



Harvard Law RECORD

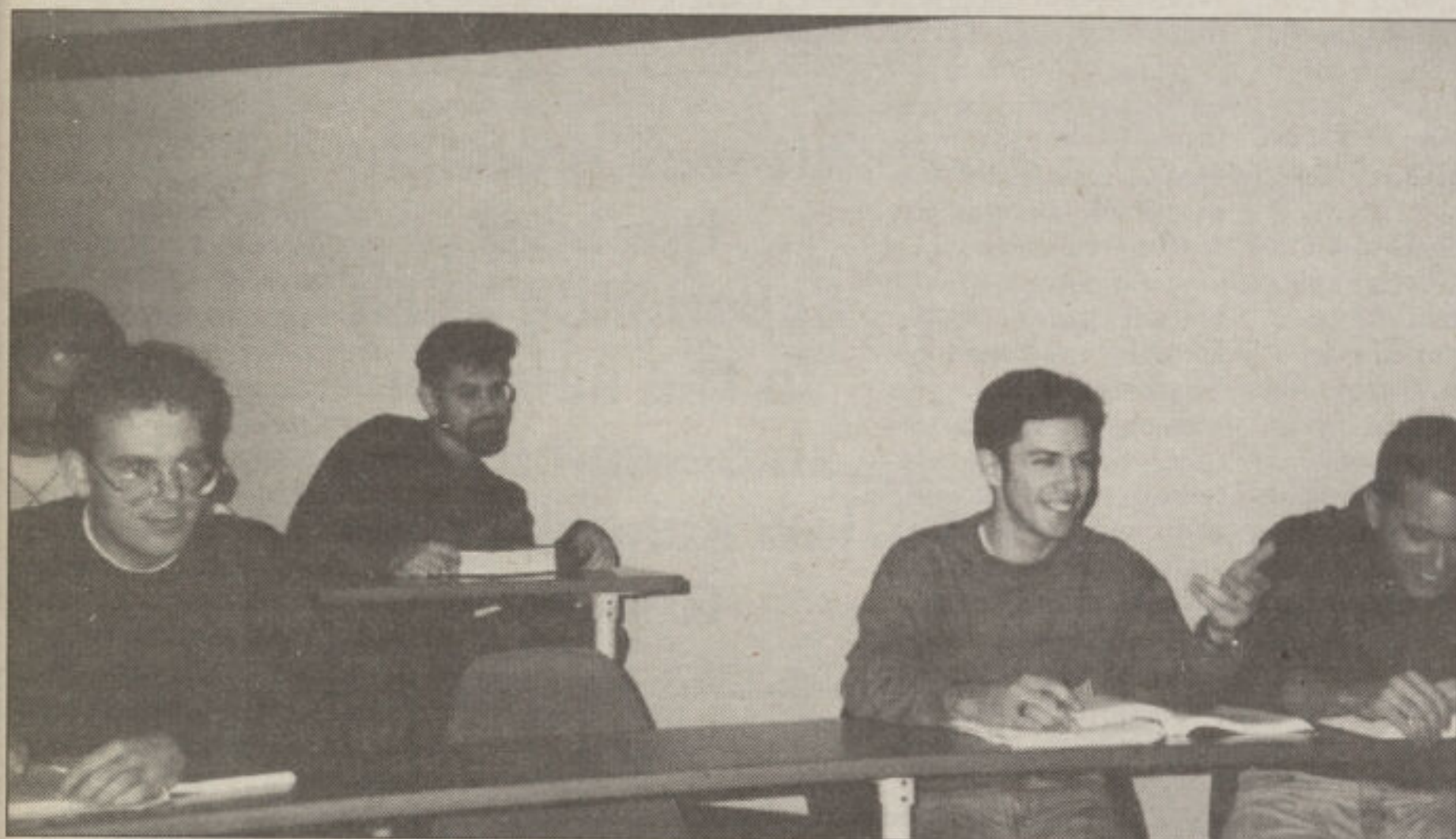
America's Oldest
Law School
Newspaper

35 CENTS

Volume 95, No. 8

Cambridge 02138

Friday, November 13, 1992



News of a recent expulsion causes students to ponder newly-empty seats. RECORD Photo / Josh Freeman

Alleged LSAT Forger Expelled

By Steve Yarian

A second-year Harvard Law School student who reported false LSAT scores has been expelled.

In the November 5 Adviser, the Administrative Board announced that the student was expelled in October. The Board said, "Specifically, the student submitted as part of the application an LSAT which she falsely represented as her own."

Professor Shapiro stated that examination by "uncontested experts left no doubt of the fraud" regarding the 2L's LSAT score.

According to Jim Vaseleck, the Deputy Corporate Counsel at the Law School Admissions Council / Law School Admissions Services (LSAC/LSAS), in 1992 there have been a total of 65 misconduct cases, and only three of those were for LSAT impersonation. Other misconduct findings arise from fraudulent letters of recommendation, falsification of transcripts, false Dean's certificates and misrepresentation on the application.

The investigation process can be initiated either by the Law School or by LSAS. If the Law School has some suspicion that there has been misconduct, it will send a letter with any available evidence to the LSAS. This then initiates investigation

procedures at LSAC/LSAS.

In some instances, internal statistical analysis of LSAT scores, conducted at random done by LSAS, reveals cases of misconduct. Additionally, when a student has taken the LSAT

twice and results reveal a marked difference in the scores, the LSAC may look at the actual exams to compare handwriting.

According to the LSAC rules,

please see *LSAT*, page 10

LL.M.s Feel Left Out of Job Hunt

By Glennis Gill

The interviewing process is difficult for anyone, but just try being an LL.M. Once again this year, the LL.M.s are being treated as second-class citizens by most of the firms.

According to Jorge Esquirol '89, the Graduate Program Director, it's a problem that comes up every year. He explains that interview season makes the LL.M.s feel a little left out because many job opportunities are not open to them.

This year, Esquirol estimates that there are about thirty to forty LL.M. students with foreign law degrees who want jobs with U.S. firms. Rather than being assigned to interview slots by computer as the J.D. students are, the LL.M. candidates must wait until the day before a firm is interviewing on

campus. This is when Jean Kemsley, who coordinates the LL.M. American Placement program, as well as the Overseas Placement Program, receives a

please see *LL.M.*, page 5

Conservative Judge Speaks on the "Toyota Principle"

By Bill Waller

Special to the RECORD

On, Tuesday, November 10th, Ninth Circuit Judge Alex Kozinski spoke to a crowd of approximately fifty law students about applying the "Toyota Principle" — you asked for it you got it — to tort law. According to Judge Kozinski, the American legal system should encourage personal responsibility by refusing to allow plaintiffs who caused their own injuries to recover damages from deep pocket defendants.

Judge Kozinski presented a parade of horrors to demonstrate how tort law affects the conduct of not only defendants, but also plaintiffs and society at large. For example, Kozinski related how criminals are able to sue property owners for injuries received while committing crimes because "thieves are people too, and are entitled to a safe working environment." He added, "In a sane world these claims would be sent packing, but this was the Southern District of California."

According to Kozinski, the legal system is a weathervane of social mores. By allowing parents to sue Judas Priest for their teenage children's suicide, we allow people to absolve themselves of personal responsibility. "The Universe is a hard and gritty place," Judge Kozinski observed, and we should not encourage the current talk-show type

HLS Alum Named to Probe Review

Former Editor Gants to Evaluate Accusations Against President

By Betsy McGrath

The Board of Trustees of the Harvard Law Review Association has selected Boston attorney Ralph D. Gants '80 to investigate the current controversy at the *Harvard Law Review*.

Under the constitution of the Law Review Association, the Board has general supervisory powers over the Review. On October 16, the Board announced that they would appoint an investigator to probe the allegations of racism, sexism and abuse of power leveled against Review President Emily Schulman '93.

Gants graduated *magna cum laude* from the Law School and is a former Note Editor of the Review.

Gants has been counsel with the Boston firm of Palmer and Dodge since 1991, concentrating his practice in complex civil litigation and white collar criminal matters. He was Assistant U.S. Attorney for the District of Massachusetts from 1983 to 1991, serving as chief of the Public Corruption Division from 1988 to 1991. He has also served as Special Assistant to Judge William H. Webster, FBI Director, from 1981 to 1983. He

clerked for Judge Eugene H. Nickerson, U.S. District Court for the Eastern District of New York from 1980 to 1981.

In a press release distributed to all Law Review editors, colleagues and clients praised the appointment of Gants. Professor Philip Heymann '60, former Assistant U.S. Attorney General, said, "Ralph Gants is extremely



Ralph D. Gants '80

bright, very fair, and a highly experienced investigator. He was head of the anti-corruption section of the U.S. Attorney's Office, a position that requires a scrupulous person with integrity and great skill, and before that, he was a good prosecutor. I

please see *REVIEW*, page 10

Navy Ordered to Readmit Gay Sailor

By Toy Chandler

On Tuesday, November 10, a Federal Judge ordered the United States Navy to comply with an injunction ordering the reinstatement of a sailor who had been discharged for being Gay. The sailor, Chief Petty Officer Keith Meinhold, was discharged after a twelve year exemplary career when early this summer he "came out" on ABC's *World News Tonight*.

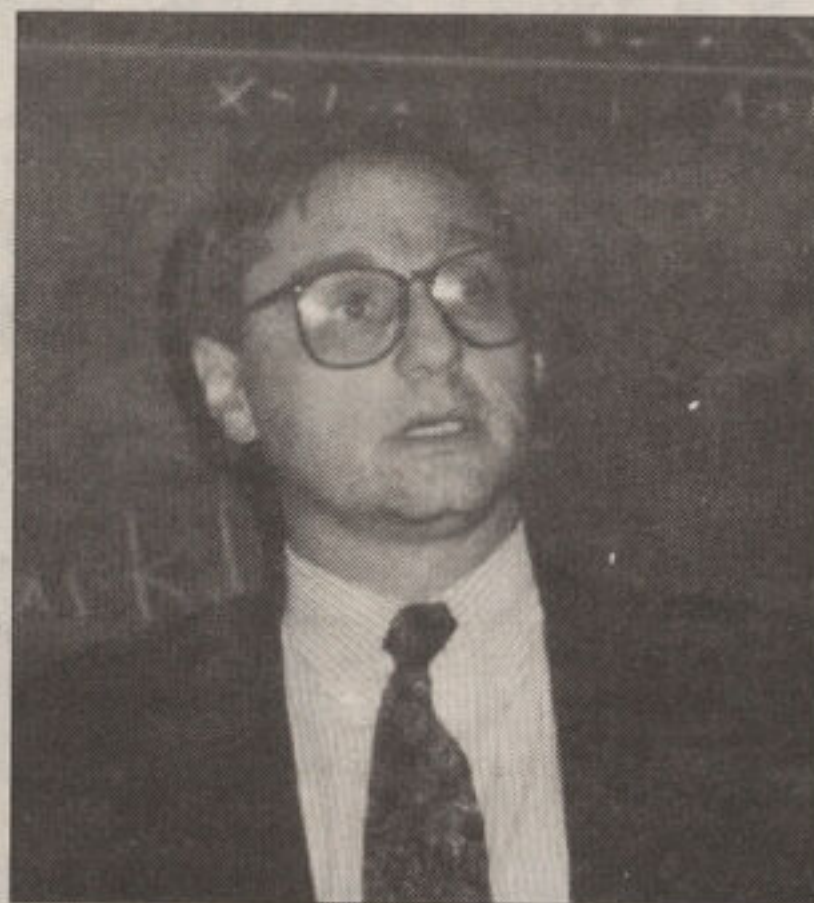
Last Friday, November 6, Judge Terry Hatter, Jr., of the Federal District Court, Central District of California, issued the preliminary injunction ordering the Navy to reinstate Meinhold.

The Navy violated the order on Monday when Meinhold reported for duty and was told to go home.

The Los Angeles office of the law firm White & Case took the suit *pro bono* after a referral from Lambda Legal Defense Fund. They represented Meinhold at his administrative discharged hearings and then on appeal in Federal Court.

The original injunction argued first that the case was likely to succeed on the merits, and secondly, that Meinhold would be irreparably harmed unless he was reinstated. Meinhold is an airborne sonar

please see *MEINHOLD*, page 10



Judge Alex Kozinski

psychological babble that "there are sinister external forces depriving us of our free will."

Judge Kozinski is skeptical about the most egregious cases in which comparative negligence is used to obtain recovery, cases in which the plaintiff failed to use the common sense of a nine year old. Simply stated, "you asked for it, you got it."

Judge Kozinski seemed to relish the opportunity to answer student questions after his presentation.

When asked about applying California tort law with which he disagreed, Judge Kozinski remarked that he had "no problem applying their stupid law." Concerning statutory interpretation, he replied that "the rule in my chambers is that if it is in the legislative history then it is a lie, because that means the legislator did not have the votes to make it a law." He further explained that his experience as a judge in the Claims Court showed him how quickly the legislative branch can respond to fix obvious mistakes.

For example, after he threatened to interpret a statute according to its plain meaning over the vigorous protests of the government attorneys, Congress amended the statute before Kozinski could finish the first draft of his opinion.

After answering all questions, Kozinski retired to the Sheraton Commander to play cards and smoke cigars with several students. The Federalist Society sponsored his visit.

Harvard Law Students Down Wit' OPP

By Malcolm Harrison

While the majority of 1Ls crank out oodles of resumes to distribute to firms in New York, Los Angeles, Chicago and Hometown, USA, approximately 95 of their peers who are participating in the Overseas Placement Program (OPP) are waiting to hear from foreign firms in countries as diverse as Ecuador and Japan.

