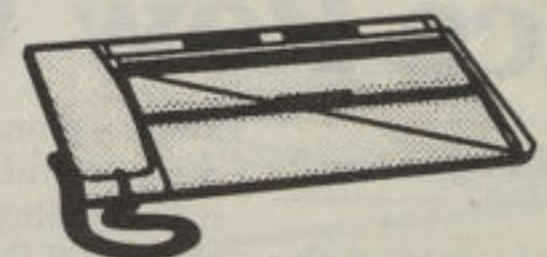
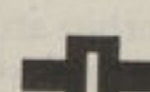
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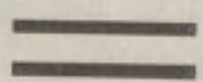
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People Helping People: HLS Serves at City Year

By Glennis Gill

As the HLS students emerged from the T-station onto Boston Common at 7:45 a.m. this past Saturday, they were immediately overwhelmed by the thousands of people and the organization on the Commons. Like 8,000 other people, they had woken up early to be part of the fourth annual City Year Serve-a-thon.

The day began with registration under huge tents, and tables full of what seemed like enough breakfast to feed half the city. The HLS students then went on to find their project number, scouting the Commons for the proper numbered stake ranging from 1-220.

After a pep cheer led by the corps members — those who spend a full year as City Year volunteers — the crowd heard from a few speakers, including Mayor Raymond Flynn who said that "this is all about people from every walk of life going out into the city and helping people." The project groups then departed to their sites.

HLS students worked at several projects. Five were part of a group of about 30 that painted the interior of a non-profit mental health center. Marie-Louise Ramsdale '93, who painted the crafts room at the center, commented that "it was amazing how much we accomplished during the course of the day and I really wish more people had taken time out to make a difference." Fifteen others went to the Winship Public School where they

painted a cast iron fence and classrooms. Joanne Corti '93, who organized the HLS volunteers with Enu Mainigi '94, found her day "a great experience. I did more in that day than I usually accomplish in a week and I hope next year we can have an even greater turnout."

HLS also painted the hallways at the Boston Housing Authority. Kathy Flaherty '94, one of four students and a staff member from HLS, said "it was a great experience for me. I had a ball and I'm definitely planning to do it again next year, and I'll keep doing it after that if I stay in Boston." Stacey Weinstein '93 and four other HLS students painted the interior hallways, lobby and laundry room of an East Boston Public Housing Apartment building. "What I think was the best," Weinstein commented "is that we met a lot of people who lived there and they were really happy that we were doing this for them. It was nice to see the people we were helping."

The day ended with a party for all at the Transportation Building downtown. HLS students returned to Cambridge with the knowledge that not only had

they served their community for a day, but also that the \$700,000 in pledges they had secured helped to make the City Year Program possible.

The History of the Program

City Year was founded in 1988 by two HLS graduates, Alan Khazei '87 and Michael Brown '87, to bring young adults from diverse backgrounds together for one year of community service in the greater Boston area. Khazei and Brown began with the help of an Echoing Green Fellowship and then launched City Year entirely by private support from individuals, companies and foundations.

City Year is dedicated to the idea that the energy and idealism of young people are the country's greatest untapped resource. The name reflects the idea that young people should be given the opportunity — and challenged — to dedicate a year to community service and civic engagement.

The diversity of the Corps is central to the mission of breaking down social barriers. This year's corps members come from 50 greater Boston communities and ten states.

The HLS students who painted the day-treatment facility learned about this diversity first-hand from Nicole, the corps member working at the project. She graduated from Andover Academy last year and will attend Georgetown next year. Her fellow team-mates, who have become her best friends as well as her co-workers, include three High School drop-outs now

pursuing their GED, one who just completed her GED, four graduates of Boston public schools and a graduate of Phillips Exeter who will attend Harvard College next year. The team includes two African American women, two African American men, two White women, three White men and an Asian-American woman.

The September through June project begins with a week long overnight retreat to prepare the corps for the service and leadership opportunities ahead. Throughout the year, corps members gather at 8:15 Monday through Friday at Boston's City Hall Plaza for morning calisthenics and then head out in their 20 teams for a full day of community service. On Fridays, the corps participates in special leadership development workshops.

Corps members are paid only \$100 per week (meaning that most of them have to hold other jobs), and at the end of the year, they are awarded a \$5000 scholarship. Besides the forty hours each week, members are required to vote, to have a library card, and to work on their GED if they haven't graduated from High School. And discipline in the program is tough, with members being docked for not having on the full uniform, down to the red belt, an outfit donated from the GAP, Timberland and others.

The program's success has not gone unnoticed. Inspired by City Year, new Serve-a-thons are popping up all over the country, including ones in Oakland, California and New York City, all of which were held the same day.

City Year is turning away hundreds of people who want to serve and at the same time, more and more organizations, neighborhoods and schools are requesting the services of City Year teams. For these reasons, City Year hopes to grow to 500 corps members by 1994. In order to do this, City Year has launched a three-year, \$28 million fundraising campaign.

Climbing the Ivory Tower: Byse Talks on Teaching Law

By Lisa Zornberg

Last Thursday, over one hundred students and alumni packed into Pound 204 to hear Professor Emeritus Clark Byse deliver the World of Law address on Law Teaching. The campus sage, who began his own career as a law professor in 1939, proclaimed, "I've been in the business for over half a century" — and he's still at it.

Byse mixed comedy with cogency as he spoke of the perks and drawbacks of the profession. Introducing himself as an "emeritus exhibitor," Byse apologized to the large crowd for arriving late: "I was parking my car when I heard Dershowitz being interviewed on the radio. He was scandalous, as always, but what was more scandalous was that I fell right to sleep. I woke up some time later not knowing where the hell I was, and suddenly realized that I was supposed to be speaking to you."

Byse joked about his age and emeritus status throughout the talk, later referring to himself as an "ecological exhibit."

With regard to his main topic, careers in legal academia, Byse offered both advice and encouragement for prospective teachers. Byse hailed the professional "freedom" of academia as its greatest avail, contrasting academia with firm practice, in which clients determine the lawyer's agenda. "Of course you should go to faculty meetings," he quipped, "but one advantage of being emeritus is that I don't have to do that anymore." He also cited associations with students and participation in a scholarly community as boons.

Law teaching furthermore scores high marks for its economic security, Byse declared. "As a product of the Depression, as I was, that was a consideration." He noted similar career concerns law students face today in light of the nation's economic difficulties.

As for the drawbacks, Byse quickly dismissed salary considerations as a reason not to teach. "Most of us [law professors] don't have any yachts, or villas on the Riviera, but we have enough. Anyhow, money has very little to do with happiness," he preached.

For the remainder of the address,

Byse focused on what students can do while in school to facilitate their entrance into the profession. First, he advised, "Get good grades. It's not indispensable, but it's easier to get your foot in the door with good grades, and people want to know."

Next, Byse declared, "Get to know your professors, or as I should put it, get professors to know *you*, intellectually as well as socially." Byse emphasized that professor contacts are instrumental in facilitating initial interviews. Acknowledging the largeness of HLS, he recommended that students take small classes and research assistant positions to foster relationships with professors.

"And do legal writing." Participation on journals is important, he asserted, and ideally, students should try to get their third year paper published. "But remember," he warned, "if you do write, there's no taking it back."

Byse cited judicial clerkships as another way for students to demonstrate excellence, gain legal insight and obtain a good reference. Stating there's no such thing as a "bad" clerkship, he added, "it's more impressive to say you've clerked for the Supreme Court or the D.C. Circuit than the Justice of the Peace."

For those now in practice, or on their way, Byse cautioned: "Don't stay out too long!" Although there is no set timetable for returning to academia, he advised a three to four years wait as probably best. "Deans prefer to hire younger people than older. That may be due solely to market forces — they're cheaper."

Byse, who is prohibited from teaching at HLS due to rules that govern emeritus professors, currently teaches Administrative Law at Boston University Law School. It is common for professors who are no longer permitted to teach at HLS to take their seasoned talents to other Boston law schools, which welcome these sages in their fields.

Asked whether there is a real difference between teaching at Harvard and other "less upscale" schools, Byse maintained that the difference is hardly as great as many think. But then he added: "Frankly, and don't let this go to your heads: our students are fantastically able — I won't say they're nice — but they're fantastically able. And that's fun."

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Judge to Hear Watkins' Request

A Superior Court judge will decide next month whether to reduce the sentence of a former Harvard Law School student convicted of raping a Harvard undergraduate.

Kevin T. Watkins was taken into custody at the Massachusetts Correctional Institute in Concord on October 14 after his five year sentence was upheld by the Supreme Judicial Court.

But Watkins' lawyer, William J. Davis, filed a "revise and revoke" motion, which asks the court to reduce the sentence. "We're filing the motion because we have a right to file it," Davis said. "We pursue a case to the limit of our rights."

Davis said he cannot predict whether the motion has a good chance of being granted. "It's entirely up to the discretion of the judge," he said. "I don't know what the judge will do or think."

In 1989 Watkins, then a second-year student, was convicted of raping his former girlfriend. The woman, who was a sophomore at Harvard College at the time, said Watkins raped her twice in December of 1988. She charged that the rape occurred after she went to Watkins' apartment to pick up a videotape.

The tape showed the woman and Watkins engaging in sexual intercourse. The woman told the court that she had asked Watkins to erase the tape. Watkins refused, demanding sexual favors in exchange for the video.

The woman said her relationship with Watkins ended a month before the incident occurred. She claimed Watkins had intimidated her since the time of the breakup.

This story from the Harvard Crimson.

NYU Lecture Series Honors HLS Grad

New York University School of Law announced last week that it has established a new lecture in Maritime Law to honor Nicholas J. Healy '34, an adjunct faculty member at the School for almost 40 years and a partner in the New York law firm of Healy & Baillie. The lecture, which will be held every two years, has been established through contributions from friends, former students, law partners and clients.

The *Journal of Maritime Law and Commerce* has referred to Healy as "the finest Admiralty lawyer in the United States and probably the world." In 1947, Healy joined the faculty of NYU School of Law as an adjunct professor, where he taught until 1986 and continues to be a guest lecturer in Admiralty courses. In 1948, he joined a predecessor to the firm in which he later became a name partner. Healy authored the "Admiralty and Shipping" chapter in the annual *Survey of American Law* for most years from 1949 to 1987 and served as editor of the *Journal of Maritime Law and Commerce* from 1980 to 1990. In addition, Healy served as president of the Maritime Law Association of the United States and as vice president of the Comité International.

The inaugural lecture will be presented by Judge John R. Brown, Senior Judge of the US Court of Appeals for the 5th Circuit on November 5. His topic will be "Admiralty Judges: Flotsam on the Sea of Maritime Law?"

Condoms Imply Consent?

A Texas Grand Jury recently refused to indict an accused rapist because the woman who was attacked managed to talk her assailant into wearing a condom. One juror told an Austin television station that some jurors believed that the woman's act of self-protection might have implied her consent.

The woman awoke in the early morning hours and saw a knife-wielding intruder. She ran into the bathroom and dialed 911 but the intruder broke down the door and assaulted her with the knife. After convincing the assailant that she might have AIDS and that he should therefore wear a condom, the victim gave him a condom and was then sexually assaulted for over an hour. A police report said the accused confessed that he had entered the victim's house and "held a knife to her and had sex with her."

On October 27 prosecutors took the case before a new Grand Jury, which indicted the accused on charges of aggravated sexual assault and burglary with intent to commit aggravated sexual assault.

More HLS Grads Clerk for High Court

Thirteen of the thirty-seven clerks this year on the Supreme Court are HLS grads, up one from last year. Peggy Tuitt, the judicial clerkship administrator, thinks "it's really great. . . I had reservations about how we'd be represented on the Court given the changes in the members, but it seems our numbers have gone up."

Although there have traditionally been certain judges who send clerks to the Court, Tuitt says that it's becoming harder to define a pattern. For example, Tuitt adds that "one of the current clerks pointed out to me that in the last several years many Justices have hired clerks who have practice experience."

Justice Here and Now

Professor Jon Elster delivered the John Dewey Lecture in the Philosophy of Law on Thursday, October 29, in the John Chipman Gray Room in Pound Hall.

Elster's talk, entitled "Ethical Individualism and Presentism" defended the views that "for purposes of distributive justice, groups don't matter and the past doesn't matter. Justice is concerned with living individuals."

Elster is the Edward L. Ryerson Distinguished Service Professor of Political Science and Philosophy at the University of Chicago, and Director of the Center for the Study of Constitutionalism in Eastern Europe at the University of Chicago Law School.

The John Dewey Lectures in the Philosophy of Law were established by a grant in 1980 in memory of John Dewey (1859 - 1952), the prominent American philosopher, educator, and author.

Korematsu Describes Anti-Asian Injustice

By William Chuang '93

Special to the RECORD

Legendary civil rights activist Fred Korematsu paid Harvard Law School an early morning visit on Saturday, October 24. Mr. Korematsu is most noted for his fifty-year long fight to have the relocation of Japanese-Americans during World War II declared unconstitutional.

He was invited to speak on campus as part of the ongoing "Saturday School" program sponsored by the Law School. Professor Charles Ogletree '78 moderated the discussion and Professor Laurence Tribe closed the session with insightful commentary on the legal issues surrounding the now infamous Japanese internment.

Mr. Korematsu described his life-

experiences to a large audience composed of students, faculty, and alumni, who were participating in reunion activities occurring at HLS. He discussed racial intolerance as it existed in the late 1930s, being investigated by the FBI, losing his job when the union found out he was Japanese, being classified as an "enemy alien" by the United States government, watching his family members sell everything they owned before being forced to relocate, being captured and jailed for resisting relocation, and being moved to a horse stall at the San Francisco racetrack which then served as a temporary holding camp for relocating Japanese-Americans (and wishing all the while that he could go back to the comfort of the jail cell!).

During World War II, Mr. Korematsu, like many Japanese-Americans, resisted the government's attempt to "relocate" him and his family to camps located in remote areas of inland states. He was eventually captured and convicted of violating the relocation orders. His case went all the way to the Supreme Court. In *Korematsu v. United States* (1944), the Supreme Court voted 6-3 to affirm Korematsu's conviction for violating the executive order requiring the relocation of all U.S. citizens of Japanese descent away from the West Coast during World War II. The Court upheld the constitutionality of the relocation, finding such measures necessary to ensure national security during the war against Japan. With his final avenue of appeal closed, Mr. Korematsu was forced to serve out a five year sen-

tence of probation.

In 1981, he was approached by Professor Peter Irons '78 and a team of Asian-American attorneys who wished to reopen his case. Irons first learned of the *Korematsu* case while he was a law student in Professor Tribe's Constitutional Law class. They filed a writ of error action in federal district court in the Northern District of California alleging that the government had relied on falsified evidence of sabotage and other subversive activities by Japanese-Americans to sway the Supreme Court in *Korematsu*. In 1983, Judge Marilyn Hall Patel reversed Korematsu's conviction, finding that the evidence presented to the Supreme Court in *Korematsu* was falsified and that there really was no proof of Japanese-American sabotage during World War II. More than forty years

after his conviction Fred Korematsu was finally vindicated.

Students appreciated the messages that Mr. Korematsu tried to convey. "It's incredible to hear his story first-hand," said Julie Su '94.

Students who attended the speech appreciated the messages that Mr. Korematsu tried to convey. "It's incredible to hear his story first-hand," said Julie Su '94, "his experience really shows that having Asian-Americans in the legal profession and politics can make a critical difference."

Others were inspired by Mr. Korematsu's determination and faith in his country. "He outwardly seems to be a typical guy. Yet, when made the object of

extreme injustice, he faced down the government with decidedly atypical courage," noted Darryl Chiang '94.

"It's fascinating that Mr. Korematsu and all of the other interned Japanese-Americans were able to hold onto their faith in American ideals of liberty and equality despite all of the inconsistent actions taken against them by the police, politicians, government officials, and judges," said Spencer Overton '93. "The fact that there was little subversive activity from the Japanese-American community during the war shows that they were able to maintain their faith in this country even though their own government made them the object of racial injustice."

Recently, Congress has passed a Redress Bill admitting to the unconstitutionality of the relocation. Fred Korematsu's role in getting this bill passed and generally changing the public's perception on the Japanese internment cannot be overstated. Through his battles, he has truly "won something for all of humanity." For that, he, and we — all citizens — can be proud.

ACLU Chief Gives Speech

continued from STROSSEN, page 1

mote violence.

Strossen said a Clinton presidency could have the adverse effect of decreasing interest in preserving civil liberties. She said that the perception of victory might dissuade people from donating money and volunteering time on which the ACLU depends heavily.

"Unfortunately, most people tend to respond only when there is perceived to be a crisis," she said. "We do better for our cause when people perceive that there is a demon in the White House."

Even under a best-case scenario — if Clinton appoints Supreme Court justices who are sympathetic to civil liberties — the ACLU will continue to have an important mission, Strossen said. Noting that 70 percent of the federal district and appeals court judges currently on the bench were nominated by either

President Reagan or President Bush, she said the ACLU will have to work to ensure that pro-civil liberties opinions are implemented by lower courts.

"It's one thing for the Supreme Court to issue a human rights ruling and another thing for that to get implemented in the lower courts," said Strossen, who is on leave from her position as a professor at New York Law School. "There are an amazing number of good-faith wrong rulings. There is also bad-faith defiance of Supreme Court rulings."

Strossen stressed the importance of education about the Bill of Rights, participation in demonstrations, and coalition-building. She applauded the pro-choice march in Washington, DC last April as an example of activism that can make a difference.

"You'd better believe that a lot of politicians and, I believe, judges were counting the bodies there," Strossen said.

Hidden Beneath the Cauldron:

Taking Off the Witches' Mask, The History of Salem Remains a Halloween Treat

By Todd Hartman

If it weren't for witches, few of us from out of state would have occasion to think of Salem. The haunting allure of what occurred in the isolated villages of the North Shore in the late 1600s still draws curiosity both for what is known and unknown about the 19 "witches" who were executed following the Salem Witch Trials of 1692.

Thus it being Halloween and the 300th anniversary of the fabled Witch Hunt, there seems double reason to visit Salem, a town which has grudgingly accepted its role as national beacon for all interested in a chilling reminder of the fears which gave birth to the ancient celebration that is now commemorated each October 31st.

As one might expect, the attraction of witchcraft has turned what is otherwise a rather industrial and blue collar remnant of colonial New England into a haven for commercial capitalists. Located just past the dilapidated industrial park is the Visitor's Center surrounded by Witch delis, Witch monuments, Witch restaurants, Witch Hardware stores and, during this time of year, a full evening's worth of haunted hous-

which seems to be Salem's favorite figure), the documents and personal items displayed may be indispensable to the full historical experience, especially if one explores the rest of the museum's colonial collection. As a step up from the Witch Museum, a much more serious and informative performance of the witch trials is performed by a repertory group of professional actresses at the Witch Dungeon Museum located just off the central market.

In addition, the Tercentennial has occasioned daily performances and exhibitions of all sorts and venues about which the semi-audible information booth man will gladly mumble. For those who do not wish to deal with this gruff but lovable character, the Town Hall houses the Salem Chamber of Commerce, just 100 yards down the center boardwalk of Salem Market.

However, to visit all the key locations of 1692, one must leave Salem and go to Danvers, which ironically is the true location of Salem Village, where the trial took place. There one can visit the homes and grave sites of the many famed victims of the Witchcraft Hysteria, some of which are even free. The historic home of Rebecca Nurse, one of the more famed "witches" is especially well preserved after being the site of a 1960s film based on her life. Of course, entrance here is, again, \$5. The quiet and unpretentious grayness of Gallows Hill, site of many witch hangings, remains one of the few free and genuine experiences in the area.

However, as intimidated by the hostility of some Salem citizens to "witch hunters," the best parts of Salem have nothing to do with its tragic past. Preserved by the millions of yearly tourists, Salem has maintained some of the best examples of colonial life in the country. Most famous of these, is The House of Seven Gables, topic of Nathaniel Hawthorne's American classic and the only 17th century mansion remaining in New England. For \$6.50, the beautifully decorated and preserved home is one of the few sites in Salem worth the price at times other than late October. If the time is right, one can visit the oldest family home in the country, the Pickering House, on

Monday afternoons, built in 1647 and still occupied by the Pickering family, who once owned half of Salem through their fishing business. Without having to pay any money or deal with annoying tour guides, Chestnut Street in center Salem remains one of the most architecturally beautiful streets in the country, with enormous and new examples of the colonial good life. While it may not sound exciting, true colonial architecture takes on a bizarre pulchritude when done on such a grand scale.

As the mood hits you, the historical vibe can be

sated while getting a great price on small town diner food by visiting Red's Sandwich Shop, located in the Old London Coffee House, built in 1698. Open only from 5 am-3 pm, the atmosphere is right out of a Norman Rockwell painting with hearty fare to match. For those campy types just leaving the Witch Museum in the evening hours, the road towards

Salem: A Place Where Witches Still Hang Around

You would think that after the 1692 trials and subsequent executions, most witches would steer clear of Salem. Such is not the case as Salem has been reborn as home to the largest population of modern witches in the US at 4000, according to the last census.

25 years ago, Laurie Cabot, H.P.S., (High Priestess) and perhaps the most famous American witch, came to Salem to find "a nice place to live and keep quiet."

"I had been a witch since I was 16 and was simply drawn here," said Cabot. "I certainly didn't want to tell anyone that I had been a witch because they had killed people who they thought were witches here."

However, Cabot's hopes for obscurity were futile in a place where witches remain a lucrative and almost hypnotic attraction. As she quietly tried to practice her "religion," her location and prominence in the ancient art soon made national fame an inevitability. Of course, Cabot has taken full advantage of this suspect coincidence.

Fifteen years ago, Cabot opened the Crow Haven Corner Witch Shop, in downtown Salem to serve the growing population of Witches in Salem and also formed the Witches League For Public Awareness, national organization for spreading accurate information about the practice of witchcraft.

"So little is understood about Witchcraft and it's ancient roots," Cabot explained. "Being here in Salem, we have a chance to revive it's origins, origins older than Christianity." In addition, Cabot has organized classes at both Salem State University and at Crow Haven Corner such as Witchcraft I and Spells.

Today, Crow Haven serves almost 3 million visitors a year, some witches and some just curious observers of the occult. Though no longer owned by Cabot, she remains it's dominant figure and still receives phone messages and visitors there. Like much of modern Salem, Crow Haven has become tainted by commercialization, especially during the tercentennial of the Salem Witch Trials. While Cabot has hit the lecture circuit at Boston College and local museums, Crow Haven remains decked with T-shirts, posters, a mail order catalogue and bumper stickers saying "My other car is a broom." As for Cabot, she drives a Hyundai Excel.

Danvers holds an absolute treasure called Fantasy Island (no joke) featuring a pseudo-Polynesian-Chinese-Japanese menu of mono-chromatic delights featuring that universally distinctive MSG flavor. For late night, the lounge features dollar tap beers and a distinctive collection of town characters smoking butts.

While the itch to tour Salem during Halloween hits and quickly subsides in most of us here at HLS, the 24 mile drive is well worth the time for any student of tourism and history. A group pilgrimage can provide cheap thrills of all flavors, and with a little moxie the real Salem may impress as well. Either way, you can at least say you've been there during a time of year when everyone's thoughts turn to witches, haunts and therefore, Salem.



es. For those in the mood to be the consummate cheesy tourist, a great time can be had, for a price.

First on the list of cheaper and more laughable thrills is the Salem Witch Museum, located strategically between the pricey shops of Salem market and the festival atmosphere of Salem Common. In reality it is not a museum at all, but rather a gothically glorified wax museum. For \$5, the visitor can take in a 20 minute audio-visual history of the Salem Trials with melodramatic narration guaranteed to please all connoisseurs of camp. The show empties directly into a hilariously gaudy gift shop which features cheap knick-knacks and a series of videos, calendars and books on witch trials, with the notable exception of the rack devoted to Alan Derschowitz's *Chutzpah*.

For those with a more serious appetite for the witch hunt legacy, Salem has more historical and unique fare. In downtown Salem, the Essex Institute Museum is currently exhibiting a collection of artifacts from the actual events of 1692-1698. While the exhibit is small for the price (also \$5,



Tension Mounts at *Law Review*

continued from *REVIEW*, page 1

of handling the charges against Emily, and now they're doing a poor job of maintaining the kind of working relationships that are essential for a well-functioning *Law Review*." However, other members of the 2L class feel the incidents are more indicative of short tempers than anything else.

"I think it depends on who you talk to," said one 2L *Review* member, "I personally haven't experienced any tension with any third-year members."

Meanwhile, battle lines in the front office remain at a standstill, as the sides build their arsenal. Schulman has retained the services of well-known litigator Nancy Gertner to represent her

interests.

In response, the four 3L editors who raised the charges against her hired attorney Margaret Burnham, partner in her own Boston Law Firm. Both sides have attempted to keep their dispute out of the press in recent weeks, turning down repeated requests for interviews. At the same time, the *Review's* Board of Trustees has been looking for an outside investigator to examine the issue. Sources indicate that a person has been found, but no public statement had been made at press time.

Law Review editors indicate that a certain level of normalcy has returned to Gannett House, but below the surface it is clear that many of the animosities that exploded last month have not died.



THE ELECTION

Don't forget that
Tuesday, November
3rd is election day!