Jean Kemsley, the director of the Overseas Placement Program, estimates

that the program will place between 70 and 80 Harvard students in foreign law offices for the summer. The HLS students will be doing a variety of work ranging from fairly routine translations to extremely challenging deals in law firms in at least 20 different countries.

"The participating law firms have been very enthusiastic about the results of these placements," said Kemsley. "In some cases the firm simply feels that it is interesting to have an American law student working for them. In

many cases, the Harvard student brings useful perspectives to certain legal problems and does very substantial work."

James Garland '93, who worked at the Australian firm of Freehill, Hollingdale & Page, worked in appellate litigation on the early stages of a case that went all the way to the High Court of Australia, the highest court in that country.

"It was probably the best experience I had in the summer since coming to law school," said Garland.

In the past roughly 50% of the students in the program were 1Ls; however, due to the tightening job market, 2Ls and 3Ls are foregoing the opportunity to work overseas in order to pin down an offer from an American firm. Kemsley estimates that 95% of the 95 students whose resumes are currently being circulated internationally are 1Ls.

There would be even more students interested in the program, Kemsley said,

were it not for fears that working in a foreign firm would not enhance a student's prospects of getting a job in the United States during the second year or after graduation.

Students who have participated in the program say that it really interests the interviewing attorneys, and often it's the first thing that they ask about. With the increase in international legal work, foreign experience is becoming increasingly valuable to American

firms, they said.

"In every interview that I've ever done, its always come up at one point or another," said Garland.

Tim Wilkins '93 worked at the Australian firm of Allen, Allen & Hemsley in Australia. His job involved him in a large number of international transactions as well as domestic issues which required him to fly all over the vast

Australian countryside.

"My experience in Australia was fundamental in getting my 2L summer job," Wilkins explained. "My firm worked a lot with international public law, and having international experience was a requirement for getting a job like that."

The downside of participating in the program is that, in most cases, the financial compensation is not on par with that received as a summer associate in the United States. A reasonable offer includes break-even pay and economy, round-trip airfare. Some firms contribute toward housing or provide it, but these are more the exceptions than the rule.

"People should not expect to make a thin dime but the experience will make them wealthy in spirit," said Wilkins.

The Overseas Placement Program differs from other placement office services in that it requires that students who are offered a job accept it immediately. As of this writing, six offers have been extended to HLS students. Two came from Japan, one from Australia, one from Scotland, one from Canada, and one from Ecuador. In addition to these countries, whose firms have participated in the program before, there are great expectations that firms in Sweden, Denmark, and Austria will take Harvard students for the first time this summer.

While language skills will obviously enhance one's experience, the ability to speak another language is not always required to participate in the program. For example, Japan, Israel, Egypt, Thailand, the Netherlands, and Korea do

not require HLS students to speak the national tongue while applicants to French and German speaking countries are expected to have a mastery of those languages.

In addition to the Overseas Placement Program, Kemsley will also

help the growing number of 3Ls and alumni who would like to work abroad for a longer than a summer. Kemsley noted that an increasing amount of HLS students accept jobs with firms in the United States and then delay their starting date from between six months to two years so as to have time to work at foreign firms. Whereas two years ago, six

students accepted US offers before going abroad to work, this year Kemsley expects about 12 to do so. She has already had 20 inquiries.

The 3L and graduate process began this month and will continue into the spring. Unlike the Overseas Placement Program which simply stresses placing the student overseas for the summer, the graduate search stresses "custom placements" because the student will be in the foreign firm for a longer period of time.

Interested students are advised to target the firms that have expertise in the practice areas that they find particularly interesting.

Due to the fact that these are longer, more professional positions, the 3Ls and graduates can probably expect a salary which is more comparable to the norm of that country than the participants in the Overseas Placement Program.



RECORD Photo / Josh Freeman
OPP Director Jean Kemsley

"It was probably the best experience I had in the summer since coming to law school," said Garland.

**WE'RE NOT THE BEST
BECAUSE WE'RE THE
BIGGEST**

**WE'RE THE BIGGEST
BECAUSE WE'RE THE
BEST**

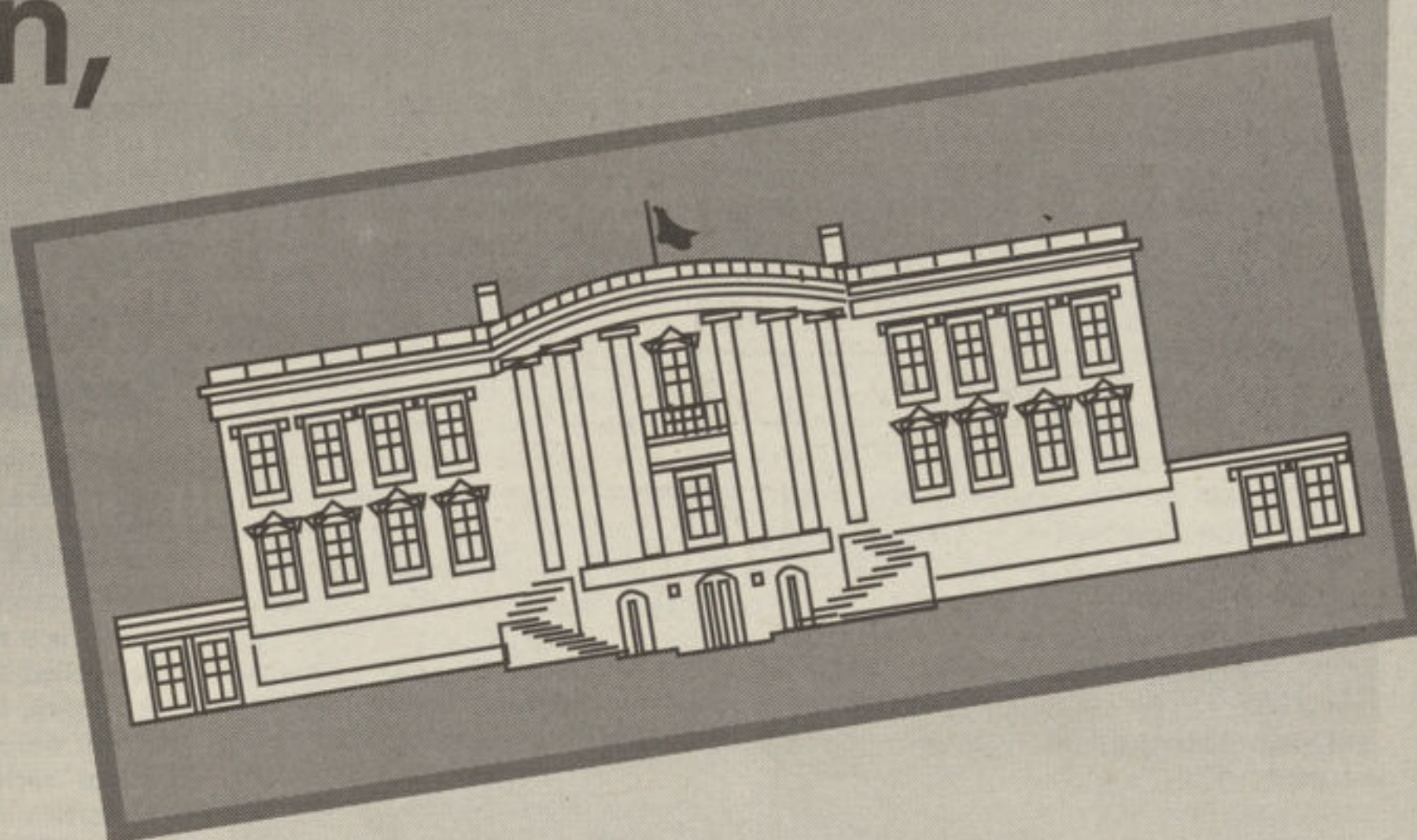
BAR/BRI

BAR REVIEW

(800) 866-7277

Riders On The Storm:

With the Change in Administration, D.C. Lawyers Scramble to Adjust



By Todd Hartman

THERE are life's moments when the convergence of time, place and historic occurrence triggers an adrenal cognizance of something epochal: Berlin — the day the wall fell; Moscow — the day Yeltsin climbed the tank; New Orleans — any Mardi Gras. For those on hand to witness any of these almost anachronistic wrinkles in the world order, the combination of human exhilaration and reborn empowerment creates a timeless effect. It was true November 3 in Washington, the day the Democrats won it back.

Maybe the "change" won't affect the country in the optimistic manner promised. In fact, many political pundits warn it won't. But for Washington's population of 60,022 attorneys, the sky might as well have been pouring champagne or hellfire — depending on your political affiliation — rather than the gray drizzle which covered DC on November 3rd. Whatever change Bill Clinton may create in his coming term as president, the effect has already hit Washington lawyers with the force of Tip O'Neill rolling down a steep hill.

Yes, the election of Bill Clinton means jobs in the nation's capital, no small promise in the midst of a recession which has even trickled up to the top lawyers and law students in the country. As the administration turns over, almost 10,000 Republican lawyers will leave their jobs making room for Democrats who have waited 12 years for such an opportunity. Traditionally, the door opens for young and old alike, giving many hopeful bureaucrats their first taste of a political career.

"Whenever there is a change in administration there is a significant change in personnel, especially when there is a change in a party," said Randall Scott '72, Executive Director of the Bar Association of the District of Columbia. The DC Bar Association estimates that 8,647 political appointments will change hands as a result of the new administration, with each appointee creating a turnover in many staff positions as well.

"Every four years, more lawyers go into heat than at any other time. Many lust with their hearts if not with their minds. Those that do not lust with their hearts, lust with their wallets," added Scott.

The lust of which Scott speaks does not necessarily translate into government service however. While serving in top cabinet positions is highly desired among the top 2 or 3% of the political players in DC, financial and professional ramifications go much deeper.

"There are three different worlds between campaign, policy, and private interest sides," added Scott. "The government scramble goes on at many levels and in many other ways. Then there's also how the client market reacts and how the business reacts. How do we contact who we know to get an 'in' with the new adminis-

tration. What do we have to put out with our clients to score big." For the outgoing administration, Scott intimates a somewhat darker scenario.

"Then there are those looking over their shoulders for when the sword will fall," Scott continues, referring to the outgoing Republicans. "There probably couldn't be a worse confluence of events for the current Republicans. They have to go out into a bad job market."

However, unlike the last change in Executive Branch control, in 1980, many in Washington feel that the competition for government positions will be heightened as well, due to the long drought in Democrat opportunities in the administration. While the Republicans have maintained tight and almost incestuous control of prime agency and cabinet posts over the last 12 years, major Democrats have been waiting in the private sector with itchy fingers ready to seize an opportunity to serve.

"There are many folks out there who wait for their party to come into power and then offer their services," said Brian Fontes, Policy Advisor to Commissioner Quello of the Federal Communications Commission, who for the last 14 years has maintained one of the few agency positions secured for Democrats in the Executive Branch. "There are some folks who have worked for the

Democratic candidates or, more importantly, just for the party itself, that have been around town for a few years and they would hope that there is some payoff for their effort." Through the three administration changes he has witnessed, Fontes remains assured that the bottom line qualification for these appointments is competence, and with 12 years of waiting, the current democratic crop has poised itself with three terms of resume stuffers, waiting for this day. Other long-time Washingtonians assure that those qualifications can be aided by some deft political maneuvering.

"As soon as the polls start to show the outcome of the election one way or the other, everyone starts digging in with their resumes," said Alvin Snyder, former White House staffer during the Nixon Administration and former Director of Television and Film Services for the United States Information Agency. "Appointees call it burrowing in the system. When everything is up for grabs, people talk to who they know with the campaign and the party and get their name thrown in. It's something that the new administration tries to stop as much as they can, so they can have room for their own people. It's like people are seeking ports in the storm." While Snyder feels that the first wave of political jobs will be swept up by the more experienced DC bureaucrats, he postulates that the "second and third" waves will provide opportunities for

young law students who know how to work the system, making Washington an attractive option in this depressed job market.

"In Washington, the economy is always better than the rest of the country," advised Snyder. "The government stays pretty fat, even in the worst of times. My advice to young lawyers would be to use your congressmen for getting jobs. When a Congress member writes to a department head, it will get a lot of attention because that's where the funding comes from. The oversight committees for that agency are particularly effective."

While Scott agrees that DC practice remains stable throughout tough economic times, Scott doubts that the changing administration will have an impact on student hiring opportunities in most cases. "The top political appointments which will go along partisan lines aren't really available to the entry level students. Most of those will go to people who have worked on the campaign, although even they have a history of being shunted at times. There's only so many jobs to go around."

However, like Snyder, Scott realizes that the many changes going on in DC can be used to the advantage of those students interested in government and private practice.

"I guess what I'd be doing now is trying to get the earliest possible news about who is getting the top level jobs," advised Scott, "and then find out what his practice area was and what he has written in the past etc. and then ship off a resume as soon as you can before anyone else finds out about it." As for private practice, Scott and Snyder both say that obviously, certain firms will be rising and falling with the new political ties being formed and all must keep a finger on the transition.

"When the wind starts to blow," concluded Snyder, "everyone starts grasping for what may or may not be there."

The DC Bar Association estimates that 8,647 political appointments will change hands as a result of the new administration, with each appointee creating a turnover in many staff positions as well.

BRIEFS



HLS "Spy" Vindicated

After facing accusations for forty-four years that he was a Soviet spy, Alger Hiss '29 may finally be able to clear his name. A search through Russian documents last week on Hiss's spy status turned up empty, according to Gen. Dmitri Volkogonov, adviser to Boris Yeltsin and chairman of the Supreme Council Commission on KGB and military intelligence archives. For the man who has spent decades trying to vindicate himself, the McCarthy era is just now coming to a close.