The *RECORD* urges
all students to vote
(even though
both Presidential
candidates attended
that little school in
New Haven)

Finance Club

Mark your calendars!
Saturday, October 31st

THE FINANCE CLUB CAREER DAY at Harvard Business School

Schedule of events (on the business school campus):

11 a.m. - 1 p.m. Panel Discussion in Burden Hall
with executives from: Investment Banking.....Lehman Brothers
Sales & Trading.....Salomon Brothers
Commercial Banking.....Chase Manhattan
Venture Capital.....Summit Partners
Investment Management.....Fidelity Management
Finance at a Fortune 500 Firm.....Ford Motor Company

1 p.m. - 2 p.m. Lunch in Kresge
2 p.m. - 5 p.m. Trade Fair in Kresge Boardroom

companies scheduled to attend

Bankers Trust	Chase Manhattan	Citibank	Coopers & Lybrand
DLJ	Fidelity	First Boston	Ford Motor Co.
Goldman, Sachs	J.P. Morgan	James D. Wolfensohn	Kidder, Peabody
Merrill Lynch	NationsBank	Procter & Gamble	Putnam Companies
S.G. Warburg	Salomon Brothers	Lehman Brothers	Simmons & Co.
Societe Generale	Summit Partners	Time, Inc.	Wasserstein, Perella
Wertheim Schroder		and many more!!	

Career Day

Admission to Trade Fair free for HBS Finance Club Members; \$5 for Investment Club Members; \$10 for non-members at the door

The Muffins of Gannett House

By Viet Dinh '93

OUCH! Todd Hartman's accusation of elitism at the *Law Review* (Harvard *Law RECORD*, 13 October 1992, p.8) hit me exactly where it hurts. My childhood friends have thrown so many similar charges at me that "a small school in Boston" and "a big law school back East" have all but replaced "Harvard College" and "Harvard Law School" in my dinner party lexicon. But to hear it from one of our own, a real life HLS student (and a fine specimen of one at that), now I'm really pained. Can I ever find salvation? It is to atone for my elitist sins that I now venture to expose the lurid details of the controversy of Gannett House.

For all of us in the know, the widely reported scandals are mere public manifestations of a bitter controversy that has festered in the secret confines of Gannett House for years. It all started at the turn of the decade, when Professor Charles Fried (in an uncharacteristic move that greatly angered the protectors of the status quo) noted in class that a group of students all sitting in one row—usually the front one—always came back from break with very tasty muffins and wondered if he could have one next time.

Now, at that time everybody on campus knew that the muffins were as obvious an elitist badge of *Review* membership as the less subtle bluebook T-shirts. But the public validation of their status was oh so uncomfortable. Like an outsider's recognition of a club tie or a fraternity handshake, Fried's remark called into question the propriety of the practice, if not the entire institution itself. A Body Meeting was called, arguments exchanged, exchanges resolved, resolutions proposed, proposals tabled, and tables thrown. In the midst of it all, a radical faction emerged and called for the overthrow of the entire muffin regime, to be replaced by a new standard benchmarked by the bagel. It prevailed, and the history of Gannett House changed forever.

The bagel controversy raged on, manifesting itself as a powerful subtext to every *Review* decision from judicial clerkship recommendations to article selection. Events came to a head in last February's elections when each Presidential candidate was asked to give a one-word answer to the question, "Are you a bagel or a muffin?" In the hyperarticulate climate of *Review* debates, everyone hates to face such a binary choice because it forces them to tell the truth, unadulterated and unembellished. Needless to say, the question ended that night's debate but only signaled a new war between the Muffins and the Bagels that continues to this day. A battle was threatening to get out of control earlier this year when, in a brilliant example of Machiavellian subterfuge, a Bagel engineered the depletion of our coffee supply, shifting the intellectual focus to a relatively innocuous skirmish between the decaffeinated coffee and herbal tea subfactions.

The shrewd reader will wonder, aside from my feigned apologia above, why I

The *RECORD's* inability to find an editor to go on record to discuss the recent episode reflects not a secret pact of silence but a lack of serendipity in locating someone who happens to share an interest in reportage.

now choose to come clean and wash this shamefully dirty laundry in public? I tell the story because doing so fits my purpose for this essay, to underscore the fact that the *Review* is not a coterie of the Law School's best and brightest and certainly not a highly efficient organization whose single-mindedness of purpose produces a quality journal. In fact, as most everyone knows, nobody becomes a *Review* editor solely on the basis of first-year grades, and more than half of our membership is determined without consideration of grades at all. This fact is also widely known and heeded by judges looking for clerks and by hiring partners looking for whatever they are looking for. Unfortunately, such realities are lost among the journalists' misleading description of the organization as "the prestigious journal at the elite law school."

More generally, the insight into my motivation also answers Hartman's question as to why *Review* members consistently rebuff his repeated requests for information. Another common myth about the *Review* is that we are a monolithic group of robo-editors whose sole and common purpose in life is to subcite, edit, and consult the bluebook. To the contrary, as the infamous Muffin Body Meeting (which actually transpired) and other more celebrated controversies attest, the *Review* houses a group of very opinionated people whose opinions always collide, of very ambitious people whose ambitions always coincide, and of very talented verbal warriors whose swords are never sheathed.

In this dog-eat-dog world that would make Hobbes exalt the noble savage, the press is but an extension of the warriors' swords. But because the power of publicity once unleashed is difficult to control, the participants in this constant war of words and wits will use that power only when it suits their purpose to do so. The *RECORD's* inability to find an editor to go on record to discuss the recent episode (or for that matter, to be quoted anywhere during last year's *Revue* debacle) reflects not a secret pact of silence but a lack of serendipity in locating someone who happens to share an interest in reportage. After all, a secret pact presumes general agreement among the editors, an impossible precondition.

Thus, rather than sharing Hartman's noble optimism that airing everything in the open will alleviate our ailments, I fear that the marketplace of ideas (the integrity of which I care deeply about) will only be corrupted by the insidious cancer of contentiousness that is eating away the tradition of scholarship at the *Law Review*. After all, will anyone volunteer to deliver muffins to Gannett House, now that you all know the story?



The fun never stops for those wild 'n crazy LL.M.s.

LL.M.s Try Once More

The LL.M.s have done it again — organizing more social life at HLS, as if they haven't been partying enough! The LL.M. - J.D. Dating Service, organized this Fall by LL.M.s Bonnie Chan and Eric Malinvaud, has been replaced by a new program called "J.D.s and LL.M.s Having Dinner Together." Rather than the old system, the new one will organize dinners for 2 J.D.s, who can sign up together, with 2 LL.M.s.

One of the organizers, Eric Malinvaud, explains that the program has been changed because people didn't sign up for the "Dating Service," probably because they were intimidated — it can't be that HLS students have too many dates. Also, Malinvaud points out that the new program will serve the same objective, which is to mix J.D.s with LL.M.s.

Although Malinvaud has only been at HLS for a couple of months, he has figured out what Alysse MacIntyre has been telling us for a long time — that relationships between men and women at the Law School are unusual, to say the least. Malinvaud has discovered that "the only talk about sex at the Law School is the new policy on sexual harassment — it's insane."

J.D.s and LL.M.s HAVING DINNER TOGETHER

Organized by:
Bonnie Chan and Eric Malinvaud

J.D.s:

Why?

You want to know who they are, where they come from.

How?

Ask one of your friends to have dinner with you and 2 LL.M.s.

LL.M.s:

Why?

You want to know more about the United States.

How?

Ask one of your friends to have dinner with you and two J.D.s.

What we need:

A sheet of paper, in our ILS boxes, with:

Your name and the one of your friend.

A telephone number where you can be contacted.

The evenings when you are available.

The four of you will have dinner together and will travel around the world without leaving Cambridge!!!

HLS: House of Style?

GQ Plans to Chronicle Student Life

By Toy Chandler

Some might question the presence of a writer from *Gentlemen's Quarterly* magazine — purveyors of high-fashion, sophistication and suavity — here on the Law School campus. Let's face it, with the possible exception of Professor David Wilkins '80, typical law school gear can hardly be termed "high-fashion". Yet the topic which brings the prestigious magazine to HLS is something of which there is no shortage: politics.

"Student life in an age of heavy politics," is how John Sedgwick describes the article he is currently writing about the Law School for *GQ* magazine. He likens the current climate on campus to that of the early '70's. "Things were so politicized then you couldn't see straight," he commented.

Sedgwick is a regular contributor to *GQ*. His most recent article, a piece on George Bush, appeared in the October issue. His articles have also appeared in *Town and Country* and *Vanity Fair*, and *Boston Magazine*. His piece on the Harvard Law School is expected to be published in March or April 1993.

"I've been very impressed by how much more complicated the politics and sociology are than how they first appeared before I began my research," stated Sedgwick, who is an alumnus of the Harvard College class of '76. He has also been impressed by the intelligence of Harvard Law Students. "It's been a challenge. I've had to think faster than I am used to," he admitted.

Unlike other recent articles on the Law School, Sedgwick's article will focus on students. "The student voice will really be at the article's center," he stated.

Sedgwick has interviewed a variety of students, including Jim Bowen '93,

Marie-Louise Ramsdale '93, Barry Langman '93, Michael Twomey '93, Alysse MacIntyre '93, Bob Arnold '93, Rebecca Eisenberg '93, and Greg Taxin '94. Among the faculty and administration he has spoken with Roger Fisher '48, Alan Stone, former Dean of Students Sarah Wald and Dean Robert Clark '72.

In conducting his research for the piece, Sedgwick also attended the recent silent vigil before the faculty meeting on Friday, October 16, a diversity panel discussion, and even a class. He also spent a night drinking with law students at the Bow & Arrow Pub in the Square.

Sedgwick has been asking students questions about their personal background, politics, and experiences at Harvard. "He wanted to know a lot about how politics affected personal relationships, both friendships and romantic relationships," said Barry Langman.

"We talked a lot about dating at the Law School and about Camille Paglia," said Rebecca Eisenberg, who spoke with Sedgwick at the Hark Box Cafe and later at the Bow & Arrow.

"I had to explain to him the 'hide the Hebrew National' joke I made in a column during my first year, but otherwise I thought he was a perceptive guy," said Alysse MacIntyre. "He interviewed me over lunch. I got a free meal at Harvest and I didn't even have to put on a suit or talk to a hiring partner to get it. What a scam!" She refused to state whether her true identity will be divulged in the story, but did say that the steak tartar at Harvest is excellent.

Michael Twomey, was pleased when he learned that Sedgwick wanted to interview him for *GQ*. "I was delighted that someone finally recognized my '60's retro chic style, but then was disappointed to find out it had to do with the dreary politics of the law school."

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Congratulations to Chi Chi Treemont '94, who was the first student to provide the correct answer to the invisible-ink puzzle on page 14 of last week's issue. He will receive a complimentary two year subscription to the RECORD for a family member or friend.

Harvard Law RECORD

Founded in 1946

Robert C. Arnold
Editor-In-Chief

Paradise Found at HLS

Envy them. While a good number of us will be suffering the indignities of parading in and out of various partners' and associates' offices, answering the same questions, asking the same questions, all the while holding that same ridiculous "damn glad to meet you" smile on our faces and wondering whether or not our handshake was firm enough, they will be doing something far more rewarding: watching *The Young and the Restless*.

You see, there is a rare breed here at HLS — third year students who have already accepted an offer. Whether it be in a Wall Street firm or at the legal services center of a large metropolitan area, theirs is a peace of mind to be envied. People in this position shouldn't gloat. They are merely lucky ones who tossed the dice and rolled an eleven; for those of you not familiar with craps, that's good.

They are in nirvana. Many are satisfied that they could not have chosen a better environment or finer colleagues. Some, having split time at two firms and equally happy with both, are stuck in the sweet dilemma of choosing between the two; though not squarely in our defined group, they too will be far more relaxed than most 2Ls and quite a few 3Ls will be next week. There are even people around here enjoying the bliss of not having or *looking* for a job. They, too, share in the freedom of not jumping through the hoops that are law firm interviews.

And while many of us chided them for "appearing too eager" or "not holding out for more", we seemed unable to understand the reward in actually looking forward to leaving this place and going back to a workplace that was genuinely enjoyed.

What is the point? Okay, simply stated, it's this: take heart. Although the interview season has been tough (even if you've only interviewed a few firms), and you're probably behind in your schoolwork, it just doesn't matter. Chances are, so are those who haven't been interviewing. When it's all over, when we've all accepted a permanent offer and know that we'll never have to sit through another law firm interview again, we won't even mind the fact that our conscience wouldn't allow us to interview a few more firms just to get the free trip home.

In the meantime, while many of us are still out there playing the interview game and working toward the state of zen that our fortunate colleagues are currently enjoying, the lucky ones will sleep until noon every day next week, waking up in just enough time to make a midday daiquiri and find out whether or not Sheila will run into Laura in Genoa City and whether Victor will find out that Victoria is married to Ryan.

Derek J. Honoré

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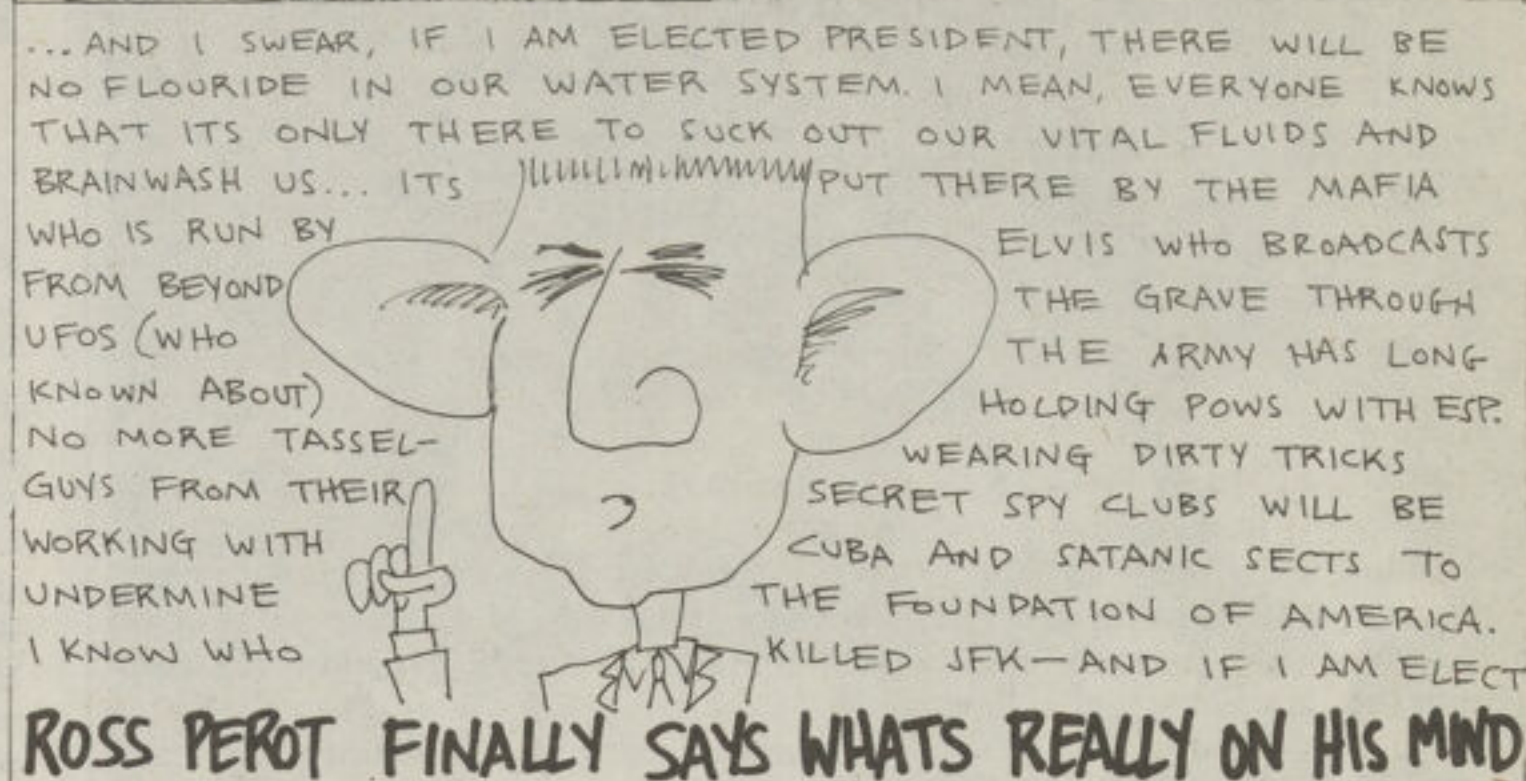
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"Congress shall make no law...abridging the freedom of speech, or of the press;..."

—First Amendment, U.S. Constitution



• Rader v. Hartman, et al. •

Hartman's Sour Grapes

Now, Todd Hartman has clearly gone too far! It's bad enough he has fooled so many supposedly bright HLS students into buying his act as a confused, yet likable, Minnesotan — a sort of poor man's Bob Dylan without the song-writing ability but with the haircut. Now, these poor, bewitched sods have started inundating the RECORD with their self-important prose, purporting to "reveal" our true story. Simply, this is "our true story": Todd is a half-brained gibbon whose ability to tie his own shoes is in constant doubt. I mean, he brought a megaphone to the Silent Vigil last week. His idiocy is only challenged by his maliciousness. So, all you poor saps out there, stop defending him!

I mean Susan Brooks' letter threatening me with expulsion from the Drama Society is laughable! Everyone knows I built the Drama Society with my bare hands. I go for one year in order for them to become more

self-sufficient and look what happens. Why Page Lichtenfeld allowed you to take over, Susan, I'll never understand. The Lord Almighty knows what unspeakable acts you must have threatened her with to force her out.

Well, the mere fact that I left the Drama Society alone for a single year doesn't mean I'm going to let Todd "There's a Method to my Over-Acting" Hartman take over and hand it to his dupes. No, sirree, Bob! I'm going to fight for what's mine...to his death, if at all possible. Further, my picture was on page 6 of the RECORD last week...twice! And, in at least one, I'm in mid-pelvic thrust. Let's just face it: the public can't get enough of me; they're even willing to go to Drama Society shows just to see me.

And, if ostensibly disinterested parties writing in weren't enough, I have to fight everyone at the Oh-So-Neutral RECORD. I know no one reads Dave Lopez's col-

umn except his mother, so I suppose I shouldn't be bothered if he takes the occasional potshot at me, but, still, it hurts. Or, it would hurt if someone I respected had written about me. Okay, so I don't care what Lopez rants about in any particular week. That certainly doesn't make me any different from any other law student here. You certainly don't expect me to be concerned about a man who rammed his crew boat into people from Wisconsin last week, do you?

No, what really stings is Harvard Law RECORD Editor-in-Chief/Czar Bob Arnold's treatment of me. A man I used to respect, a man I used to play basketball with a few years ago has forgotten, so quickly it seems, what the phrases friendship and loyalty and personal hygiene mean. Two weeks ago, I wrote a short letter entitled "Todd Hartman: Social Disease" in which Bob Arnold, acting

see GRAPES, page 9

Drama Mama Exceeded Her Power

Shame on you, Susan, for injecting your two measly cents into the putrid swamp of Harvard Law School politics! Who would ever have thought the Drama Society could have sunk to such ignominy? It certainly would never have happened under my administration. I never should have given in when you so piteously begged me to step aside as President, which I charitably did after you had Scott Auby '93 threaten to cut my legs off at the knees. Your pathetic existence made me feel so sorry for you that I thought I would try to help — and this is the gratitude I get!

It was bad enough when Hartman and Rader embarrassed us by airing their stinking dispute in the RECORD, but what could we expect from a guy who wears leather harnesses in public, and another guy who wants nothing more than to be Cam Jones '92? It all would have been forgotten, like Todd's performance in *Midsummer Night's Dream*, if only you hadn't felt the need to butt in. Not like you are a great writer, by any means; no, your letter was indeed "a tale told by an idiot, full of sound and fury, signifying nothing."

William Shakespeare said that, in case your sorry education at a two-bit, land-grant, state-run, second-rate public institution didn't provide you with that information. An "English" major at a cow college! Whom are you kidding? I know how much you resented me after the square dancing thing, let alone the pig issue. But I never thought you would humiliate me and destroy my reputation as ex-Drama Society President in this infantile and ridiculous manner. I guess my brilliant and critically-acclaimed por-

trayal of Sandy just pushed you right over the edge. You just couldn't accept the fact that you were type-cast as the old maid English teacher. Did you think that sucking up to the director/producer would get you a better part? Not to mention your insufferable sucking up to the 3L's. Face it, Susan: you're a 2L. But at least you get another chance to make at least one friend....

I guess you've never really gotten over the Civil War, Susan, but dragging the Drama Society into the fetid slush of the Hartman/Rader debate isn't going to bring the Confederacy back. I find it imperative to mention that if you're so sure "the South's gonna do it again," why did you haul yourself all the way up to Boston for your post-graduate schooling? Even if your paranoia/schizophrenia won't allow you to admit it, we all know the sad but brutal truth: you're a closet Yankee. Hee haw no more.

You should realize, if your puerile brain will allow you to reach such a conclusion, that taking sides with Todd certainly won't get you a good part in the Spring show. We all know that Rob is the real Power behind the Drama Society. Just because that overgrown mutant beast Hartman can use you as an elbow rest doesn't mean he's a real man. Rob is like the tiny mouse who can scare the bee-jees out of the mighty yet dim-witted elephant Todd. On the other hand, just as Samson's strength was unceremoniously depleted by the devious Delilah when she cropped his locks, so too is Rob's power being sucked away by the Little Lulu of Harvard Law School. Oh well. At any rate, I will not

sully myself with such trivial proceedings as you did. In fact, you could not content yourself with merely registering your disapproval with the Todd/Rob conflict. Nor could you rest after blatantly exploiting your presidential position by unilaterally revoking their memberships. You had to take it to a lower level. You had to have the Drama Society endorse Bill Clinton. How dare you! I told you on several occasions that the Drama Society presidency did not carry with it any authority to do anything. You should never have attempted to exert power where none existed. But rest assured, Susan, your action will not stand. The Board has already called Little Rock and made them take our name off the fundraising list. Furthermore, I am summarily impeaching you and replacing you as president with Ed Ducayet '93.

I leave you with the following thought, penned by Adrienne Rich: "I stroke the beam of my lamp/ Slowly along the flank/ Of something more permanent/ Than fish or weed." Now don't ever darken my door again.

Page L. Lichtenfeld '93
October 28, 1992

The RECORD recently received an anonymous letter making several serious charges. Although we will withhold names of authors on request, it is our policy not to publish anonymous submissions without substantiation. We invite the author of the letter to contact us.

Money Grubbing HLS

By John Swinson, LL.M. '91

THE Law School will go to any length to get money from alumni. Apart from the embarrassing situation of having Dean Clark go to dinners and sing for donations, the Law School now sells naming rights to Law School buildings to anyone who has the cash.

Recently it was announced that the International Legal Studies Building, originally opened in 1955, will be renamed the Reginald Lewis International Law Center because Mr. Reginald F. Lewis '68 donated \$3 million to the Law School. Mr. Lewis is not an international legal scholar. Mr. Lewis hasn't shown much interest in the Graduate Program housed in ILS and probably hasn't read one book in the ILS library. Mr. Lewis is a businessman who does leveraged buy-outs of home-sewing pattern companies and ice-cream making conglomerates. Mr. Lewis isn't a scholar. But after a \$3 million donation, Dean Clark considers him to be an honorable man.

The Law School is prepared to name a building after any person rich (or stupid) enough to give it the requisite dollars. What is horrific about this is not the fact that the Law School will grovel to anyone with enough cash, but the message that this incident gives to its law students. Your success in Harvard's eyes will be measured by your excess wealth, not your ability as a fine scholar, your lifetime devotion to justice or your willingness to champion unpopular causes. Don't worry if you are hated, distrusted, conceited or narrow-minded. We don't mind how you got your fortune. At Harvard, money talks more than Alan Dershowitz.

The precedent is now clear: Just come with the cash. We don't care who you are. The *Wall Street Journal*, in a front page article, reports that Mr. Lewis is "stubborn" and "abusive;" he combines "high-debt takeovers with bare-knuckel tactics." The *Journal* continued "Still, even by the standards of high-pressure dealmakers, Mr. Lewis has left a wake of distrust

and shattered friendships." According to the *Journal*, people who once worked for Mr. Lewis note that "he assiduously courts people who can help him but once they are on his team, he turns demanding and even abusive." Are these qualities that Harvard Law School honors?

This is not to say that Mr. Lewis should not be thanked for his large donation. But why should Harvard muddy its reputation for scholarship by accepting donations on the condition that it must give something to the donor? Why rename a building after someone who's only achievement is the ability to amass wealth?

If the Law School wants to rename ILS, why not rename it after an international legal scholar. Harvard was once famous for its professors and graduates who specialized in International Law. Professor Emeritus

Milton Katz '31, a well-respected international scholar and humanitarian, raised the money to build ILS. Manley O. Hudson '10, S.J.D. '17, Professor of Public International Law at Harvard for 36 years, was probably the most influential scholar in International Law America has ever produced. Four current Justices of the International Court of Justice have been associated with Harvard. Many Harvard Law graduates have risen to noble heights in the legal systems of foreign countries. Surely one of Harvard's international greats would be more suitable

to be among the ranks of Pound, Griswold, Langdell, Holmes and Story

than Mr. Lewis.