Hiss graduated from HLS to become a young star in New Deal government. He served the Nye Committee investigating the arms industry and the Justice Department, and later directed special political affairs in the State Department. During World War II, he participated in the Dumbarton Oaks and Yalta conferences and served as secretary-general to the United Nations at its first meeting in San Francisco. He left government in 1947 to become president of the Carnegie Endowment for International Peace.

That same year marked Hiss's abrupt public downfall. The FBI began interrogating him pursuant to accusations by a confessed communist agent, then a senior editor at Time Magazine. Soon afterwards, in 1948, Hiss appeared before the House Un-American Activities Committee. And in 1950 he began serving a federal prison sentence that would last nearly four years. Never tried for espionage, he was convicted on two counts of perjury.

Last week's announcement by Volkogonov - "Alger Hiss ... was never a spy for the Soviet Union" - have left some unconvinced. Suspicions that many KGB files were destroyed and others not uncovered leave a shadow of doubt still in tact.

But for Hiss, nearly 88, Russian confirmation is both conclusive and timely. "This is a day of real rejoicing for me," he told *Newsweek*. "In the last few years, as the intimation of mortality became stronger, intellectually I realized that time was running out."

UCLA Law To Get LIPP

To encourage students to enter public interest fields upon graduation, the University of California at Los Angeles Law School has undertaken an effort to implement a loan forgiveness program at UCLAW by the time the class of 1993 graduates.

Much of the current energy fueling the call to institute a loan forgiveness program emanates from the survey results of a student committee chaired by Dady Blake '93. The 1991-92 Student Loan Assistance Program Committee (SLAP) surveyed more than half of the student body to establish the need for the program. Of the respondents, over 45% expressed an interest in working either for a non-profit agency or for a government agency. However, of those expressing such an interest, about 36% cited the burdens of loan indebtedness as the major factor for delaying their entry into the public sector, with nearly 65% pointing toward loan repayment as one important factor.

Stewart Resnick '62 provided the seed money for the UCLAW program. Following his 1990 challenge grant, Resnick contributed over \$15,000 towards a loan repayment program, with an additional \$40,000 having been raised last year.

Dean Prager has indicated that she "would like to have the program up and running by the end of this year." To encourage alumni to contribute to the loan forgiveness program, Prager has demarcated a "public interest programs" category in the annual alumni solicitation. Even with this experimental strategy, Prager believes "there's a lot of hard work to be done to think through how to design a project that's fairly constructed."

During this year, SLAP will spend its time increasing public awareness about the program and educating students about applying for it. Dady hopes that alumni will accept Dean Prager's invitation and "consider earmarking donations for the loan forgiveness program." Prager's enthusiasm for the program results from her view that it is "particularly important for a public law school to provide a loan forgiveness program as one of the elements in assisting graduates to realize their goals of pursuing full time work in the public interest."

—From the UCLAW Docket

Schools Consider Reducing Enrollment

The number of people who applied to American Bar Association-approved law schools dropped slightly from last year's record level of 94,000 to 92,500 for a 1.6 percent decrease, according to a report from the Law School Admission Services.

The decrease in applicants may be good news for some law schools, which are being forced to consider reducing enrollment because of the poor economy and other factors.

One such school is the university of Texas School of Law in Austin.

"We get about 4,300 applicants each year, and about 500 to 525 enter," U.T. Law School Dean Mark Yudof said. "We would like to reduce that number by 10 to 15 percent."

Yudof said there are several reasons for the possible enrollment cap — a poor legal job market, reduced state education budget, and a need for a reduced student/faculty ratio for legal skills-oriented classes.

"We're being asked to do alternative dispute resolution, legal writing classes, clinics — all of which involve labor intensive work from the faculty," Yudof said. "It's not just a contracts professor standing in front of 100 students anymore."

State budget cuts forced Rutgers University School of Law in Camden, N.J., to admit only 210 students for the Class of 1995, down by 20 percent from last year, according to Dean Roger J. Dennis.

"We consciously accepted a very small class this year," Dennis said, but he noted that students have benefited from the smaller class size.

Not all public schools have suffered. At the University of Maryland School of Law in Baltimore, student tuition flows directly into the law school budget rather than a general university fund, according to Dean Donald Gifford. The arrangement reduces incentives for shrinking enrollment, he said.

—From the National Jurist

Out of Sight, Out of Mind

By Michael Panter '95

An advertisement applauding the medical benefits of animal research recently appeared in the *Harvard Salient*, as a response to animal rights supporters. It seemed the staff of the *Salient* believed it unnecessary to add there own commentary to the piece, because it can safely be inferred that they oppose any liberal scheme which would dare jeopardize human advancement for mere animals (or the environment, etc.). The fact is, animal research has indeed prolonged human life for 20.8 years as stated in the piece. The point conveniently left out, is that these advances have not been proven possible solely through animal research, with no other methods of research available.

I stood in an auditorium at Syracuse University about a year ago when I saw the national president of People for the Ethical Treatment of Animals (PETA), Ingrid Newkirk, issue a public challenge to a crowd largely consisting of animal research advocates. She challenged them to name a single medical advance begotten through animal testing which could not have been accomplished by other means of research. The outspoken crowd was silent for several awkward moments, until one audience member named a type of leukemia. It turned out that this type of leukemia

had frequently been brought about by exposing humans to substances proven effective in animal testing, that had adverse effects when used on human beings. I have heard no adequate answer to Newkirk's challenge.

Although I am a strong advocate for animal rights and vegetarianism, I do understand why some are not ready to accept the principles of these ideals.

It is a recurring theme in U.S. history that when the basic beliefs of people are called into question, they often react aggressively and with little forethought. Abolition, civil rights, feminism, and even seemingly minuscule issues like rock n' roll were greeted with a violent backlash from those aiming to uphold "traditional" society. When left unchecked, these backlashes have spread to cause such atrocities as wartime Japanese internment, McCarthyism, and most recently, a successful racist politician in Louisiana. A similar (although smaller scale) backlash is now being directed towards those who have the courage to defend animals who cannot defend themselves.

I was a bit surprised that within the liberal atmosphere at Harvard I've heard very little discussion of animal rights. Certainly most do not endorse the torturous treatment of animals, but many otherwise intelligent people fail to connect such cruelties with the Hark's weekly serving of veal, or the Coop's business in the products of notorious animal testing companies. It is a disturbing and hypocritical aspect of American culture, that when something is out of sight it is out of mind. It makes little difference whether it is starving Africans, prisoners of "ethnic cleansing", dead Iraqis, or the homeless on our own streets. A mere click of the remote control can relieve us of other people's problems.

To view a slaughterhouse or fur factory just once however, would undoubtedly spur 90% of us to adopt a vegan lifestyle. If restaurants had glass walls where diners could view their meal preparation from start to finish, few would have an appetite for the main course. Fortunately for us, we're able to order a hamburger or buy a jacket without having images of bloodied animals being electrocuted, suffocated, beaten, and mutilated spring to mind. Others do however, which is the reason why the meat packing industry has the highest rates of suicide and mental instability in the United States. If we plan to eat meat for our entire lives, wouldn't it be morally responsible to just once face the effects of our choice on other living things? The scene would remain vivid and disturbing for life. We certainly couldn't let our children view such frightening and shameful acts, which is why it's hidden from them until they acquire that distant callousness that we as adults possess. And so we tell our children that babies come from the stork and hamburgers are picked from that happy "hamburger patch" that Ronald the clown jokes with on television.

A TV ad aired about two years ago in which a fur coat being displayed at a fashion show began to bleed. It was quickly discontinued because so many people found it disturbing. It went too far and was too explicit. It was far from explicit. If animals were cut and bled, their fur would be ruined, so they are instead suffocated and anally electrocuted. It's not a pleasant thought, but think of it next time you're inclined to admire the taste or wealth of someone wearing fur. Nothing can possibly be beautiful which has such evil and inhumane origins.

In addition to halting this immoral treatment of other living things, vegetarianism helps your own health and the health of the earth's environment. Few choices of such simplicity have positive effects in so many crucial areas. Let your beliefs be formed by a basic sense of human decency, rather than a stubborn adherence to the norm. I challenge the *Salient* to aspire to a higher sense of reasoning, rather than continue to accept the pabulum fed to them by their conservative counterparts. You must realize that your obstinate stupidity has real and painful repercussions.

Shirts Laundered: .99 (Boxed 1.19)

The **Cleaning Depot**™

Only **2.99** for:

• Pants • Skirts • Blazers
• Sweaters • Blouses • Ties

Only **3.99** for:

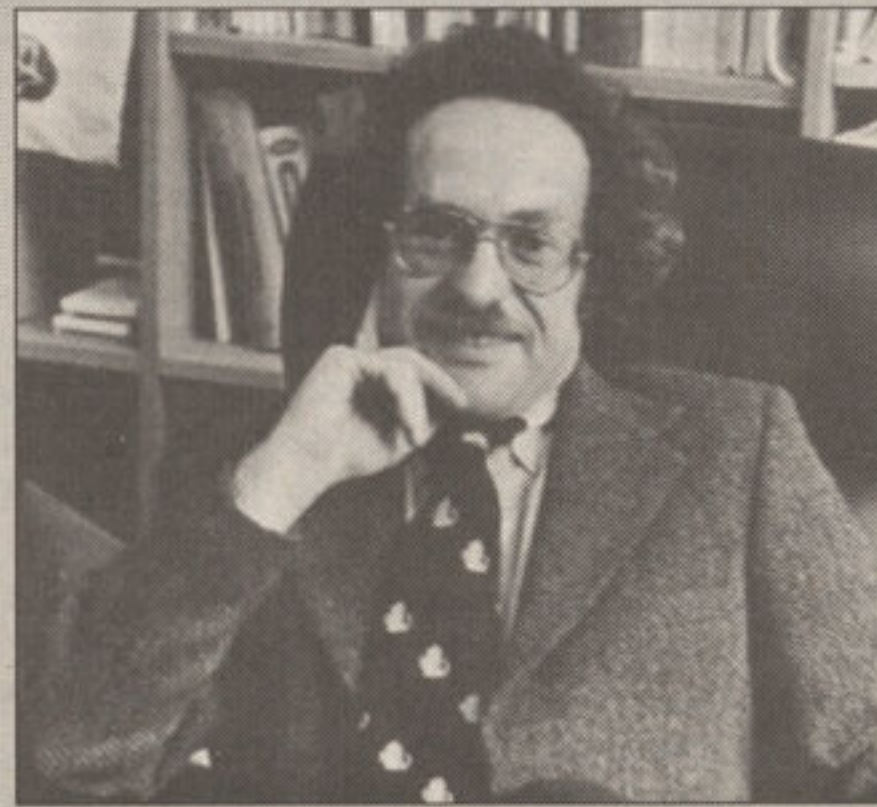
• Dresses • Jumpsuits
• Coats • Pleated Garments

SPECIAL! — Any Comforter — **8.00**

FREE Bring in this coupon and any 3 garments to be dry cleaned at the regular price and we will clean a fourth garment (maximum value \$2.99) for FREE

only one coupon per day • Good through November 30th
7am to 7pm Monday-Friday • 8am to 6:30pm Saturday

1722 Mass. Ave., Cambridge • 864-5441
13 Harvard St., Brookline Village

*You knew it was coming...*HAIR RETROSPECTIVE: **Alan Dershowitz****1965:** Yes, it's really him!**1970:** The check cleared?!**1978:** Pondering strategy for his defense of the Hamburglar.**1981:** The hair overfloweth**1990:** Telling HLS students where to go.**LL.M. Job Search***continued from LL.M., page 1*

print-out of the schedule. The law firms either say they absolutely will not interview LL.M. students, which is very common, or they may agree to see a few. If they don't specify, Kemsley puts LL.M.s on the schedule. It is a stressful and time consuming process that often results in very few interviews.

However, Esquirol explains that the LL.M.s should not be surprised because the Graduate Program sends out a letter to the incoming LL.M.s before they arrive at HLS informing them that the program isn't geared toward getting them a job. The letter also explains that it often requires more initiative on their part since it is exceptionally difficult for foreign lawyers to get a job in the U.S.

Despite the full disclosure at the beginning, Esquirol stresses that whenever job opportunities come up, the Graduate Program tries to channel them to the graduate students, either through his office or Kemsley's office.

Esquirol explains that the Graduate Program tries to encourage opportunities for employment. For example, they facilitate presentations by groups that become part publicity, part recruiting meetings. This Fall the Graduate Program organized these for the U.N. High Commission for Refugees and the World Bank. And although Kemsley and the Graduate Program office can't change the firms, they held a meeting for LL.M.s where two senior partners from White & Case talked about the fact that the J.D. process is separate, and that if the firms want LL.M.s, they'll hire them later.

Many LL.M.s are placing their hopes on the N.Y.U. Job Fair in January, which HLS sponsors with a few other law schools. HLS does a lot of the organizing, with Kemsley lining up many of the firms who will attend. The fair is held in New York to encourage more international law firms to attend, since many wouldn't otherwise travel up to Harvard to interview LL.M.s.

So while the LL.M. students complain that the Placement Office isn't doing enough for them and that J.D.s are being treated better, Kemsley works hard at helping to place LL.M. students and explains that "I implement the rules and regulations given to me — policy is set by the law firms." Just as the firms decide whether they'll see 2Ls and/or 3Ls, they decide whether they'll interview LL.M.s on campus. Kemsley estimates that this year only about 10 to 15 firms agreed to interview LL.M.s. Esquirol agrees that "it's really driven by the market."