If donations to the Law School Campaign slow down, here are some ideas for Dean Clark: Let's sell renaming rights to buildings named after people we can no longer remember. We can auction off Austin

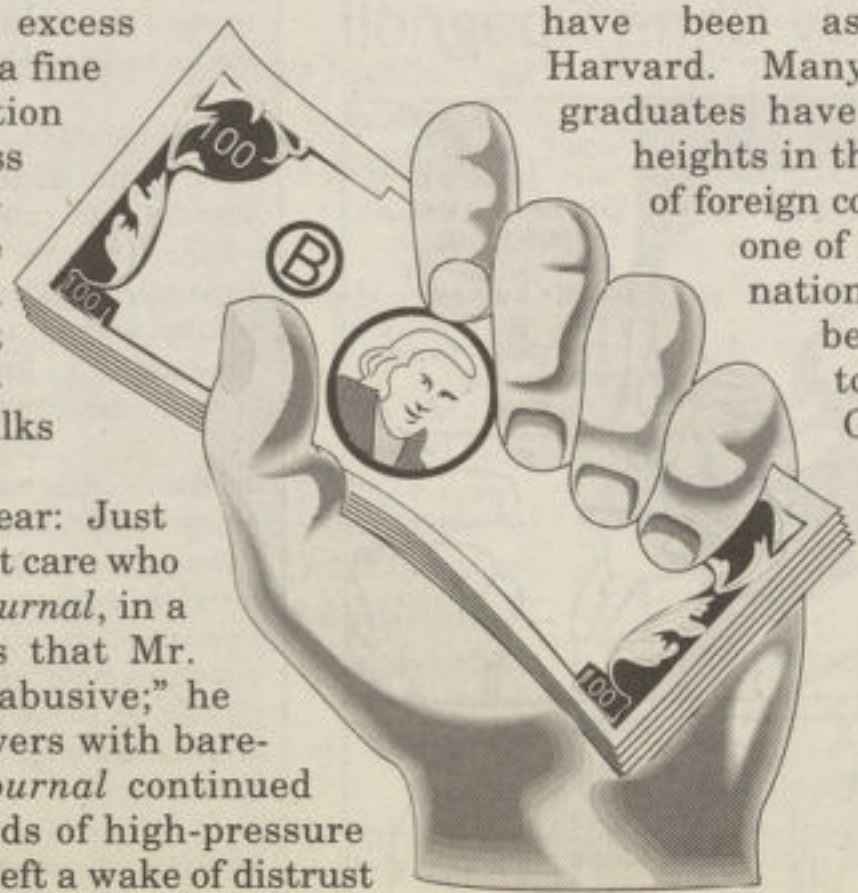
Hall. Rename it Emanuels Hall or the Morgan, Lewis and Bockius Building or better still, the Pepsi Palace. Rename Harkness Commons the Nomura Commons. We

can all be graduates from the Harvard Virginia Slims Law School. But I doubt the good Dean will accept this plan. (Mr. Lewis would also oppose such a plan. If buildings can be renamed, Mr. Lewis would worry that his investment is not strong. After a few years, Mr. Lewis will be forgotten, someone will come along and trump his record donation, and ILS could be renamed once again.)

So start saving or stealing, for there is only one building left. You need a spare \$10 million to have the Holmes Field hole-in-the-ground staff relaxation building named after you or someone you love. But be warned: with no Law School building named after a woman, your efforts may be in vain if you happen to be of the wrong sex.



The Law School is prepared to name a building after any person rich (or stupid) enough to give it the requisite dollars.



Rader/Hartman: When Will it End?

continued from *GRAPES*, page 8

alone, deleted my central point, claiming it wasn't in good taste. Frankly, I believe that readers don't want a columnist in good taste, they want one that tastes good. And another thing, Bob Arnold, if that is your real name which I doubt, I resent the fact that you've been calling up my professors and asking how I'm doing in my courses. It's none of your damn business whether I even show up to class; you're not paying my bills, although you're welcome to do so if you'd like. Besides, I go to plenty of classes, just not physically. So, take a page from Greg Stohr's notebook and leave the bias at home when you edit.

I can guess the reason for your bias, Bob, and his initials are TH. Yes, even you have been poisoned by Todd, betraying your sworn commitment to upholding the family and life and all that is good. Why else would you allow Hartman free rein to write his inane articles about HLS crew and homeless people in the Square who also coincidentally print a newspaper that no one reads? Crew is a "sport" for uncoordinated masochists unable to handle football and I know for a fact that Todd wouldn't even contribute an article to *Spare Change* although he did give one guy 18¢ for an interview. I'm not sure if Todd has ever gotten a callback interview from any firms — one look at his over-slicked hair should be enough for them to decide — but if he had, we all know he'd request extra-expensive accommodations and meals according to his own anti-NASAH guidelines.

I suppose the *coup de grace* was another of Todd's emotional editorials on yet another visceral, gut-wrenching topic: The *Harvard Law Review*. Next thing you know, he'll be organizing a silent vigil at Gannett House. Or, maybe a cross-burning is more his style.

To add injury to insult: the *Law Review*'ers have the grades, the looks, the charm, and the jobs, and all you have Todd is your bitterness. How typical of you, then, to try to bring them to your level instead of congratulating them on their justly-earned accomplishments. Not everyone knows Robert's Rules of Order as well as they now do after their many parliamentary-oriented meetings and you're just jealous. Sure, they now have a little internal probe, but, unlike your

recent proctology examination, it's more a testament to their commitment to intellectual integrity than an admission that they're hopelessly beset by the internal hemorrhaging you're experiencing. All those years of prostate abuse have caught up with you and now you must pay the piper for a stitch in time to save your nine (millimeters, that is). You're jealous of the *Law Review*, you're jealous of Marie-Louise Ramsdale and Michael Twomey, and you're jealous of me. You are consumed by jealousy, Hartman; I pray for your soul, if you still have one left in that dried-out husk people jokingly refer to as your body.

Frankly, Todd, I hope your hair pulls a Duncan Kennedy and migrates from your head to your face. (By the way, am I the only one who thinks Dunc looked like Steven Seagal in 1981? Must be the sideburns. Does Sy Sperling make house calls? And, is that really a cigar or a battery-operated toy I wouldn't give to young children in Rich Wareing's picture?) All I can say, Todd, is Halloween is here and again, you don't need to dress up. You must be so happy. Maybe you can convince Alysse MacIntyre to go out with you, as long as they don't start putting your picture in the paper. She certainly won't be intimidated by your fashion sense. But, don't hold your breath. Even *nom de plume*'s have standards, y'know.

To summarize, the Good Book contains a speech that might as easily have come from Todd's mouth: "My breath is offensive to my wife; I am loathsome to my own brothers. Even the little boys scorn me; when I appear, they ridicule me. All my intimate friends detest me; those I love have turned against me. I am nothing but skin and bones; I have escaped with only the skin of my teeth. Have pity on me, my friends, have pity, for the hand of God has struck me. Why do you pursue me as God does? Will you never get enough of my flesh?" (Job 19: 17-22) Frankly, Todd, I think everyone has had more than enough of your flesh, despite your constant pleading that we take more. But, I will continue to pursue you, like a modern-day Erinyes, until you burn in hellfire for all eternity without any of your vast Bee Gee's collection to console you.

Rob Rader, 2L
October 27, 1992

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
October 29, 1992
7:30 p.m.

John Chipman Gray Room
Pound Hall, Harvard Law School

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.

Liabilities

By Paul Taylor



GROMM: Barbarian at Law

By Chris Spagnoli



HOROSCOPES

By Rosie Cosentino

ARIES March 21 to April 20: This is a week that will find you job hunting. Letters and telephone calls to the right people will help you get the position you want. A friend will open a door for you. Don't let your temper take over and spoil your chances.

TAURUS April 21 to May 21: A great week to plan and pursue business strategy. Do you want business law, or criminal law? Go for what you love and the money will follow. If you choose money, you might find you can't do the job because it becomes a chore. Let your inner feelings guide you.

GEMINI May 22 to June 21: A time for public image to be shown. Marriage, partnership and an entertainment contract is just around the corner and will only get better. Writing, publishing and music all have a part in your future. Only money matters will cause you sorrow. Be cautious.

CANCER June 22 to July 23: A time for the underdog to have his or her day. Your creativity will show your talents and bring the rewards you want. Take a part time position. It will open the door for the future. A turn for the better in finances and a romantic weekend.

LEO July 24 to August 23: A family influence can change your job and living quarters for the better. A week to listen to your superiors and to look for opportunities through social events. Mars in your 12th house warns you not to take chances. Someone you know will end up in trouble. A new friend renews your thoughts of love.

VIRGO August 24 to September 23: A week to let friends help you. Communication with someone from a few months ago can prove successful. A job opportunity out of town. Send your resumes now. By Christmas you will get the exact position you wish. Being social will use up your money and get you very little reward.

LIBRA September 24 to October 23: A week to get an appointed position. Job opportunities with good financial stability, requiring much work and little time for freedom. It is not for the rest of your life. Take it, change later. A trip and good news with that family problem.

SCORPIO October 23 to November 22: Being too detailed can cause you to make mistakes. It is time to make a change and go for what you really want. Criminal or entertainment positions are offered, however, corporate might make you an offer you can't turn down.

SAGITTARIUS November 23 to December 21: A week to really study hard. There is so much going on around you it is hard to concentrate. Money matters improve. Work behind the scenes to get a new position. Try a large institution or a government firm. Your reputation proceeds you with honors.

CAPRICORN December 22 to January 20: A week to return phone calls and make some personal interviews. Your partner seems to be needing attention and does not agree with your decisions. Try and stay in the middle and keep your emotions from getting in your way.

AQUARIUS January 21 to February 20: Watch your driving, speeding tickets can put a hole in your pocket. A chance for a new job through a friend. Romance changes your plans for the future. A week for happiness and getting your hopes and wishes. One may get a letter of recommendation from a very high politician.

PISCES February 21 to March 20: Communications with government agencies, officials or individuals of position and status this week as you focus your goals on career. Friends, groups and lovers play a role in your decisions. Make sure it is what you want. It is a high level job you are going for.

This is a generalized sun sign forecast, if you know your rising sign and/or progressed sun or rising signs read those sections also.

For personal consultations contact:

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



The RECORD will not appear next week due to fly-out week.

Our next issue will be November 13th.

Good luck to everyone interviewing! For others, enjoy the break, and don't forget to vote.

For 1ls, keep the faith!

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Beverly Hills 90210 vs. Cambridge 02138

By Alysse MacIntyre

RECORD Columnist

Not wanting to be the only person on the face of God's Green Earth to never have seen the much talked about Beverly Hills 90210, I finally tuned in. And boy I got an eye full.

We go to a famous school, too, but the TV show about us was never a hit like 90210 is. I was too young to watch the Paper Chase TV series, but watching 90210 and seeing what it takes to make a successful show in a school setting, I could see why the Paper Chase series was never very popular. There are some key differences between West Beverly High and Harvard Law. I took notes:

90210: Posters of hip bands.

02138: Oil portraits of dead lawyers.

90210: Has Tori Spelling only because she's Aaron Spelling's daughter.

02138: Has lots of people only because they are the kids/grandkids/etc of alumni.

90210: School scandals get coverage in Tiger Beat.

02138: School scandals get coverage in the Wall Street Journal, the New York Times, Ms., and Vanity Fair, just to name a few.

90210: An incredible re-creation of the high school experience.

02138: An incredible re-creation of the junior high school experience.

90210: Teachers are very involved with students.

02138: Teachers ask students to be quiet so as not to mess up their sound bites.

90210: Senior year.

02138: 3L year for me and my friends — but then, so far I haven't really been able to tell the difference. As I keep hearing, "Seniors...I mean 3L's Rule the School!"

90210: Men spend extra money on hair styling products.

02138: Men spend extra money on Rogaine and Baseball Caps.

90210: Seniors boys scam on freshmen girls.

02138: 3L women peruse 1L face book in search of fresh meat (Who is that guy with the dog, anyway?)

90210: Seniors wax nostalgic on beginning their final year at West Beverly.

02138: 3L's begin counting the days until graduation from this hell hole.

90210: Romantic Intrigue. Everyone cheats on their girlfriends.

02138: No Comment. I know nothing. Really.

90210: Female editor of school paper asked to step aside for a man. In the end, everyone realizes their sexism.

02138: Female president of the Law Review subject to no confidence vote and intrusion by the Trustees. Even if she is a "power wielding maniac," would it be such an issue if she were a man? After all, egregious behavior on the part of Charles Fried got him not sanctioned but rewarded with a seat on the appointments committee. It's just a thought...

90210: Everyone hangs out at the Beach Club.

02138: Everyone hangs out at the Bow.

90210: The men are hunky.

02138: If high winds hit the law school, the men would wash up on Cape Cod beaches if we didn't make sure to tie them down first.

90210: Women wear spandex mini-dresses and have cleavage. Lots of it.

02138: Talbots Galore.

90210: School paper wins awards.

02138: School paper lines more bird cages than any other in the North East.

90210: Inane Dialogue.

02138: Inane Dialogue.

90210: Luke Perry.

02138: Lou Kaplow.

90210: Everyone whines about missing the Fred Segal sale.

02138: Everyone whines.

90210: Real teenagers in Beverly Hills don't go to public school.

02138: Real people don't go to law school.

90210: Students have opinions.

02138: Students issue memos and press releases on their opinions.

90210: Beautiful Spanish architecture.

02138: Gropius Ad Nauseam.

90210: Beverly Hills.

02138: Slummerville.

90210: Students attend AA meetings in Malibu.

02138: Students attend journal meetings in dank basement offices.

90210: Students spend first week of class straightening out their schedules.

02138: I sobered up around the Monday afternoon after the first week of classes, so it was well into the second week before I realized I had a schedule.

Well, so in the end, what can I say except this column belies the fact that I'm a 3L and am now too cool to be seen at Friday night football games and dances in the gym — I mean that I am a 3L and I DON'T CARE ANYMORE. I've got the system down pat. I won't see this campus until finals and, after that, graduation. I even fax in these columns so that I don't have to see my editor's Hark Box anymore. The big difference between this year and my senior year is that I've got an 80K a year job waiting for me at the end of the tunnel. So if you want to contact me, call my stock broker. Yes, little 1L's — it will happen to you one day, too, so cheer up.

Muchos Gracias to my special consultants for this piece, 90210 fans Eleanor Roosevelt '93, who paid me \$10 bucks not to use her real name, and Glenn Solomon '91, who paid me \$20 to make sure that I would use his, thus securing for himself the distinction of being the first person ever to have his real name associated with this column. You're a braver man than I, Glenn.



Fenno's enthusiasm was quickly turning the sedate world of Harvard Law School upside down. Before, you couldn't have gotten him into the library until December. Now, between editing the *Journal on Law and Sandanista Studies* and being on three different Ames Q-Round teams, you practically had to call security to get him out. In fact, he had checked out so many books and reporters that the library staff finally decided to give his personal subcite table its own call number.

The faculty and administration were in chaos. Hiring practices, tenure decisions, who was going to get the corner offices in the new building — all these trivial issues were being superseded by a single, burning, question which consumed everyone from Duncan Kennedy to Bob Clark — "Who the hell is this Fenno guy?"

Instructors well-experienced in dealing with apathetic 3L's were caught totally off guard by comments from somebody who actually read all the cases in the footnotes and wanted to talk about them. Administrators used to sponsoring open forums where they stared at an empty room for a couple of minutes, got their pick of the pastry, and then headed back to the bunker in Griswold suddenly found themselves besieged by a one-man investigative committee, armed with razor-sharp questions and a plethora of facts. Professors long used to getting away with the same tired jokes year after year after year were now being called to task.

It was the same with classes. There was a time when Fenno couldn't have told David Charney from David Wilkins, even though he had both of them for class. Now, however, Fenno was getting up for his 8:00 A.M. class in Forms of Action and Pleas in Equity. This was bad enough, but he also seemed to know the

difference between Trover and Detune. Worse still, he actually seemed to care.

Not even student organizations were exempt from Fenno's boundless energy. Since his conversion, Fenno had gotten involved in no less than 31 student organizations, actually heading 20 of them — a record even Mike Twomey could envy. He started spending so much time in Rocco Forgione's office reserving rooms that people were starting to talk. His ambition and energy had gotten to the point where no problem was too big, no challenge too great. In fact, Fenno had actually started going to Law School Council meetings and he had even been seen hanging around outside Gannett House offering suggestions to anybody who'd listen. He was becoming a regular Roger Fisher.

Even people in the outside world were starting to notice. *Esquire* was sending someone to campus to write its own ponderous, overblown, article about life at H.L.S.. *The New York Times* had decided to open a Cambridge bureau in the basement of Langdell to track Fenno's movements. Even the RECORD had figured out something was up, and starting to collect materials for a story big enough to fill the blank space on page fourteen.

When asked about his newfound enthusiasm, Fenno merely quoted the 1L orientation packet: "I believe every student should immerse him/her/itself in the total H.L.S. experience." All over America, people started asking "Who is that masked man?"

Quote of the Week

"To some degree, it's laughable — maybe it's just because of the way I said it."

—Prof. Stevie Shavell

"Fraser permits the government to discipline a student for an indecent speech -- kind of like something you read in the letters column of the RECORD."

-- Prof. Kathleen Sullivan

OCTOBER 23, 1992

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Life on the Rebound

By Rich Wareing '93
RECORD Columnist



At 6'8", Lloyd Daniels has always been a standout. Until very recently, however, he had been doing a lot of his standing on street corners and in police line-ups. For those of you who don't know, Lloyd Daniels might be the best basketball player to ever come out of New York City. Of course, Lloyd Daniels was also a first-class troublemaker, who spent most of his spare time hanging around with guys who were real bad news.

Had Lloyd's mother not been dead, and his father nowhere to be found, things might not have gotten so bad for him. But social workers never seemed capable of getting him to go to school, stay out of trouble, or do anything even remotely productive. So, Lloyd bounced around from foster home to foster home, hanging out on street corners, getting mixed up in bad shit, and showing up at school only during basketball season, and then only for practice and games.

Had Lloyd Daniels not been a genuine talent, he probably would have slipped through the cracks and become another nameless statistic in the city of broken dreams. He was lucky, however. Damn lucky. Where Lloyd Daniels is from, plenty of great players spend their lives hustling games on playground courts, never even getting a shot at the big time. Somehow, though, word got out about Daniels, and somebody at the University of Nevada - Las Vegas decided to offer him a scholarship, in hopes that he would eventually learn to read and write.

Now this may have been a nice idea from both a humanitarian and coaching standpoint, but given Lloyd's problems, it was pretty much doomed from the start. An abortive attempt at sending him to junior college ended in disaster, and several recruiting violations later, Lloyd Daniels headed back east, never having played a game or even taken a class at U.N.L.V.

Back in New York, Daniels fell back into his old habits, and not too long ago, he ended up on a sidewalk with three bullets in him, the result of a street corner confrontation gone bad. Once again, though, Lloyd Daniels was lucky. Damn lucky. Despite a collapsed lung which nearly put him under, he survived, and even got himself back into playing shape.

This time, though, Lloyd Daniels got serious, realizing, I guess, that you only get so many turns at bat in life. He figured out that crack was a good way to end up in the county morgue or the state prison, so he got off drugs and stopped messing around with the wrong crowd. He also started to work on his

Luck follows work, or so my grandmother once told me, and it seems she was right.

game, honing it to a razor-sharp edge, in the hopes that somebody out there might have a use for 25 year old guy who can barely read, but who can light it up.

Luck follows work, or so my grandmother once told me, and it seems she was right. Lloyd's old college coach, now working in the N.B.A., offered him a tryout this year. Turns out that Lloyd Daniels can still play the game, and all throughout training camp he's been a force to be reckoned with. In fact, the other night he poured in 30 points in an exhibition game against the Knicks. Not bad for a guy who's been down for the count a couple of times. Off the court, he's getting his act together too, and will be the first to tell you that the old Lloyd Daniels was not such a great guy and the new Lloyd Daniels wants and needs to make a fresh start.

Lloyd Daniels, of course, was lucky. Very, very lucky. Because he has a rare skill people are willing to pay millions of dollars to see, he's gotten more breaks than anyone is probably entitled to expect in one lifetime. Plenty of kids in Lloyd's position don't have the skills he's got, and nobody thinks twice about them when they end up dead, doped up, pregnant, or on a criminal court docket.

In fact, even those kids with some kind of talent or skill never get half the second chances he's had, and nobody sheds many tears when they screw up. They become just another flash in the pan or long shot that didn't come through. That said, at least Lloyd Daniels has gotten himself squared away. Sometimes, it's nice to have a story with a happy ending.

Under Siege on Saturday Night

By Dave Lopez



It was the best of times; it was the worst of times. One good movie and one very bad movie this week. The good one is *Under Siege* starring Steven Seagal as himself. However, he uses a different name so he can call himself an actor.

Someone told me that Steven Seagal got his first movie solely because he was Mike Ovitz' personal trainer. Still, I have great respect for Seagal. Ed Ducayet '93

down on a hapless victim.

I don't want to give it away but let's just say Seagal yanked on the rope. The bad guys unload some missiles onto a waiting submarine and Seagal has to blow it out of the water with those huge battleship guns. The best part of this movie is that not everything works for the hero. He tries to sink the submarine a few times but doesn't succeed, and some sailor actually swings a hook into his shoulder, making him seem more human, more like one of us.

The grand finale comes when he has to fight the top bad guy, an ex-Navy Seal like Seagal; they are in fact old war buddies. Both of them pull out knives, but fight with them underhanded, with

the blade going along their forearm. Seagal wins after a great fight where they slash each other up and throw each other across the room. Me and the boys had a little debate as to exactly how the bad-guy died.

Anthony: "First he kicked him, then he punched him, then he poked his eye out."

Kyle: "Uh, uh! First he kicked him, then he punched him, and then he poked his eye out."

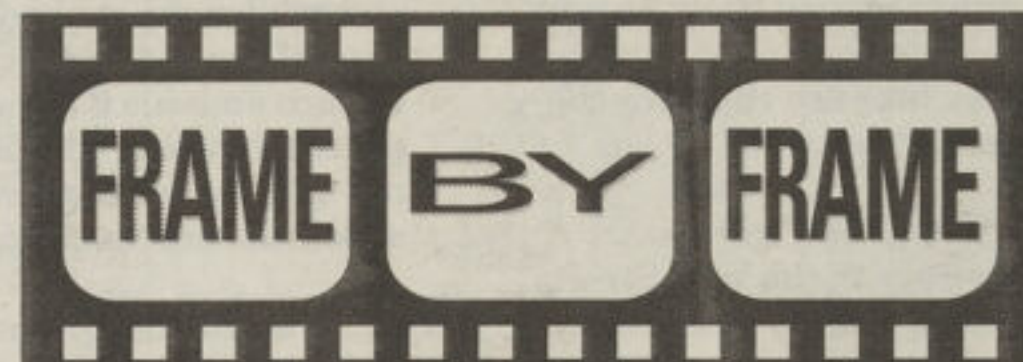
Anthony: "That's what I said. Dave, Dave, isn't that what I said?"

With both little round faces staring up at me, pleading with me to decide, what could I do? I said, "Well, it looks to me like he kicked him first, then he punched him, and finally, he poked his eye out." We all agreed that's what happened.

You don't want to mess with kid's logic, just go with the flow and it will sort itself out. Afterwards we went to Toys-R-Us and played with the all the guns there, kind of to reinforce what we'd learned. We did the same thing after *Boyz n the Hood*. I think I may be a good excuse for mothers to stay single.

The worst movie of the semester was *Mr. Saturday Night*, with Billy Crystal. I think it's supposed to be a funny, touching and insightful view into the life of an aging comic. Don't make me

laugh. Oh, yeah, you didn't. Richard Fenyès '95 says it's funny if you know something about New York Jewish culture, and I don't. The closest I have come is hanging out with Marcus "Fury" Lipiner '93, (you don't know him, he only comes to campus for finals) but Marc really is funny, and he's funny in a subtle, brilliant sort of way. You have to think a little bit. *Mr. Saturday Night* isn't funny even if you think about it a lot.



says he's a black belt in Aikido, and anybody who's done any type of martial arts has to admire his form. Ed and I couldn't agree on which of his films was the best—I say it's this one; Ed says he liked *Marked for Death*.

Even if you don't know how to break someone's fingers or kick someone in the head, you will still enjoy the movie, it's good clean fun. I took along my little brother, Anthony Baxter, and his cousin Kyle, both twelve years old. I told them they could come if they promised not to be brats and they did, so they were on their best behavior. The movie was about Seagal, who is now a cook on the battleship Missouri, and nobody knows that he was a Navy Seal. The second-in-command (played by Gary Busey of *Lethal Weapon* / *Buddy Holly* fame) is crazy, and he takes over the ship by bringing on some renegade CIA assassins (led by Academy Award winner Tommy Lee Jones) pretending to be band members for the captain's birthday party.

The only woman in the movie is a rather top-heavy entertainer who quickly learns how to use a machine gun to help save Steven's life at opportune moments, and it kind of creates a bond between the two. Us guys weren't into that, though, we wanted to see some shooting, blood and guts and we didn't have long to wait. The CIA commandos, among them Colm Meaney of *ST-The Next Generation* fame, start shooting people indiscriminately and put the entire crew in one room, all except for Seagal, who has been locked in the food locker for insubordination.

When they try and kill him, he gets out by throwing a knife into one guy's neck and punching and kicking the other guy to death, or does he just rip out his larynx? I can't remember. Anyway, the rest of the movie goes in the same fashion, Seagal kills the bad guys as he meets them, and some in very innovative fashions. The best ones are when you see it coming. In one case, you see Steven look at a rope, look up to see the rope holding a large jagged-edged beam, and then look

Even if you don't know how to break someone's fingers or kick someone in the head, you will still enjoy the movie. It's good clean fun.

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Sexual Harassment Policy Would Abridge Right of Free Speech

By Hans Bader '94

HARVARD Law School has long prided itself on its commitment to free speech, voluntarily according students the same free speech rights they would enjoy at a state university. But Harvard's free speech guarantees will become broken promises if the faculty adopts the Draft Report of the Sexual Harassment Policy Committee.

The Committee's definition of sexual harassment restricts freedom of speech even more than many of the speech codes struck down as unconstitutional at state universities. Its adoption would therefore violate the Massachusetts Civil Rights Act, which guarantees students at private colleges the same free speech rights that students at public universities enjoy.