But why don't most firms want to hire LL.M. graduates? Justifications vary. Many firms say that since they don't practice international law, they have no need for LL.M. students, an argument that isn't too persuasive since many LL.M. candidates come from common law countries, have a very similar legal education, and are eligible to take the bar. In fact, several recent LL.M. graduates with foreign law degrees are working in U.S. law firms in non-international law practice areas.

Weil, Gotshal & Manges in New York is one of a few exceptions that have hired foreign LL.M.s as permanent associates in recent years to work in non-international practice areas. According to Donna Lang, the recruitment coordinator, the firm interviews LL.M.s on campus along with the 3Ls because the firm "has always treated LL.M. candidates similarly to third year law students."

The firms that do have international practice areas generally don't hire LL.M.s either, certainly not as permanent associates. Cleary, Gottlieb only hires LL.M.s for their "foreign lawyer program." Hired as a "stagiaire," the LL.M. graduate would work in the New York office for 6 to 9 months, at a lower salary. This pro-

gram is used particularly if the firm might want the "stagiaire" to work in one of their foreign offices.

Several other firms contacted by the RECORD refused to comment as to why they won't interview LL.M. students, but they did say that they would be opposed to having LL.M.s placed on the schedule along with 3Ls, a suggestion some have made to make the process more fair to LL.M.s. Many legal hiring coordinators also made comments that LL.M.s are "from foreign law schools" and therefore don't fit what they're looking for.

Kemsley stresses that there will be some jobs coming through later. She tries to reassure the LL.M.s that many firms will make decisions after they have com-

pleted their J.D. hiring and after first semester grades are released. She also makes LL.M. students aware of firms requesting LL.M.s speaking specific languages.

Although all know it is a difficult process, a few LL.M. students charge that the Law School and the firms are discriminating on the

basis of national origin. LL.M.s recount the frustration of arriving long in advance of the one hour that the LL.M.s are allowed to sign up in the "Red Book" for the next day's interviews. Often before they can sign up for the few available spots, a J.D. arrives and the placement office policy allows J.D.s to fill the spots before the LL.M.s.

One LL.M. who wished to remain anonymous but has been quite involved in the job search, does not think the placement office is discriminating. However, he does point out that, even if an LL.M. is successful in nabbing an interview, the process is quite time consuming because after lining up, one has to go and type out a letter explaining that you've been put on the schedule, and then one has to go and take it to the hotel the next morning,

hours before the interview. This LL.M. said that he then had to spend much of the interview explaining how he got on their schedule.

This same LL.M. continues that "I fully accept that we were told before coming here that it would be difficult. . . but there is a definite market for LL.M.s. . . and I don't know why the Law School can't treat LL.M.s with a little more equality. They're assuming the whole problem is the economy, but it's also symptomatic of the attitude of the placement office that they're only there for J.D.s." He says that "a simple example is that we are not allowed to include our resumes in the packages collected by the employers from the placement office."

Some LL.M.s suggest that, given the fact that the J.D.s have already had a chance to sign up, the "Red Book" should be open to all students at the same time.

Whether or not HLS is acting unfairly, the problem goes beyond the Law School. Many firms treat foreigners as if they are inferior, despite the fact that all are highly educated attorneys and are participating in a graduate level program specifically designed to foster the type of international legal practitioners firms would presumably want. In addition, these attorneys can practice here because there are provisions for taking the bar. For example in New York, a person with a law degree from a common law country can sit automatically for the bar; with a civil law degree, one either needs 24 credits, or an LL.M. degree and a waiver, which all HLS LL.M.s who apply for have been granted.

Discrimination or not, some LL.M.s do manage to get firm jobs in the U.S. Although no official statistics are kept, several people agree that approximately 18 LL.M. graduates from the class of '91 have worked in the U.S. since graduation. Of these, only four were hired as permanent associates. About eight were hired for a foreign lawyers program, where they work as associates but are paid less. A couple work for New York offices of English law firms and a few have non-firm jobs, working at law schools, banks and international organizations.

Kemsley estimates that this year only about 10 to 15 firms agreed to interview LL.M.s.

Harvard Law RECORD

Founded in 1946

Robert C. Arnold
Editor-In-Chief

The Chilly Climate of HLS

I was going to write this editorial about stealing. But then I decided to let it degenerate into a couple of things I dislike about the law school that people do. But first the stealing. At the beginning of this semester, I get into town all grungy and dirty having spent the night at the airport in New York because I missed the last flight to Boston. Then, as I'm moving all my stuff out of North Hall and into my new Gropius cubicle, I notice that my printer box was too light. Odd, the box was still there, my name is all over it, but the printer was gone.

I told the RA guy, somebody that looked a lot like Ken of Ken and Barbie, that somebody stole my printer. He asked me if I didn't misplace it. Now having stayed up all night in New York, it made me kind of cranky to get an answer like that. I said no, somebody stole it, and probably a student. He said it was probably a maintenance man.

Sometimes I wonder at my self control. Would it have been terribly wrong to have made a mother joke? I mean, what would a maintenance man be doing with a printer, work on publishing his third novel? C'mon guy, some law student, somebody that lived at North Hall stole it. Yes, they stole it. Just recently they caught somebody cheating on their application to get in here, and this may have just been somebody they didn't catch. Worse, maybe they got here like a lot of other people did, by cutting every corner they could. We all know the type; they care only about themselves and they'd run you over if you were standing in their parking space.

And that's what bugs me the most about this school. At first I thought it was just me. People I would know from my first year section, people that I had six classes with at least, would walk by me in the halls or on the street and not even notice I was alive. Sometimes I would say hi and they would absent-mindedly look over to me and say "Oh, um, hi." Then I mentioned it in conversation over lunch and someone said "Do you mean the thousand mile stare?" That's exactly what it is.

It's where someone focuses on a point a thousand miles in front of them and pretends not to see someone right next to them, and then gives you a look like "Who are you?" when you try to give them the courtesy due a human being. In rough neighborhoods, you lose teeth for doing that.

Sometimes I'm guilty of it myself. I don't always wear my glasses. Sometimes I get so absent minded I don't notice people. But at least I try, I really do try to be nice. I know, it's a little extra work to say hello to the people you know, but it really does make for a better place to live, try it sometimes.

David Lopez

Staff

NEWS EDITOR	Glennis Gill
FEATURES EDITOR	Todd Hartman
PRODUCTION EDITOR	Kevin Werbach
PHOTO EDITOR	Josh Frieman
SENIOR EDITORS	Fenno, Alysse MacIntyre, Rich Wareing, Lisa Zornberg
COPY EDITOR	Derek J. Honoré
EDITORS	David Clancy, Neil L. Glazer, David Lopez, Peter Mucchetti, Dean Newton, April Rockstead, Greg Stohr, Robert Weissman
CONTRIBUTORS	Toy Chandler, Malcolm Harrison, Betsy McGrath, Irie Taylor, Steve Yarian
CARTOONISTS	Shawn Fagan, Chris Spagnoli, Paul Taylor
GENERAL MANAGER	Bobby Daut
BUSINESS MANAGER	Kerwin Chung
ADVERTISING MANAGER	Ryan Downs

Printed By The Harvard Crimson

Editorial/Letter Policy

The Harvard Law RECORD (ISSN 0017-8101) is a publication of the Harvard Law RECORD Corporation, a non-profit, independent, student-owned and run corporation of the Commonwealth of Massachusetts. Harvard Law RECORD, Harvard Law School, Cambridge, MA 02138-9984. Telephone (617) 495-4418. Fax (617) 495-8457.

The RECORD is published weekly on Fridays throughout the academic year and is distributed free of charge to Harvard Law School Students and at a minimal charge to Harvard Law School Alumni. Copy and photo deadlines are 5:00 p.m. on the Monday preceding publication. Advertising deadlines are 12:00 p.m. on the Wednesday preceding publication.

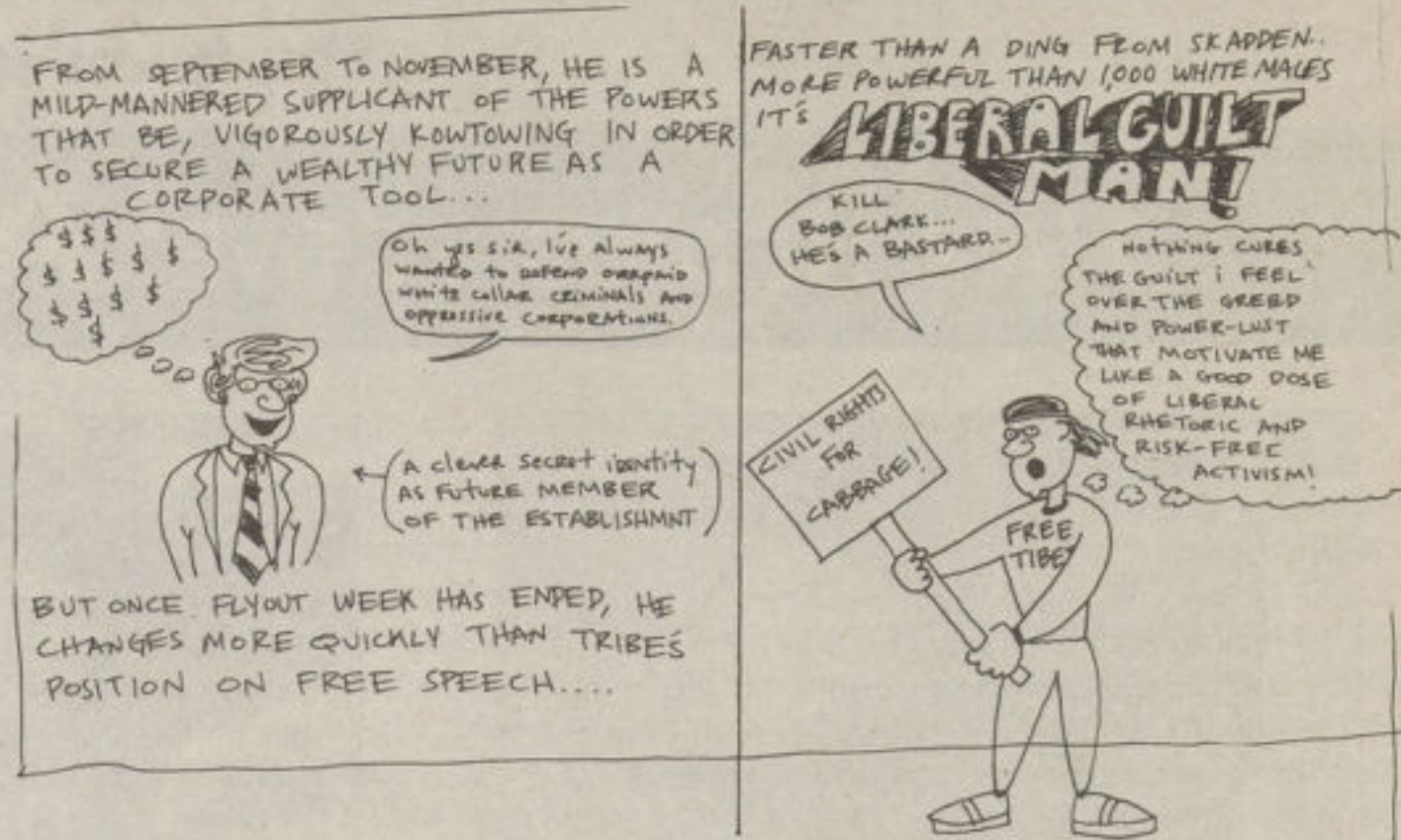
Submissions may be sent to The RECORD at the above noted address, dropped in the RECORD box located in Harkness Commons, or left in the 3L Hark box of Robert Arnold. All copy must be typed, double-spaced, and submitted in a paper copy and on a computer disk (Macintosh or IBM). The RECORD reads and appreciates every letter we receive. We will return your disks. Off-campus subscriptions are available. Subscription price: \$30.00 year mailed; \$35.00 year mailed outside U.S. Individual copies: 35 cents at newsstands, 50 cents at the Law School, \$1.00 mailed. Second-class postage paid at Boston, MA and additional mailing offices.

© 1992 by the Harvard Law RECORD Corporation and by the contributors.

THE RECORD IS COMMITTED TO EQUALITY AND DIVERSITY. WE STRIVE TO PROVIDE A FORUM FOR THE FREE EXCHANGE OF IDEAS. AS A RESULT, THE OPINIONS REFLECTED IN ARTICLES, EDITORIALS, AND CARTOONS ARE THOSE OF THE AUTHORS AND DO NOT NECESSARILY REFLECT THE OPINIONS OF THE RECORD.

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

—First Amendment, U.S. Constitution



Letters

Alysse Gets Her McCarthies Confused

Dear Alysse MacIntyre:

Your column published on October 9 suggested that the Harvard Law School Republicans would be singing in honor of J. Edgar Hoover and Eugene McCarthy. It's unlikely that any group would be honoring both Eugene McCarthy and J. Edgar Hoover, as they were at opposite ends of the political spectrum.

I assume you meant to refer to Joe McCarthy who

was a notorious anti-communist in the early 50's. It's unfortunate that Eugene McCarthy's contributions to liberalism and the peace movement are so quickly forgotten so that he would be confused with Joe McCarthy. It would be useful in a future column to correct this misunderstanding which may afflict others at Harvard Law School.

Michael J. Radmer '90
October 21, 1992

Alysse Responds:

Mr. Radmer,
Thank you for pointing out my thoughtless error. However, I stand by my original assertion in which I imagined the HLS Republicans and Federalists sang in honor of Eugene McCarthy at their End of the Evil Empire bash. I say this because not one of them was as astute as you in noticing my mistake.

AMac

Students Should Focus on Legal Education

I have been passively but intently following activities at the Law School, as reported in the RECORD, for all the years since my graduation in 1952.

If present events are accurately reported and if the temper and tenor of the student body are reasonably portrayed in the news items, columns and editorials, I am angry, upset, disappointed and fearful for the future excellence of the Law School.

My observations and conclusions are limited by lack of first-hand knowledge, infrequent on-site visits to the Law School and direct reports only from visiting faculty at Alumni meetings.

Nonetheless, I offer the following for your consideration and comment:

1. Legal education is not the primary goal of either the majority or loudest body of law students;

2. The prime function and purpose of these law students is to find fault with every aspect of the School, its administration and its gender/racial/ethnic/political make-up, without examining the relationship of the foregoing to the delivery of a good legal education; and

3. Quite apart from the legitimacy of any criticism of the Law School or individuals, I am appalled at the number and shrillness of the racists, crybabies, minimalist critics of virtually every aspect

of Law School life and down-right mean-spirited individuals who are given voice or reported on in the RECORD. Do they represent the feelings and thinking of the student body and faculty, or are they the "squeaky wheels?"

I realize that this letter represents my criticisms. (I hope the decibel level is reasonable for the message.) On a constructive note, perhaps a group of alumni might help to mediate some of the differences. I would be willing to participate.

Irwin S. Markowitz '52
November 3, 1992

Post-Election Republican Infighting Begins

Lest it appear that Neil Glazer's opinion on "moderates" expressed in his October 30, RECORD column speaks for the entire HLS Republicans organization (or for the national party), we wish to stress that extreme right-wing ideology does not make up the whole of Republican thought. Many Republicans also espouse more temperate views. Judging from Neil's column, he would probably term such views as "moderate" and thus unwelcome in Republican circles.

By contrast, we recognize that it is not so much one's positions on particular issues as it is basic principles that root a person to Republican party. For example, Republicans share an infinite respect for the individual — hence, our belief that an overabundance of paternalistic social programs tends to hinder initiative and create excessive dependence on the government. But relying on this same principle of individualism, many Republicans

believe a woman should be able to determine with minimal state interference whether to carry her pregnancy to term.

Because principles instead of positions guide the party, some dissent about where these principles should take us naturally occurs. While Neil fears any thoughts that stray even slightly from rigid agenda, we recognize that the Republican Party serves a larger purpose than to cater only to its fringe groups. It would be counterproductive for a national political party to define itself narrowly when it should be attempting to gain broad-based support. Indeed, the recent presidential election teaches that when the likes of Pat Buchanan and Pat Robertson drown out more temperate voices at our national convention, a president formerly viewed as a diplomat and coalition builder suddenly appears as a radical. The end result: while the extremists had fun deriding "moderates" for "wishy-

washy" ideas, the American voters rejected what they heard and voted for Bill Clinton. The Republican Party lost the presidency for the sake of giving voice to its most extreme elements.

We want to make clear that by explaining our differences with Neil, we do not wish to silence him. Likewise, we do not insist that he "shape up or ship out" of the Republican Party, as he demands that non-radical conservatives do. As we suggested earlier, we believe that dissenting opinions in a political party can be healthy. We simply wish to remind him that the Republican Party is a national party; as such, its goal is to accommodate the views of a broad spectrum of American voters. Were the party to adopt the isolationist position urged by Neil, it would find itself powerless in its solitude.

Juli Pardell '93
Bill Waller '94
Steve Papkin '94
November 8, 1992

Just Stick to Drama, Please

What the hell is going on with the Drama Society and this Rob v. Todd v. Susan v. Page miasma? Are any of these people writing scripts for the spring show? Why haven't I seen anything in the paper about a fall musical revue?

Hey, wake up! All this whining just makes you sound like low-grade litigators. Can any of you tap dance? Why not? Get to work!

Robert Johnson '88
November 11, 1992

WE
APPRECIATE
YOUR LETTERS

MoFo Full Of MoFos

Editor's Note: The RECORD received this article from an associate at Morrison and Foerster's Los Angeles office. It is our policy not to publish anonymous submissions without verification, but under appropriate circumstances we will withhold the names of authors upon request. The issues raised in this piece, the timeliness of its contents, and the fact that we have substantiated it through conversations with both the author and other members of the firm, combine to justify its anonymous publication.

I clerked at Morrison and Foerster's Los Angeles office during my second summer in law school some years ago. At the time, the office seemed to be one of the most progressive, friendly, and relaxed environments to be found among large firms. Additionally, Morrison & Foerster appeared to demonstrate a sincere willingness to recruit and retain women, minority, and gay and lesbian associates. It was therefore without hesitation that I accepted an offer for permanent employment.

However, a number of disturbing and peculiar events over the past two years have changed not only my impression of the firm, but also my fellow associates' impression of the firm as well.

The firm is experiencing severe economic difficulties, and while this is generally true of most firms in the Los Angeles area, Morrison & Foerster is perhaps among those that have been hardest hit by the recession.

Simply, the firm has grown too large too quickly, has been dreadfully mismanaged, and last year moved into new office space that it has since realized it cannot afford. Far too many secretarial stations and attorney offices lie vacant, and a mere stroll down some corridors is reminiscent of a ghostly walk through a morgue.

Mid-level associates, and even some partners, hoard the scraps of work that come into the office, while many associates, particularly first-years, sit in their offices idle. Nearly all of the associates I speak with are interviewing elsewhere, but offers are slow to come because, as one headhunter expressed to me recently, "the streets are covered with MoFo resumes". The headhunter also recommended that I "get out while the getting's good," because she suspects things will get much worse before they get any better.

Morale is virtually non-existent, and the partners hold meetings almost monthly to discuss ways in which to raise it. One of my favorites was the recent institution of an attorney dining room twice a week. Although morale is still at about sea-level, the dining room has had one curious effect: it has become easier to keep track of the body count with each passing week as attorneys wander in and view the empty tables.

A whopping twenty-eight first-year associates joined the firm last year, but as mid-level and senior associates began "leaving" — too often for reasons linked to their sudden inability to provide quality work product, it became painfully clear that quite a few first-years would not be making it to even their second year.

We are told that Morrison & Foerster has only "raised its standards slightly," although more than one partner has admitted privately that associates would now be evaluated for their partnership potential as early as their first year! Apparently so. To date, only twenty-three first-years (now officially second years) remain, and two more have recently been given three month's notice.

Morrison & Foerster has lost nearly thirty associates of all levels since the Fall of 1991. And while a handful have left voluntarily — mostly out of fear of impending doom — the overwhelming majority have left after receiving evaluations in which "work product problems" mysteriously appeared out of nowhere and fictional "paper trails" were created.

Unlike firms such as Latham and Watkins, whose Los Angeles office publicly announced last fall that it was "firing" forty-five attorneys due to the downturn in the economy, Morrison & Foerster has chosen a path of denial — deciding instead to further debilitate its dearly-departed associates by concealing from the legal community at large the fact that it is struggling financially. The result: associates who suddenly find themselves unemployed not because of the economy, but because they are "less competent attorneys." It creates a problem not only in terms of self-confidence, but also with respect to securing future employment in the profession.

Repeatedly, the firm's Managing Partner, and other partners in the Los Angeles office, shamelessly announced at the firm retreat, and departmental and associate meetings, that the firm "has not and does not plan to lay-off." And yet every other week, at least one attorney leaves, interestingly enough at a time when the economy is at its weakest and the prospects for alternate employment are dimmest. I wonder why? We are expected to believe that these decisions have been voluntary ones; those who question the departures are dubbed paranoid. But apparently the partners don't grasp the simple fact that associates share

information.

Of special note is Morrison & Foerster's recent track record with respect to partner retention. Of the three partners that have been asked to leave this year, all have been female and all have been members of the firms for six years or less. More telling is the fact that the office's only minority partner, a Black woman, was among those asked to leave. She simply went on sabbatical in February and never returned.

And although Morrison & Foerster is supposedly renowned for its commitment to recruiting and retaining minority associates, many may be interested in knowing that an Asian American female mid-level associate was asked to leave last fall because her "personality" was not compatible with "partnership"; a Latino associate was given his walking papers due to the sudden appearance of work-product problems; a Black female associate was given three-month's notice for similar reasons; ditto for a Latina associate.

I realize that for many readers — particularly those still in school — the task of job-searching probably will not be an easy one in the coming year (or years!). These are sad times. But I am offering this bit of advice to anyone who will listen: it is not so bad to find yourself at a firm which demands many — perhaps too many — hours of your time or whose partners treat you in a less-than-sensitive fashion. As long as these firms are honest about what they want from you and what you will get from them, you have perhaps achieved the best situation possible in the Nineties. But please be wary of firms such as Morrison & Foerster which deliver mixed messages and pretend a problem does not exist where one clearly does.

From all accounts and from my discussions with colleagues at other Los Angeles firms, Morrison & Foerster is one of the least healthy firms in the city and may stay that way for some time. And given the fact that the office has already absorbed more associates than it can possibly put to work, and that first-year associates are now very easily disposed of, I do not recommend it as a potential prospect for permanent employment.

At the very least, I hope that by sharing this information — and I encourage anyone interested to verify it with associates you may know in the Los Angeles office — we can put an end to the insidious practices of one firm which has chosen to capitalize on the sagging economy by misleading its associates and insulting their intelligence. Tell a friend, MoFo is full of mofos.

Be wary of firms such as Morrison & Foerster which deliver mixed messages and pretend a problem does not exist where one clearly does.

• Letters (Continued) •

Marketing the End of History

In *Coppage v. Kansas* (1915), the Supreme Court overturned a Kansas law outlawing yellow-dog contracts (i.e. contracts in which workers promise not to engage in union activities), claiming that the statute violated workers' right to freedom of contract. Writing for the Court, Justice Pitney acknowledged that "it is from the nature of things impossible to uphold freedom of contract and the right to private property without at the same time recognizing as legitimate those inequalities of fortune that are the necessary result of the exercise of those rights." In the instant case, he implied, workers would be forced to sign contracts which clearly deprived them of a measure of their freedom so that employers' freedom to exploit a superior bargaining position might be preserved.

I mention *Coppage* because it poses in especially stark terms the question of what we mean when we use the word "freedom." The question does not lend itself to an easy answer. But it demands that we contextualize the meaning of freedom and, more specifically, it demands that we consider whose freedom we are discussing. As Morris Cohen argued in his essay "Property

and Sovereignty" (1927), the privileges attached to property and autonomy are always conditioned on the state's will or ability to confer them. Conversely, the sovereign power vested in the state can be used to limit those privileges. Such limitations are never a question of "fairness," since they abrogate privileges rather than rights. Determining how those privileges should be allocated, then, is not a question of "rights" but of power — and, specifically, the ends for which it will be used.

The logic propelling Cohen's essay implodes the distinction between private and public, since every right we associate with the private sphere is imbricated in a public-political definition of how such rights should be distributed. Consequently, it is far more productive to dispense with socially constructed binary oppositions such as "individual vs. the state" and "freedom vs. regulation," concentrating our energies instead of examining which individuals and which freedoms the state chooses to regulate, and why.

Like Professor Horwitz, I believe that the market as we know it is a social construct. That does not mean that it is "right" or "wrong," but it does mean that discus-

sions about what Contracts is or should be cannot invoke the market as a talisman foreclosing all discussion concerning possible alternatives or refigurations. Adam Smith's hallowed "division of labour" is neither the consequence of a "trucking disposition" nor an opportunity for every person to "purchase whatever part of the produce of other men's talents he [sic] has occasioned for" (cp. 42, 44). It is, rather, an ideal which, as Smith himself recognized throughout *The Wealth of Nations*, can be compromised by the very market forces which make the realization of that ideal possible in the first place.

Acknowledging as much does not denigrate "the market." But it does compel questions such as "which market, or version of the market, are you talking about? And why?" To ask these questions is, in the words of the philosopher Walter Benjamin, "to wrest tradition from the conformism that is about to overpower it" rather than restructuring history in a way that overpowers us.

Mike Fisher '95
November 10, 1992

Three Aces Pizza

1613 Massachusetts Ave.
(Corner of Mass. Ave. and Everett)

Phone 491-2884 or 491-2889

Proud to be serving the Harvard
Community for the last 18 years.



Homemade Lasagna ■ Salads ■
Grinders ■ Pasta ■ and more ...

Open

Mon. - Sat. 11 a.m. - 12 a.m.

Sun. 12 p.m. - 11 p.m.

Limited delivery area.

50¢ off
any Grinder

\$1 off
any Large Pizza

Liabilities

By Paul Taylor



GROMM: Barbarian at Law

By Chris Spagnoli



NEXT ISSUE:

Law School Council Union Negotiations Appointments Process



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

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

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



GOURMET CHINESE FOOD
296-298 Beacon Street
Somerville, MA 02143

FREE DELIVERY
876-7666

5% OFF
with student ID.
Dining room and take-out only.

Lunch Specials
from \$4.25 to \$5.10

Occasional Daily Specials
\$3.99

HOROSCOPES

By Rosie Cosentino

ARIES March 21-April 20: A week of oppositions. Until the 18th, things will be out of your control. Stay inside and read or catch up on back business. Use a little psychology on a friend, it will help both of you feel better. Love is growing all around you.

TAURUS April 21-May 21: Keep your mouth closed. Expressing your opinion now could cause you a loss financially. Car troubles; watch being out of fluids and traveling in twilight hours. A letter with a surprise will cause your plans to change.