COMMENTARY

Moreover, the Draft Report requires that disciplinary proceedings be cloaked in secrecy, shielding judicial abuses of power from public scrutiny. Only if the accused student is convicted may the record of the proceeding be released, and then only at the whim of the Administrative Board. An innocent accused can be prevented from publicizing a politically-motivated prosecution, and Board members can effectively prevent an improperly-convicted student from protesting mistreatment at their hands. To discourage political trials, accused students, not the Ad Board, should determine whether or not to open proceedings to the public.

No sexual speech is safe from censorship under the policy because its harassment definition is vague and overbroad. The policy bans "verbal...conduct of a sexual nature...that unreasonably creates an intimidating, hostile or offensive academic or work environment." "Verbal conduct" is the code word for speech used in most campus speech codes. An "offensive environment" can mean exposure to any ideas or emotions that a listener finds objectionable. The only word in the definition that limits the scope of censorship under the policy is "unreasonably," a term which gives the Administrative Board the discretion not to censor a student for expressing "offensive" beliefs if the Board does not consider their expression so objectionable as to be worth suppressing. In essence, the policy permits students to be punished for any speech on sexual matters which deeply offends both a fellow student and the Administrative Board.

The policy provides little information on what speech is protected under it, giving no examples of what speech can or cannot "unreasonably create an intimidating, hostile, or offensive environment." Nor have Committee members been informative. For example, when I questioned Dean Wald September 8 on whether asking a classmate out on a date could constitute "sexual harassment" under the policy, she seemed to doubt it, but could not give me a clear answer. No speech or gesture, no matter how innocent, is shielded from a sexual harassment charge.

Not even classroom debate is insulated from sexual harassment charges. Although the Policy Committee claims that "The policy is not designed to inhibit the free expression of views about questions of sexuality and gender," it makes no guarantees against classroom censorship, stating only that "sexual statements inappropriate when directed at someone in an office or dorm room may be within the range of commentary that is reasonable when not directed at a specific individual in a classroom or other academic setting."

The committee's implicit assumption that it is entitled to intellectually limit the "range of commentary" reflects content-based censorship. And its suggestion that the expression of an idea can be restricted merely because it is "directed at someone" opens the door to censorship of the many student comments that criticize a previous speaker, and permits a student to accuse a professor of sexual harassment if the professor uses the Socratic method to prompt the student to discuss sexual issues.

The threat that sexual harassment charges will be used to intimidate classroom speakers is substantial. Two years ago, radical feminists discussed the possibility of bringing sexual harassment charges against Professor Dershowitz because he uses Socratic dialogues in his criminal law class, which covers various controversial sexual issues.

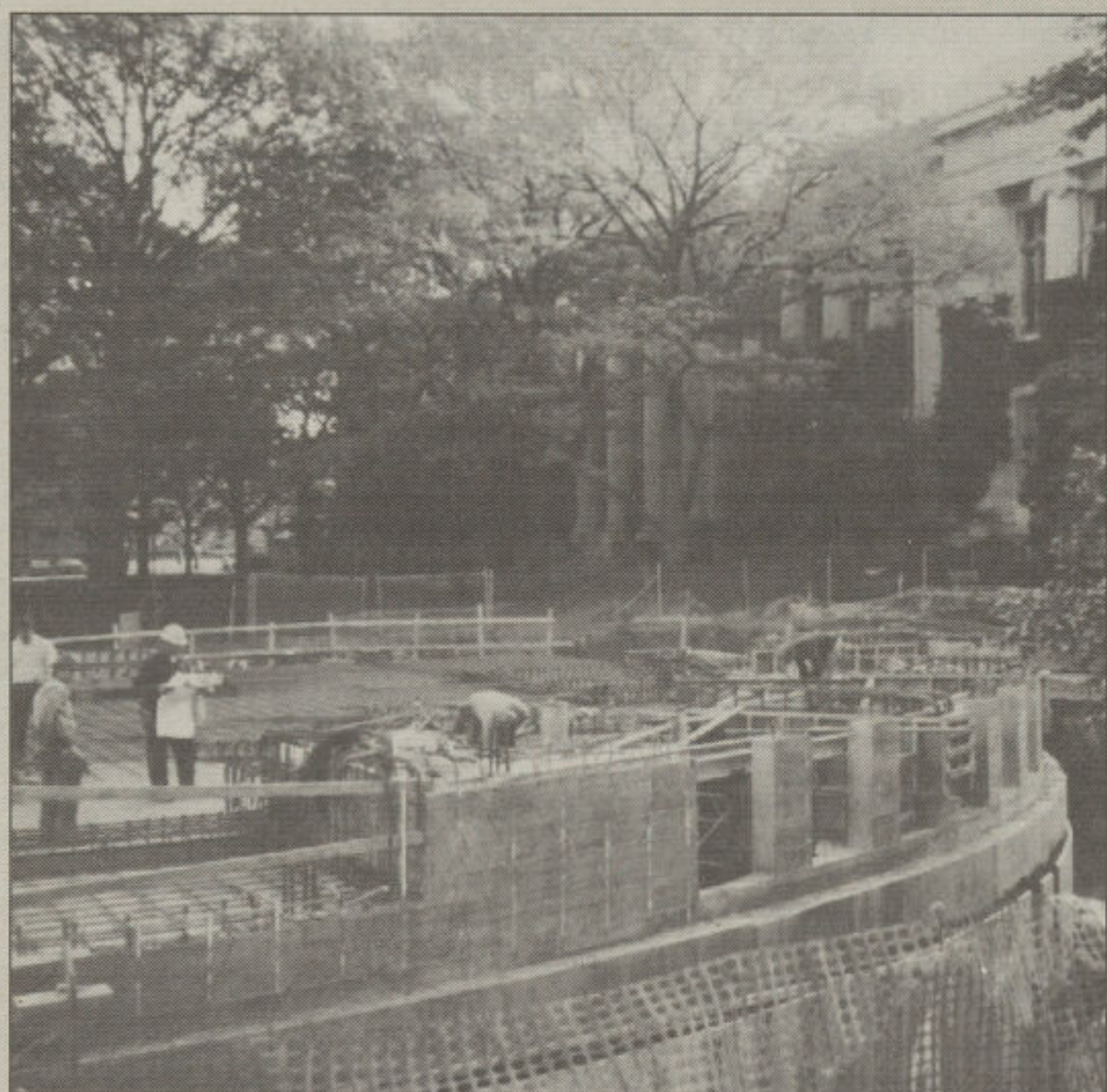
The Committee justifies its censorship on the basis of the hostile environment theory, under which speech which generates a hostile work environment for a member of a protected group may constitute illegal discrimination in violation of civil rights laws such as Title VII. But the hostile environment theory has never been applied to a public forum such as a university; since students are not agents of the university they attend, no court has ever held a university liable for discrimination merely because one student's speech offended another.

In fact, state universities are Constitutionally forbidden to punish students for speech, even if it not only creates a hostile environment, but is purposely uttered to create a hostile environment, under the court ruling in *UWM Post v. Board of Regents of the University of Wisconsin System* (1991), in which a federal court overturned a University of Wisconsin speech code that was less restrictive than the definition currently proposed by the Sexual Harassment Policy Committee.

The court also held that anti-discrimination laws are constitutionally forbidden to require restrictions on students' speech, since a civil rights law like "Title VII is only a statute, it cannot supersede the requirements of the First Amendment." Therefore, Title IX of the Civil Rights Act, which bans sex discrimination in educational programs, cannot constitutionally require colleges and universities to regulate students' speech.

To preserve its historic commitment to free speech and comply with Massachusetts civil rights protections, Harvard must resist the temptation to censor speech merely because it is "offensive." Instead, Harvard should define sexual harassment for disciplinary purposes as a pattern of activity or speech by a student that unreasonably interferes with a person's work performance, bodily security, physical movement, or privacy rights of the affected student.

Although it can be costly to those who are offended by new or different ideas, freedom of speech is priceless. It preserves human dignity by allowing us to express our individuality. And it shelters initially unpopular truths from suppression, enabling them to ultimately win out through competition in the marketplace of ideas. Free speech is the foundation of a tolerant society.



Construction continues on the Holmes Field Building.

Panel Discusses Abortion

continued from **CHOICE**, page 1

Stone, Founder and President of Republicans for Choice. Professor Martha Field, who teaches constitutional and family law at HLS, moderated the discussion.

"The big question," Field lead off, "is 'How much of a loss was Casey? How much was Roe compromised?'" In *Casey v. Planned Parenthood*, the controversial case decided last June, the Supreme Court upheld the bulk of a Pennsylvania law restricting abortion rights. The Court, however, did not overturn *Roe v. Wade*, the 1973 case that first recognized a woman's constitutional right to abortion.

"My bottom line," Field asserted, after a brief assessment of the cases, "is that you really can't tell, because we don't know what the Court will do next." On one hand, she noted, Casey is a gain because the Court relied for the first time on bodily integrity as justifying women's abortion rights. At the same time, Field emphasized, Casey showed that "four Justices are totally willing to discard the constitutional right to choose."

The panelists took a less academic approach. "Our major hope is a political one," declared Paul. This is especially true for the gag rule, President Bush's directive prohibiting all health workers but licensed physicians from counseling pregnant women who go to federally funded clinics on their abortion option. "Bill Clinton has said he will rescind the gag rule," Paul explained, "so just as us, many judges are now counting the days until November 3rd."

Stone added, "The one good thing to come out of the gag rule is that it points out that the agenda of the religious right involves more than the right to choose; it also involves the right to free speech."

Abortions were hard enough for many women to obtain even before the onslaught of state restrictions, asserted Hrenda-Roberts. In Pennsylvania, only 8 out of 87 counties offer abortion services. Only 20% of Massachusetts counties offer such services. Thus, women, and often teens, are forced to travel great distances in order to exercise their right to choose.

For Jones, who this summer in New York coordinated resistance efforts against Operation Rescue, "travel" is key. Jones won court injunctions against Operation Rescue, a national anti-abortion group that blockades entrances to abortion clinics, on grounds of a woman's right to travel, not her right to privacy. "It gets to the heart of the issue," she stated. "The legal right doesn't mean much if women physically can't get through the door." Jones urged synthesizing legal and

grassroots efforts as the best way to fight the Casey decision.

All five panelists expressed reservations on the Freedom of Choice Act (FOCA), the bill currently before Congress which would codify Roe. They feared the amended version might be so watered down as to little help women.

Sabino declared that one way to get around the burdens of a parental consent restriction for minors is by making the system work. She is part of a team of Boston lawyers that ensures teens can obtain judicial consent, which bypasses the Massachusetts requirement. Nonetheless, Sabino emphasized the toll this process takes on pregnant minors. "Can you imagine 15 year olds having to call a lawyer? And then having to go into court to tell a middle-aged man when you got your last period? It's terribly daunting and traumatizing."

Field agreed that Casey most harms women whose access to abortion is already precarious. "By making abortion available to the upper classes," she asserted, "while continuing the tradition of denying access to the most vulnerable, in some ways Casey cuts down on political impetus to change abortion law."

The harshest political commentary came from Stone, President of Republicans for Choice, who scathingly attacked the Republican anti-abortion stance and condemned the Bush/Quayle campaign for "delivering" the G.O.P. Convention to the religious right. "I was named the most dangerous person in the pro-choice community today by the National Right to Life Organization," Stone pronounced. "And I'm at the top of Pat Robertson's hit list. And I wear that banner proudly."

Stone maintained that according to a 1991 survey, 71% of Republicans professed themselves to be pro-choice. Enraged that her organization's posters, reading "71% Can't Be Wrong," were confiscated at the Convention, Stone declared, "Our party got hijacked, and we want to find it and bring it back!"

Stone forecast that a Democratic win both for the presidency and in the Senate will be a "great cleansing process" of the party. But she stressed that abortion rights activists must carry the torch to city hall as well. "In the post-Casey world, more damage can be done at the level of local politics. We must keep the religious right out of office."

The symposium ended on the same political note as it began, recognizing that women's right to abortion has a lot riding on the upcoming election, as regards the gag rule, judicial appointments to the Supreme and federal courts, and Congressional action.

The Right Perspective

By Neil L. Glazer '93

RECORD Columnist



THE other day a classmate remarked to me that a number of people have complained that the Law School Republicans need to become a more "moderate" organization. Needless to say, I commented that were they to become any more "moderate," they may as well drop the pretense and start flying the hammer and sickle at their meetings. Since then, I have not been able to get that conversation out of my mind. Thus, I shall endeavor, in this brief column, to explicate my objections to "moderates."

Let me start off by saying that I clearly prefer Liberals to "moderates." This is because at least Liberals obey truth in labeling laws. They stand for much that I detest, and are honest enough to be up front about it. Thus when we encounter each other, we can either choose to engage in polite (non-political) conversation concerning some topic of common interest, such as the latest news about Jerry Garcia's health, or we can debate some political issue (making sure not to say anything so strong as to "offend" the other), or we can simply say hello and go our separate ways.