GEMINI May 22-June 21: Spending time and money wisely will be to your benefit later. An opportunity from a friend allows you to be noticed in the right circle. Say thank you. A sore throat, your will is being tested. Try some yoga and hot tea. Next week you will be yourself again.

CANCER June 22-July 23: Communications are good this week, bring up a raise or promotion. Someone from the past will surprise you. A weekend trip and plans for your future. Having a party looks good, just don't try to do all the work yourself.

LEO July 23-Aug 23: Work for what you want. This is a week for opportunities, but you must be in the right place at the right time. Watch your lead foot behind the wheel and backing up. Romance is good. However, you need time for you and this could lead to an argument.

VIRGO Aug 23-Sept 23: A time to make money. Jupiter and Saturn in your money houses bring opportunities for your future. How you work (school, private, and by employer) is being watched and your time to shine is now. Romance from a distance. Trouble from a friend, be careful not to tell too much.

LIBRA Sept 24-Oct 23: A chance to go on a short trip or to invest in it for the summer. If doing any papers, be sure to check them twice to make sure you have what you wish or that you did not forget something. Your mind is out to lunch the first part of the week so take good notes.

SCORPIO Oct 24-Nov 22: This is your time of year, many things to do and not enough time to get it all in. Make plans. Talk to people in charge, pay the way for your success. Trouble from something in your past. It will turn in to a plus for you. Car troubles with electric windows. If you need a ride, ask a friend or don't go.

SAGITTARIUS Nov 23-Dec 21: Sit back and relax, this is a week for fun. As usual, money will go through your hands like water, however, you will feel good about the spending. Sing a happy song and be glad you are you. A friend is not so lucky. Take time for sympathy.

CAPRICORN Dec 22-Jan 20: Expect the unexpected, this is a week with many irons in the fire. Although it seems impossible, everything will turn out in your favor. A gift from co-workers. Look to the mail box for money. Tires on your car need to be fixed.

AQUARIUS Jan 21-Feb 20: Don't take your job and shove it. The boss or someone in charge is going to make a change and it will be to your advantage. Be the life of the party. It is your time to be social. Keep things light and fun, being too serious gets you into trouble. Your name is in a level of honor.

PISCES Feb 21-March 20: Be proud of your achievements, they deserve recognition. You are looking in all the wrong places to find happiness. Be patient, the latter half of this week brings success and some long lasting success. Take a few minutes each day and pamper yourself.

Mercury, the planet of communications, is turning retrograde this week and will continue to be retrograde through the 2nd of December. This will turn things backwards. Papers are lost, conversations misunderstood, messages lost. Take time to think. This is a time for repeating, relearning or retracing. It is great for looking for jobs or applying because as the planet goes direct it lets you be noticed again. Only new things are a little delayed. Anything old works just fine.

For personal consultations contact:
Rosie Cosentino
P.O. Box 306
Hazelwood, MO 63042
(314) 621-6529

Market Failure: Dating at HLS Revisited

By Alysse MacIntyre

RECORD Columnist

AFTER my recent columns, a— shall we say — “special friend” called to ask if he left my toilet seat up or perhaps kept me awake by snoring. This put me in an awkward situation. What was I suppose to say, “No, you aren’t the one who snores”? Meanwhile, I am convinced that since my examination of dating men in the law school, no man under 5’7” has willingly looked me in the eye.

However, women have been flocking to me with approval and suggestions. They won’t leave me alone, demanding that I write more on dating HLS men. So like a good journalist, I sat down in the Backbench Pub to talk to them.

“You should have added that the men here are all pricks,” said Joanne.

“Get your own column!” I said. “I know better than to bite the penis that sleeps with me.”

“Alysse,” said Karen, “there

is a reason the Good Lord invented the vibrator.” Like she needs to tell me this. She’d never even heard of the Two-Speed Oster Stick before she met me (And you thought they only made blenders!).

“That’s in Genesis, right?” asked Tamar. “On the eighth day God gave Eve a vibrator realizing Adam didn’t come out quite right.”

“Oh my god!” said Joanne, “Did you see the butt on that guy who just walked by? I’ve got to get his number.” We all turned around and agreed that indeed, it was a nice butt.

“So much for them all being pricks,” I said.

“I don’t care if he’s a prick,” said Joanne, “I just want his body.”

“That’s why I don’t wait to sleep with a guy, because once you get to know them, you don’t like them. If I waited, I’d never get laid” said Tamar.

Do I make this stuff up? Hell no! I make no claims for the superior virtue of women. We’re every bit as lousy as men. I admit it.

“Oh shit, here comes my Mistake,” said Joanne. Mistake is a euphemism for ex-boyfriend. It’s one of the less colorful ones that we use. Every woman I know here has her Mistake, that guy she somehow thought was worth dating. Amongst ourselves we moan and groan and shriek, “What Was I Thinking???” and then sigh, “Well, at least I got laid. . . even if it wasn’t that good.”

“Try to ignore him in a less obvious way, Joanne,” said Tamar.

“Why did we do it?” sighed Karen. “Why have we all dated guys that we would have blown off two years ago?” She went on to name all those guys we’d sooner forget to a chorus of “Oh god, please don’t remind me” and exaggerated winces. We argued about which one of us had dated the most unthinkable Creature from the HLS Lagoon.

So why did we date those guys? We all agreed: Market Failure. Among 3L women

there is consensus. We’ve let our standards slip in response to the quality of the goods available on the market. You may be offended that I’d say it, but believe

me, honey, it doesn’t compare to how embarrassed we are to admit it. And so we plod on, bravely suffering the externalities of this market failure, hoping to stumble upon that guy who is sweet, honest, hot in the sack, etc. etc., and otherwise a small improvement from what we’ve dated so far.

I attribute this market failure to a number of different sources. I think a good deal of it is information asymmetry — an info transfer problem that prevents adequate access to the guys really worth dating. Two

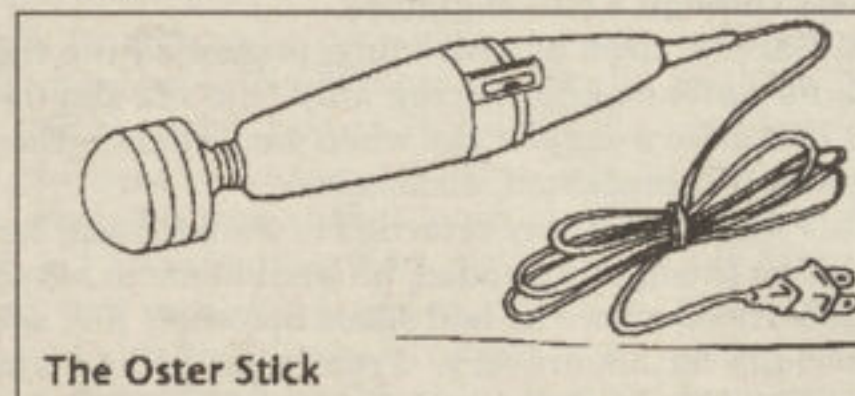
guys have told me recently that I have no appreciation for how frightened men here are to approach the women. And let’s face it, in the roar of Harvard Law School you’ve got to be pretty loud to stand out. So those retiring guys who do not put themselves out there are just not being noticed.

But then there’s another problem that I think was nicely put in a letter I recently received from an alumnus of the class of ’76. He wrote me about an incident in which a classmate/romantic interest complained about the preference among HLS men for undergraduate females, to which he responded, “Let’s see, as a guy at Harvard Law, I can date a girl at Lesley who thinks I hung the moon just because I’m enrolled here and probably get lucky on the first date, or I can go out with some classmate who thinks of me as no big deal, just the dweeb who said something stupid in Civ Pro. Boy, that’s a tough call.” A good point, I agree. But then again I wasn’t surprised when he told me that the romance foundered soon after.

Personally, I would never even consider dating someone who is not my equal. Can you see me with some hunky undergrad boy hanging all over me and saying things like “You figure it out for me, sweetheart! You’re so much better at these things than me!” Of course not. But men go for this shit in a big way (OK, so I did once date a guy who needed me to open jars for him, but that’s not quite the same). Heterosexually speaking, Women like to date Men, but Men like to date Girls. And we all know how notoriously guilty HLS men can be about this.

So with the “carrot and stick” approach, I have two motivational things to say. The stick: Men who date Girls look like insecure fools. Whenever I see a Man out with a Girl of less intelligence or experience, I always think that he must have a little dick. The Carrot: Feminists (the highest form of Womanhood, of course) pay for their own dinner and, Catherine McKinnon aside, love to fuzz bump. And just think, Boys, you’ll have something to talk about after sex! So give it a try. We don’t bite. At least not in unpleasant ways.

Among 3L women there is a consensus: we’ve let our standards slip in response to the quality of the goods available on the market.



The Oster Stick



Fenno was at a loss. He had figured that with his conversion to The Cause, all the crunchy good-looking women who used to think he was scum would now be at his beck and call. How wrong he had been. Not only did the Granola women still think he was scum (Fenno was, after all, still a straight white Eurocentric male), but now all the girls, err women, that he used to count on as automatic, thought he was a wimpy, guilt-ridden sap and wouldn’t give him the time of day either. “Damn Banshees,” he thought, reflecting on his plight. It was the worst of all possible worlds.

Realizing his conversion to The Cause had been a terrible mistake, Fenno quickly scribbled off a letter to the Wellesley Dean of Students requesting another copy of the phone directory (donation included, of course). As fast as his fingers could hit the automatic dial he re-applied for his AMEX and Brooks Brothers cards. In between calls, he jotted down the mixing instructions for a Vodka Collins — no amount of tofu could erase years of hard-earned experience. When he was done, the workboots and flannel shirts went to the back of the closet, the loafers and J Crew sweaters to the front.

Getting his eating club membership back was going to take a little more effort, but Fenno figured that with another well-placed donation, a couple of phone calls, and a few threats to disseminate some incriminating photographs from the last big formal bash, re-entry would be no problem.

As for his list of good-looking secretaries at Harvard, years of painstaking research could not so easily be replaced. He would just have to suck it up, and go office to office, flirting with every single one until he once again had all their names and phone numbers. “Well,”

thought Fenno, contemplating the daunting task ahead, “if this is what they mean by the wages of sin, then count me in!”

Only one small thing remained; getting his key to the Lincoln’s Inn back. He knew it would be difficult, but it had to be done. Securing an audience with the Lord High Governor, Fenno pleaded his case with passion and eloquence. When he was done, he thought to himself, “geez, if I’d have done this well in First-Year Ames, I wouldn’t have had to have done it 6 times!”

After Fenno made his case, the Lord High Governor sternly replied, “No way buddy, you sold us down the river for your crunchy friends. Get out, and good riddance.”

“Aw, come on,” begged Fenno, “I’ve come to my senses. Please.”

“Sorry Fenno, we’ve already got too many members, even if we wanted to take back a traitor like you, which we would rather die than do.”

“I’ll tell you what,” said Fenno, whipping out his checkbook, “I’ll donate an extra couple hundred to the Inn if you let me back in.”

“Deal” said the Lord High Governor, slapping Fenno on the back and handing him his old key.

Restored and reborn, Fenno sat down to have a martini and read the latest issue of Playboy. “Ah,” thought Fenno, flipping to Twenty Questions with Madonna, “It’s good to be back.”

Quote of the Week

“I still believe in a place called Hope.”

President-elect Bill Clinton
November 3, 1992

THE END IS NEAR

Next week’s issue will be the
last RECORD of the semester.

If you have something to say (and since
you’re at HLS, we know you do), this is
your last chance of 1992 to see your name
in print.

For more information, call 495-4418 and
ask for Toy Chandler.

Ordinary Heroes

By Rich Wareing '93

RECORD Columnist



HIS name was William Carney, and like a lot of other young men his age, he joined the army to fight for his country, although history leaves us no record as to why. Because, however, he was not given to books or letters, he left no record of his motives, and because he was nobody important, nobody's ever bothered to try and figure it out.

It could have been that, like lots of other young men, he was eager for a chance to prove himself, or it may have been that he just got caught up in the hoopla and joined-up without really knowing why himself. Perhaps, though, he joined because like so many others over the years, he believed there were things about this country worthy fighting, and even dying, to protect.

In any event, William Carney joined the army to fight for his country. Because he was black, he ended up in the 54th Massachusetts Regiment, an all-black outfit that decided to serve without pay rather than take the unequal paycheck their country so ungraciously offered them. Even though he was just a young man, about my age in fact, he rose through the ranks to become a sergeant and leader of men.

Anybody who has seen the movie *Glory* can tell you that the 54th Massachusetts Regiment took a hell of a pounding one night in an insignificant attack on a fort in some backwater part of South Carolina — brave men sent to die on a fool's errand.

When the flag-bearer was killed in the assault, Carney tossed his rifle aside and took up the colors. He was shot three times during the attack, but each time he refused to fall. All night he held Old Glory aloft as a rallying point for his men, and when the 54th was finally forced to retreat, Carney carried the flag back to Union lines, stumbling to safety through a hail of gunfire.

At the end of the retreat, Carney, tired and bleeding, presented the flag to some troops from New York for safekeeping, saying only "the old flag never touched the ground boys" — a tribute to a simpler age when men would rather die than see the flag, and the country it represented, dishonored.

When he recovered from his wounds, Carney returned to the 54th and served through the rest of the war. When the fighting ended, he went home to his small wood frame house in the neighborhood where he had spent his whole life, asking for and receiving no public acclaim for his bravery. From what little is known about him, he lived the latter part of his life as he had lived the former: a simple, quiet, man who might have been your neighbor or co-worker without your ever knowing he was a hero.