However, when engaging in conversation with a "moderate," things become much more confusing. This is because most "moderates" will vehemently deny they are Liberal. Yet, if I comment that abortionists are murderers, or Jack Kevorkian is the "Doctor of Death" they lash out in an emotional outburst remarkably similar to that of a well-trained leftist. Similarly, if I endeavor to discuss in a rational manner the problem of homosexuality in this country, I am immediately branded a "homophobe." Indeed, when I am with a "moderate," there are very few topics of which my comments will not engender horrified and anguished cries frighteningly reminiscent of those of the most ardent member of the Lawyers Guild. God is out; country is out; I think all we have, in terms of conversational

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safe ground, is apple pie.

The litany of dangerous topics extends well beyond these obvious examples: "date rape," the role of women in society, proper responses to the drug and crime problems, prisoner "rights," AIDS, immigration, etc., etc., etc., are all *verboten*. But if these are all subjects in which there is no difference in opinion between Liberals and "moderate" Republicans, what then remains of the Republican party to these pretenders? Indeed, if as I suspect, the Republican party has lost its soul (as has the nation), then the "moderates" are the demons who stole it.

The Republican party used to be the party of ideas. Granted, they were conservative ideas, but that is what defined the party, made it great, and made it strong. We led the nation for the better part of the last 25 years, and for good reason — we had the better ideas. But one by one, the "moderates" have caved in to the left, having fallen prey to the perpetual propaganda mill of the Liberal media and academy. Perhaps in an attempt to become "politically correct," or perhaps because they truly have been fooled, "moderates" have abandoned the principles of conservatism. The traditional values to which we are endeared do not stop at an insistence on limited government. The conservative canon also subscribes to the belief that Western Civilization represents the highest achievement of mankind. Essentially, we believe that no society can succeed when it trashes the moral and cultural basis upon which it is founded.

Why do "moderates" still insist on denying their Liberal tendencies? Perhaps, like leaving home, it is just too traumatic to contemplate. When a child, however, drifts so far from the shared values of the family that he is deemed incorrigible, it is time to make the tough decision and kick him out the door. Hopefully the shock of reality will bring him to his senses, and he'll return, humbled and contrite. Thus I suppose it is time for conservatives within the Party to get tough and give the "moderates" a long overdue message: Shape up or ship out!

CCR Meets With Alums

continued from **CCR**, page 1

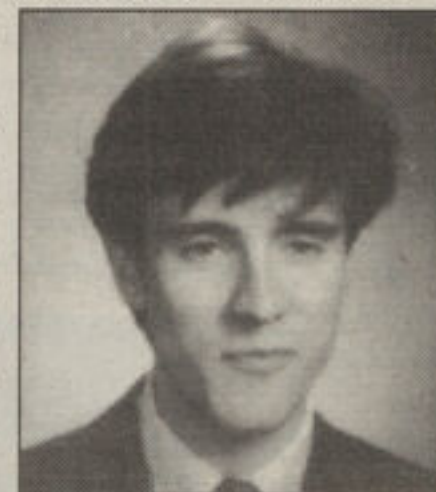
hadn't been an aggressive enough effort to let alums know what issues were being discussed on campus. . . They wanted people to expand publicity about diversity."

Garland continued that "I spoke to a lot of high profile alums who said they simply didn't get the information, including Nadine Strossen '75, who said she wants to see more about what's going on and doesn't, except when she occasionally gets copies of the RECORD sent to her from Norman Dorsen '53, the past president of the ACLU." Garland added that the alums need the information "because the ones that have been contacted have

expressed a great deal of dissatisfaction with the Clark administration."

One alumnus didn't understand why students felt the situation was so urgent. Another alumnus complained that the bad press created by student protest was making it difficult to raise funds for the Campaign for Harvard Law School, the Law School's capital fund drive. But Garland points out that "many alums said they still wanted to give money to HLS but wanted to know how to earmark their donations for programs that would promote diversity, like the Houston Fellowships."

Overall, the panel stimulated constructive discussion. Several alumni felt that they received valuable information that they were not aware of before.



James Garland '93

A History Worthy of Protest

By Camille Holmes '93

I heard the strangest thing the other day. One of my classmates said that her 1L friends didn't understand why many 2Ls and 3Ls are either upset with Dean Clark, upset with HLS generally, or just aren't excited about being here. Why don't they give Dean Clark a chance? Why all the uproar about "diversity?" Hasn't there been progress? Hasn't there? Let's see:

This fall the campus has seen lots of changes. The Project on Community, the Law School Council Faculty Appointments Committee, breakfasts with the Dean, 1L receptions with the Dean, and a welcome to newly hired women assistant professors cosponsored by the Dean and WLA.

To be sure, this is a far cry from my first year when the only times I saw the Dean he was walking quickly through campus with his head down, rarely speaking to or even seeing students on his path. There weren't very many receptions that I can remember, certainly not any receptions for each section of the 1L class. And there was no committee dedicated to building community at HLS.

If this fall is a far cry from my first year, it is light years away from my second, when I had to read in the *Wall Street Journal* that my Dean thought that I, as a minority, was insecure and that protesting for diversity on the faculty was a minority issue which only insecure minority students protested for due to the ills of affirmative action.

There are no armed police officers in Griswold this year. There have not been any sit-ins yet. The Dean is not threatening our Dean of Students with her job (but then again she's no longer the Dean of Students). And the *Law Review* is keeping its dirty laundry as far out of sight as possible. I suppose that in the area of public relations the Law School has made some gains.

So what's the matter? Why am I upset about HLS and this thing called diversity?

The diversity movement started many years ago. Students began protesting for representation of minorities and women on the Harvard Law School faculty in the late 1960's. These protests resulted in the appointments of HLS's first African American professor [Derrick A. Bell] and its first women professors.

In recent years, the protest has been focused on groups that have never been represented on the faculty at HLS. After decades of protest, HLS is 90% male and 93% white. There has never been a woman of color, a Latino or Latina, an Asian American, an openly gay, bisexual or lesbian person, a Native American or a disabled person on the faculty of Harvard Law School. The response to this concern of students has been to point to the "pool problem."

The pool problem argument centers around the myth that there are no candidates from the groups mentioned above qualified to teach at Harvard Law School. Not one qualified woman of color, Latino, Asian American in the entire country. In effect, the argument implies that in order to hire minorities, gays, disabled per-

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sons and women, HLS will have to lower its standards. I don't buy this argument, I think it is a matter of will. Many students, however, did accept this argument before last spring and agreed to have faith in the appointments process.

Last spring, students found out that the pool was not the problem. In February, when the Dean made the surprise announcement that four white men had been offered tenure, the campus erupted. To be sure, the eruption was not based solely on their status as white men (even though many students were very upset that members of unrepresented groups were not considered first). The outrage stemmed from the administration's violation of its formerly inflexible "year away" policy and its abandonment of "principled standards" for the truth of political deal making. Two of the four professors offered tenure were visiting at the time the appointments were made. There had been a rule known as the "year away rule" which prevented the Appointments Committee from considering visiting professors while they were on the HLS campus.

Students asked year after year that the rule be repealed because it resulted in the loss of talented minority candidates to other institutions. In the past two years, the rule was applied to two African American women and one Latino man. After the announcement of the tenure appointments, the Dean said that the rule had been repealed last spring. Adding insult to injury, the faculty and Dean admitted that the four men were an ideologically balanced slate that all the professors would agree to. Quite different from its claims that the decision making process was based on high standards of individual intellectual merit and achievement, the faculty and the Dean admitted to playing politics in order to get four white men hired.

What about those groups whose members have never been considered qualified to sit on the Harvard Law School faculty. Look at the general population of the United States. We are increasingly minority and female. Across the nation, other law schools are meeting the national average of 25% women and 5% minorities (not including African Americans). The answer to the diversity puzzle is that Harvard Law School refuses to lead in this area. Inclusion of previously excluded groups is not a priority at Harvard Law School. When Harvard wants to make things happen, things happen. Look at the four tenure offers last spring, the resolution for white women, the \$150 million dollars that Dean Clark will raise. All these accomplishments require resolve and determination. Harvard now needs the determination, and the leadership to address issues of discrimination and inclusion head on; to invest the time and energy necessary to build an inclusive faculty which embraces previously excluded groups.

Alas, that's what's missing. With all the platitudes and overtures of a happy, friendly non-confrontational community, there is no real commitment to make the faculty more inclusive. Instead of progress, there have been setbacks and disappointments. Derrick Bell is no longer a professor here. He was dismissed over

Is The Draft An "Issue"?

By Dean Newton '95

RECORD Columnist



THE one thing that has been brought up in this election is Bill Clinton and his "waffling" position on the draft. Some people say that this isn't an issue. "Stick to the issues," Clinton says. Is the draft an issue?

For many of us who have never felt the fear of the draft, the "issue" may seem unclear. If Clinton has lied about his draft record, maybe that speaks to his character. Then maybe we have created an election system that requires politicians to stretch the truth to be elected. Furthermore, if really in that situation ourselves, what would we have done?

Most people, it seems, feel that if it is an issue, it isn't a significant one. Certainly most polls show that the American people don't seem to be weighing it heavily in selecting their candidates.

Personally, I agree with the position that President Bush has taken. The "issue" isn't Clinton's objection to the war, but rather his incessant flip-flopping and lying about the draft, his draft status, and protesting on foreign soil.

Others disagree. William Broyles, Jr., a Vietnam veteran writing an op-ed piece for the *New York Times*, argues that Clinton's avoiding the draft should be weighed as a plus for Clinton. "My son comes of age during the next presidency. I would far rather have his commander-in-chief be a man who has struggled with the deep moral issues of sending men to war [Clinton] for narrow political reasons than one lost in nostalgia for the noble sacrifices of a heroic crusade that will never come again [Bush]."

But for thousands of veterans who have served in battle, my position doesn't begin to go far enough. Many veterans feel Clinton had an obligation to serve his country, but rather than fulfilling it, he disgraced those who were dying. Ironically, it is these people who, amid all the political exchanges, we rarely hear from. Consequently, I yield the rest of this column to one such gentleman, Vietnam veteran Jack Estes. His words of experience, printed originally in the *Los Angeles Times* and quoted here almost in their entirety, are far more powerful than any I can offer:

A friend of mine died for Bill Clinton.

Twenty four years ago Gerny died in Vietnam. A blond, towheaded Marine, he was stationed with ground troops. . . On his five day R&R to Hawaii he married his girl; a few weeks later he was dead. He was walking point the day he died. He caught a round in the throat and when I first crawled to his side, there wasn't much blood. He was laying on his back, mouth open, eyes open....

Our squad was pinned down through the night... firing back at an enemy we couldn't see. Gerny meanwhile lay quietly. When morning came I helped carry him up the mountain. Hours later we blew down some trees and made an L.Z. A chopper came and lifted him away.

I loved the friend I briefly knew. I thought of him each fall throughout the years. I thought of him through the Vietnam war demonstrations when veterans were hated and through the Persian Gulf when they were loved.... I thought of his face and how he saved me....

Now for the hard part. This is the kind of thinking most folks won't do. See, Gerny died for us all. Only when Gerny died not many cared. Back then the protesters often shamed him or blamed him. Years later we built a wall full of names that makes people cry and no body understands exactly why.

Maybe it's more complicated than that but I won't vote for a man that was part of shaming Gerny. I won't vote for a man who tricked his way out of carrying him and won't cry for him or say he's sorry Gerny died. And I won't vote for a man who doesn't show respect, remorse or appreciation that Gerny took a bullet in the throat....

He died for us, Gerny did.

Like it or not, it is an issue.

the summer because he believes that HLS is discriminating and took an unprecedented leave of absence for reasons of conscience to register his concern. His appeal to the Board of Overseers was denied.

Amazingly, Bell was never appointed to any of the important committees — like the appointments committee — during his 20 years at HLS. The CCR lawsuit filed against the Law School was dismissed based on a ruling that students were not the proper parties to sue. Interestingly, the court did hold that the complaint filed against HLS stated a claim for discrimination. The Massachusetts Higher Education Commission is currently investigating Harvard for discrimination. And Clare Dalton LL.M. '73, a female professor now teaching at Northeastern who was denied tenure because three professors, including Clark, threatened to leave the Law School if she was hired, filed a similar complaint. It is still outstanding. There are also rumors that a Asian American male candidate, who won the Sears prize, was president of the *Harvard Law Review* and clerked on the Supreme Court was turned down just last Spring for an assistant professorship because he would not "fit in."

Haven't we made progress? Slight, begrudged, baby steps, maybe. But HLS has a long way to go to become the premier institution that it claims to be. In a forum held for alumni to discuss issues of diversity, one alumna said that Harvard is making the same promises now that it made fifteen years ago when she was a student. It is time for a change. Until the Law School makes ending discrimination a priority, students must continue to register their concerns, their outrage at the state of HLS. Until there are more actions and less words from the Dean and the Faculty, students like me will have little faith in an institution that has consistently broken its promises.

I urge those new to this institution to become informed and to get involved. Progress requires your dissent.

Camille Holmes is the Coordinator of the Coalition for Civil Rights

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