William Carney probably would have faded into obscurity, like so many other brave men, had it not been for a Congressional committee on the lookout for forgotten heroes. You see, many years later, some Congressmen got together and started reviewing government documents from the Civil War. Eventually, they came across the record of Carney's courage that night in South Carolina.

Impressed with his exploits, they recommended him for the Congressional Medal of Honor. Eventually, somebody in Washington mailed Carney, by then an old man, the coveted medal, making him the first black person to win the nation's highest honor. A few years later, William Carney died in that small wood frame house where he had lived his life, and though he died in bed, he died a hero.

In an age where people are too sophisticated for faith and too jaded for heroes, the peaceful silence of the graveyard is now broken only by the musings of old men come to honor friends long gone, and the sobs of those mourning the loss of a father, husband, brother, or son. Veteran's Day, like most of the other holidays, has lost its real purpose under the crush of multi-colored newspaper inserts and a chance to sleep late.

In such a time, the stories of men like William Carney exist only as distant memories in our collective mind. Pushed far back behind the two-for-one sale at Jordan Marsh or the thought of breakfast in bed, they serve as dim reminders of times when freedom could not be taken for granted, and the bright promise of America was not so certain. They also serve as testimonials to the ordinary men and women like William Carney who made heroic sacrifices on our nation's behalf.

Second-Year Student Expelled

continued from LSAT, page 1

the investigative procedures "are intended to insure candidates whose applications to law school are the subject of inquiry a full and fair opportunity to answer an allegation of misconduct." The rules entitle the candidate to a hearing, either by telephone or in person. The procedures state that "the purpose of a hearing is to allow the candidate to explain or submit relevant information to the panel which may relate to whether a preponderance of the evidence indicates that misconduct has occurred in the admission process." The hearings are not governed by formal rules of evidence.

LSAC/LSAS will pay the costs of hearings conducted on the phone. If there is an in person hearing, LSAC/LSAS will refuse to pay when they determine that misconduct occurred. If the student is cleared, however, she may request reimbursement for an attorney, witness fees and expenses. Payment of these fees is within the discretion of LSAC.

After completing its investigation, LSAS will make a finding of misconduct and report it to any Law School to which that student applied previously or will apply in the future. Vaseleck points out

that this means that if the student decides to apply to law school subsequent to the LSAS/LSAC finding, the law schools will be notified. Once it receives the LSAS/LSAC decision, the school can then decide on what action to take.

Vaseleck noted that because there is no intent requirement for misconduct according to the LSAS / LSAC rules, schools often decide to take no action against a student believed to have made an honest error, such as misunderstanding a question and answering it falsely due to that misconception.

In discussing the ramifications of a finding of misconduct against an HLS student, Professor Shapiro pointed out the distinction between a decision to expel and to dismiss a student. While both go on the offender's permanent record, a dismissed student is entitled to reapply.

The Administrative Board is comprised of Joyce Curll, Registrar Sue Robinson, Suzanne Richardson, Professors Arthur Miller '58, James Vorenberg '51 and David Shapiro '57, and students Barry Langman '93, Dorothy Dewitt '94 and Joe Hurd '95 (who was not a member for this decision).

Gants Tapped for Review Probe

continued from REVIEW, page 1

would place great confidence in his judgment in this matter or in any other."

Many other professors agreed. "I think Ralph Gants is a perfect choice to perform this endeavor," said Professor David Wilkins '80. "I have the highest regard for his honesty, fairness, integrity, and intellectual ability."

Professor David Kennedy '80 said, "Having known Ralph since law school, I am pleased that his selection underscores the seriousness and care with which the Trustees have responded to these allegations. The complexity of issues of sexual and racial harassment in an institution like the *Review* demand the fair-minded and sensitive treatment Ralph will be in a position to provide."

And Lexington Town Manager Richard J. White, who oversaw Gants's recent investigation of the improper handling by city workers of an emergency call

from a woman who was later found murdered, commented that "Ralph Gants is thorough, incredibly fair and impartial." He continued that "The report that he prepared on my behalf was universally well received by the community. It was perceived by the winners and the losers as fair and impartial. It provided us with a blueprint for change regarding our Emergency Medical Service."

After completing his investigation, Gants will report findings and recommendations to the Trustees. The members of the Board of Trustees are Ernest J. Sargeant '43, Dean Robert C. Clark '72, Professor William Andrews '55, Professor Richard Parker '70, Law Review

President Emily Schulman '93 and Law Review Treasurer Sam Hirsch '93. Schulman and Hirsch did not participate in the selection of Mr. Gants.

In a prepared statement, the four 3L women who initially raised the charges against Schulman — Rhonda Adams, Renee Jones, Shelley Simms, and Stephanie Sowell — praised the decision to appoint a special investigator and said that "we are confident that a full and conclusive determination of fact will allow the Law Review to take appropriate action and to move beyond these troubling events."

The four women expressed a concern, echoed by several Law Review editors, that the investigation would commence during fly-out week when most students are not at HLS. They requested that Gants not speak to any editors during the week-long holiday. It is unclear whether this request was accepted.

The controversy surrounding Schulman

began when a black woman editor charged Schulman with racism at a September 30 meeting. This charge was followed by other allegations of racism, sexism and general abuses of power. On October 4, the Review members took an unprecedented vote of "no-confidence in the president to lead the Review," which resulted in a tie.

Schulman is reluctant to speak publicly, but she told the Associated Press on October 17 that "I have never assigned or evaluated work at the Harvard Law Review on the basis of race, gender or any other illegitimate criteria. I deny the charges which have been leveled against me."

"I think Ralph Gants is a perfect choice to perform this endeavor," said Professor David Wilkins '80.

Reinstatement of Sailor Ordered

continued from MEINHOLD, page 1

analyst, a specialty that requires that he keep up with constantly changing technology. However, the injunction was ultimately won on a technicality. The Navy's brief was impermissibly long and improperly combined two requests, one for denial of the injunction, the other for dismissal of the suit.

"The moral of this story is that procedure is just as important as substance" said Christopher L. Rudd, one of Keith Meinhold's attorneys.

"You have to utilize procedure to your client's advantage," he continued. "In this case it was just as important as any of the Constitutional arguments. Good lawyering is taking advantage of your opponent's mistakes."

Rudd explained that Judge Hatter told the attorneys for the Navy that they had until Thursday, November 12 to comply with the injunction or the Navy will be held in contempt. The penalty for contempt in this case would be that the Navy would not be allowed to file any further motions on the case and would be blocked from appealing the preliminary injunction.

"The oral argument [on the motion for contempt] was very emotional," said John McGuire, another attorney working on

the case and a former attorney for the United States Army. "The Judge gave a very impassioned speech about how no one is above the law."

"The Judge even ordered the US attorney to personally contact the Secretary of Defense with his ruling," added Rudd.

According to McGuire, this is the first time the military has been forced to readmit an open homosexual. "The broader impact is that when Keith returns to work and there are not the problems with morale and rank and file command and so on as the Navy claims, it's going to show how wrong the ban on homosexuals is." No problems are expected, since after coming out Meinhold was uniformly supported by his fellow sailors. Meinhold was scheduled to return to work Thursday morning.

Although the incoming Clinton administration is expected to lift the ban on homosexuals in the military that was implemented under Reagan, there are some indications that it will only apply prospectively. In that instance, McGuire believes that the Meinhold suit will probably continue.

"I hear that Keith is just ecstatic with the Judge's ruling," said Elizabeth Moreno '93, who worked on the case this past summer. "No one deserves this more than Keith. He's been a sailor since he was seventeen and ever since he's wanting nothing more than to serve the Navy. The decision to 'come out' on the news was not easy for him. He truly did this for the good of the military."

Koby Antupit
PHOTOGRAPHERS

Creative Portraits
Instant Color Passports
Résumé & Publicity
Job Photographs

Harvard Square
8 John F. Kennedy St.,
Cambridge
547-7552

RECYCLE!



Moderation is No Vice

By Greg Stohr '95
RECORD Columnist



NEIL Glazer's attack on Republican "moderates" in his October 30 column was a testimony to why the Republican Party is now the minority party in the United States. By insisting that the traditional economic conservatism of the party be linked to the authoritarian social agenda of the far right, he presents a false, insulting, and intellectually dishonest choice.

Neil portrays a "moderate" as a dishonest, unprincipled person who has dragged the Republican Party and, by extension, the country to its knees. He says, "if, as I suspect, the Republican party has lost its soul (as has the nation), then the 'moderates' are the demons who stole it".

I suspect I'm one of the moderates Neil berates. I'm not sure I'd call myself a Republican these days, but I was recently registered as one. And I'm clearly one of those dangerous types who prefers not to have the Religious Right controlling the party. I am a Bill Weld '70 fan and was a Pete Wilson fan until he vetoed a gay rights bill in order to placate the extreme right in California. I worked for 3 1/2 years for a pro-choice, gay-rights Republican congressman, and I'd like to see him elected president.

By Neil's definition, I am a soul-swiping hypocrite, a liberal who fails to "obey truth in labeling laws." For myself, I don't mind the liberal label, at least on social issues. If liberal means that government does not stick its nose into people's personal lives, you bet I'm liberal. If liberal means not telling homosexuals they don't have the right to enjoy the sanctity of their bedrooms, I'm liberal as all hell. If liberal means allowing an individual woman — and not her government — to make a deeply personal moral decision about abortion, yes, I'm liberal. And if liberal means fighting the person who tries to impose his or her God on my children in a public school, I'm as liberal as they come and proud of it.

But on economic matters, I'm conservative, probably even if Neil is doing the labeling. I would abolish the capital gains tax. I would eliminate the budget deficit through spending cuts, not tax increases. I oppose excessive government regulations that stifle businesses. I favor the North American Free Trade Agreement.

So have I "stolen the soul" of the Republican Party? I think not. In my view, social "liberalism" and economic "conservatism" are perfectly compatible. I mistrust government and oppose government intervention — whether it be in the bedroom or the boardroom — in the absence of a compelling reason for government to get involved. This simple, clear philosophy is shared by a huge number of Republicans — particularly young Republicans — and if the Republican Party is ever going to attract the swing voters necessary to become the majority party in America, this philosophy will have to become at the very least a co-equal philosophy within the party.

But the far right will have none of it. The Neil Glazers, Pat Robertsons, and Pat Buchanans of the world assume that if a person is not a "good Republican" on social issues, he or she cannot be a "good Republican" on economic and fiscal issues. The far right believes that, somehow, economic conservatism has a philosophical link to social "conservatism." The far right says that a belief in capitalism, the free market, small government and low taxes must necessarily be joined by a belief in the imposition of religious values on people, the involvement of government in deeply personal decisions and an intolerance of non-traditional lifestyles. Neil Glazer and the far right say that because a person advocates less government involvement in the economy, that person must also advocate *more* government involvement in private lives.

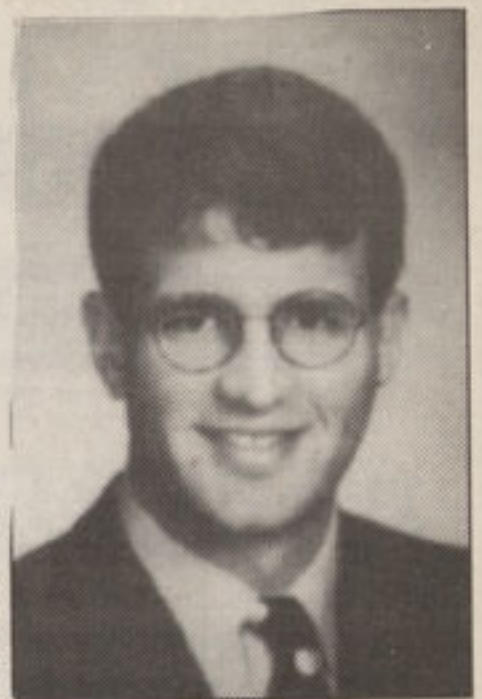
I can describe my philosophy of government in two words: less government. Actually, I can do it in one: freedom. I believe that what makes America great is that it was founded on the principle of liberty and in the belief that individuals can attain their highest potential if only government will get out of the way and let them reach it. I believe the Republican Party, the party of Abraham Lincoln, ought to have that principle at its core.

I wonder if Neil Glazer's wing of the party can do the same. I wonder if Neil's political philosophy is pure enough and consistent enough that he could describe it in one word. I doubt it is. His branch of the Republican Party harbors an inherent contradiction, and its refusal to acknowledge that contradiction is preventing us from implementing the conservative economic principles we share.

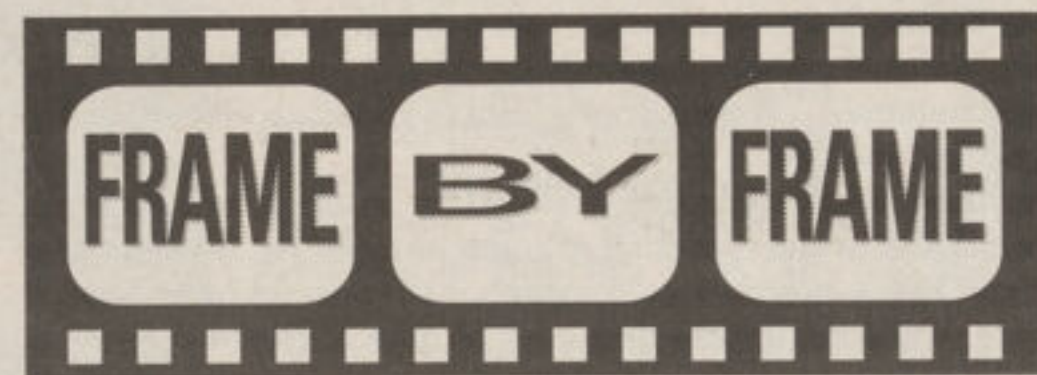
The most threatening person is the one who says, "You are right on some things and wrong on others." The person who says, "You're wrong on everything," is much easier to dismiss. I believe Neil Glazer is right on a number of issues. But because I believe he is wrong on a number of others, he dismisses me as someone who must disagree with him on every issue. His either/or world presents a false choice and prevents the Republican Party from discovering its true soul.

Hollywood is Too Much Like Law School

By Dave Lopez



In the days of Shakespeare, there were few forums of entertainment. You could watch roosters rip each other to shreds. You could bet on whether the bear would kill the dogs, or vice-versa. Bull terriers were developed for the same game, but with bulls. Or you could go to the theatre, where all the commoners went. In order to keep you entertained the actors would hide big bags of blood under their clothes for the death scenes.



Can you imagine what the end of Hamlet must have been like?

Well, you can get a good idea now-a-days if you watch Candyman. Gobs of blood, everywhere. I couldn't tell you if it was realistic looking or not. The only time I ever got a look at that much blood was when I was about sixteen. I was visiting my dad in South America, and we went over to his boss' house. The guy was in his nineties and could speak both English and Spanish perfectly. He showed my brother and me some photos from his long life. His most memorable, and I will never forget it, was a small brown and white photo taken during the Mexican Revolution, which I didn't even know happened until that day. It was a picture of some soldiers, and at their feet, without their heads, were about four or five bodies. I noticed a body of water about the size of Harvard Square in front of the bodies. I said, "What is that water, a pond or something?" "No," replied the old man, "it's blood."

Candyman is realistic, scary and bloody. I went with Viet Dinh and Alexia Brown. It's a story about two brave female graduate students researching popular culture and myth, kind of like the rumors we've all heard of alligators in the sewers. Well, this is Chicago, and the myth is the Candyman. He died at Cabrini Green, a real life project far away from any rich people, or white people for that matter. Candyman died in a racist incident a hundred years ago, but he is rumored to haunt the earth; he is distinguishable by a hook jabbed into the bloody stump of his arm.

One of my favorite composers, Phillip Glass, does the soundtrack for the movie, and it has a definite supernatural, sad tone. While the movie is one of those movies that scares by having things jump out at you when you least expect it, the backdrop is that of America struggling to cope with its problems. Candyman represents the horrible past, and a little boy knows where Candyman lives and must be convinced to part with the knowledge in order to destroy him. So in a way, it is saying that maybe the future can overcome the past. It's also an eerie love story between the researcher and the Candyman. He tries to seduce her by saying: "You don't know how wonderful it is being a rumor, living on everyone's lips, existing without ever having to be alive."

One more thing. The rumor is that if you look in a mirror and say the word "Candyman" five times, he will appear behind you, breathing down your neck. You'll be able to see him in the mirror as he tears you apart. Alexia, Viet and I were so scared that we stuck together that whole evening. Alexia said that the researcher's problem was that they didn't know the Scooby-Doo method of ghost hunting, which is to stick together. We tried to warn people about saying Candyman too many times, but Dave

Tollen already said it five times, and Lucy Koh actually did it in front of a mirror. Needless to say, the Candyman is going to get them. Just a matter of time.

The next movie I saw was Glengarry Glen Ross, a David Mamet play turned movie, and Jack Lemon did a masterful performance. You would never guess he was a rich old man living in Beverly Hills who was pretending to be a down-on-his-luck salesman of worthless Florida real estate. Some great scenes by Al Pacino as well. A true actors' movie with lines everyone would love to memorize, although right now I can't remember a single one.

The thing I may have liked best about the movie is that it was blissfully unpolitically correct. These guys were playing some really slimy characters, and do you know what they did? Not only did they cuss and cheat and steal, no big deal, but they also denigrated skin color, gender and sexual preference. Gasp! At Harvard, that would have gotten your poster up on the walls with the address of your employer underneath like they did to Coben and Fenyo. In my case they would have had to put "the bum is still unemployed."

Hollywood was getting too much like law school. All the form and none of the substance. Some people really think that if you get rid of all the dirty words then racism and sexism will end, life will be wonderful if everyone is nice to each other. The only problem is that if someone slips and says something un-nice, then somebody has got to be mean to that person in order to re-educate them. Then everyone starts being mean to each other and it just becomes a bad place to hang out.

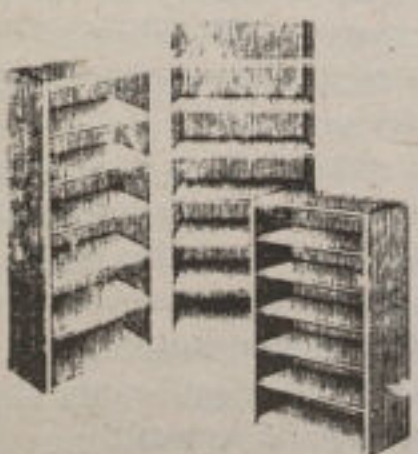
And of course, it never gets to the real problem of ignorance and misperception. Look at the most p.c. movie to come out in a long time. Thelma and Louise, where all the guys are idiots or worse, the characters are brave and good but living in a man's world and trying to make the best of it. For every woman's edification and for every man's education. Then what do I see, but the only black man in the whole movie come on the screen. He's riding a bicycle, and he's wearing a walkman, and he's got these big dreadlocks, and he's smoking pot. . . and he provides comic relief. Is this real? Mommy, mommy, what does subliminal mean? Aaaaargh.

Personally, I don't care if someone calls me Hispanic or Latino or anything worse, it doesn't bother me at all as long as there's no hate or ignorance behind it. I was fuming once when I got a fly back from a law firm and they had me do a round of interviews in my area of preference. Then I got this one guy who was doing something I hated, had nothing in common with me. Absolutely nothing. I was having a hard time even figuring out something to talk about. Then I thought, hey, this guy is hispanic, maybe I can practice some Spanish. "Do you know spanish?" I asked. "No," he said. I think it dawned on us both right then what was going on.

I don't know what the law firm expected from me, but he was the only hispanic at the firm and I didn't get an offer. But they certainly could do the p.c. talk. Equal opportunity employer and all that. Diversity even. I should have walked in with a sombrero and a beeg ceegar. Oh, señor, please give me a job or Zorro will have to save me. Then I would have gotten the job.

[Next week's review: Dracula, Swoon and Ed Ducayet's operatic debut.]

Futons • Frames • Desks • Dressers • Chairs • Stools • Tables



Assembled Solid Pine
Ready to Finish Bookcases

\$75⁶⁴

Over 500 in Stock
Low Low Prices

36" x 72" x 9"

Also custom made bookcases
For additional savings ask about our "Connections" Special

The Bookcase Factory Outlet

AT MARKET SQUARE HARDWARE

453 MASS. AVE., CENTRAL SQ., CAMBRIDGE • 617-547-0802

SUPER SPECIAL

Full Size
Ash Hardwood
Futon Frame \$98

Free
Delivery
in Cambridge
with this ad + ground floor

Thus Endeth Robert

By Todd Hartman '93

ALL good things must come to an end. Unfortunately, the proverb mentions nothing about bad, ugly things. And none deny that is what these letters from Rob Rader have become. But there was no escaping that the end would come and the end be known, from the day Rob's desperate sin first began oozing from his fingertips to seek primeval reconciliation on the pages of this woefully manipulatable publication.

As each week exposes ever more of Robert's wiffle-ball brain, our annoyance grows while our pity wanes and Rob's neck begins to look more and more like a roll of squeezably soft Charmin. But don't you of finer sensibilities fret, for I, who know Rob better than you would ever want to, will take up the proverbial shovel and metaphorically beat Rob over the head 'til his misery is ended. Merciful heroics were always my specialty.

And make no mistake, I am the tragic hero in this drama. However you have suffered from being drenched with Rob's salivic foam, my agony, like the fungi on Rob's feet, remains lasting and boundless. And while I do not deny any of the misrepresentations made by Mr. Rader, I consider them beneath the level of dialogue to which this law school is accustomed. Well actually, that's not true either, but gosh darnit, they just plain pissed me off.

But still I took Rob's sin upon me for the good of all HLS. I needn't do so, for at anytime I could have pointed Rob in the direction of some hapless 1L, given him a milk-bone, and said "kill!" and Rob's momentary comprehension would have been redirected. I know, I've done it before, as the mangled pumps of Marie-Louise Ramsdale can attest. In fact, it is Rob's ruthless attacks on my innocent defenders in his last blathering diatribe that drives me to this end, although I agree with him about Dave Lopez. I have spent sleepless nights trying to erase this episode from my memory but no matter how many undergraduates are there to massage my temples, all I see are little Rob Rader elves (almost redundant in Rob's case), dancing around my head. This is especially disturbing because Rob has not dressed in his little elf costume and danced his happy jig for me in several months.

But trust that however this episode has affected my mental state, it cannot be compared to the twisted leech of unrequited obsession which has sucked the last ounce of stability from Rob's shriveled cerebellum. Anyone of those who attended my party last week can attest how, like all HLS parties, it ended in tragedy.

Just as "Staying Alive" was about to begin, our circle of eight was stunned by the sight of a disheveled Rob Rader, wearing his "Sexy Jewish Guy" T-shirt and platform shoes. "This one's for you Todd," he spewed as he began a tearful oration his latest RECORD entry, pausing only for a maniacal giggle at his own deluded prose and spilling beer all over his form-fitting Jordache jeans as the Bee Gee's "More Than A Woman" played in the background. As I later pried the beer tap from Rob's lips and dragged his sorry carcass home, "pity me, Todd" and the "Three's Company" theme song were all he could utter. Even Mr. Roper's icy heart would have melted.

And so I will end this. As speculated, there was once a brief and blissful union between us. Something about his Dan Quayle devotion made our first year a legal Tilt-O-Whirl ride. Like all healthy 1Ls, we spent our days doing nude interpretations of Tort cases, sub-citing articles that had yet to be written, outlining Danielle Steele novels and, of course, egging Gannet House. Our "salad days" we called them, and the Thousand Island dressing was plentiful.

Not until the end of that first year did I realize Rob had crossed the quixotic line between normal and Law Review member. It was the last DSAC party of the year, and our neatly pressed bell-bottoms had caught the eye of the lone woman present. Feeling saucy, I took her hand which soon made it's inevitable journey to my crispy hair as we danced our polka to heaven. However, I soon realized that the wetness in my trousers wasn't coming from me, but rather the impish figure who had once laundered my shirts so neatly. From that gaping hole between his incisors, Rob was emitting a stream of the Hark's finest brew up my helpless polyester pant leg. Like the urination of a wolf, this yellow stain was marking Rob's "territory" and every pheromone in my pituitary cried "help me." Unlike all others, the message to stay away was belated for me, and as a result I would scramble from this Medea's curse to this very day.

I pulled whatever strings I could to get Rob sent away. As you all know, it was unsurprisingly easy. Rob and Kathleen Sullivan were to shipped to Stanford, which Dean Clark figured would keep HLS ahead in the national rankings. As I passed the year in hiding, Rob's sporadic attempts to find me subsided and my hair slowly regained it's once proud stiffness. My nerves had just steadied enough for me to begin crocheting again, when my aching colon sensed Rob's clandestine return.

And so now the truth is out Rob and I offer you a peace. If you've finally solved the mystery of homophones, you'll note it's not the type of "piece" for which you're usually asking me. However, to show my sincerity, I will succumb to your demands for the last of our communal property. The "Talk Dirty To Me" Pee Wee doll, the Snack-Master, and the Desert Storm trading cards are all yours now. I know they will consume the many hours you've spent with your purple crayon writing these letters to the RECORD office. You've promised as much, and I rest assured that any attempts to break that vow will see you made a lasting contribution to the Holmes Field House foundation by the torch wielding mob of RECORD readers already amassed outside our doors. Hell hath no fury like bored law students.

Thus endeth Rader v. Hartman, and I take my bow with all the dignity my lack of job offers allow. I did not start this scourge, but I have ended it knowing I make the world a better place for my three illegitimate children. My only sin was trying to enjoy love, friendship and happiness amongst the leafless elms and crumbling gray mortar of Harvard Law School. Like the records of the Holocaust, let the legacy of this fleeting dialogue live for future generations, so that such grave an error never be made again.

**I Didn't Mean
to Bug Ya!**

The Death of Allan Bloom and the West

By David Clancy '95

RECORD Columnist



ALLAN Bloom, author of *The Closing of the American Mind*, passed away last month. His death was a cruel blow to a weakening cause—the movement to restore to a central place in American education the classical, Western-based curriculum.

The American university, revealed Bloom's book, no longer teaches the essentials. The classical approach to learning, with an emphasis on the intellectual heritage of Western culture—its religion, its philosophy, its political theory, its art—has been rejected as "ethnocentric." In its place is a "new curriculum," offering a politically correct and superficial smorgasbord of classes.

This strange switch has taken place because the liberal forces which dominate higher education see the Western-based curriculum as incompatible with a "cultural openness" necessary to the societal assimilation of minority groups and opinions. The philosophy underlying this "openness" is moral relativism, which sees ideas, cultures, and behaviors as morally neutral—different, but never inferior or superior. This philosophy and the new curriculum, in Bloom's words, "destroy the West's intellectual and imperialistic claims" of superiority.

In this environment students become ignorant of their culture's history, and even lose faith in its broad philosophical principles. Students graduate indoctrinated with a warped view of the West's place in world history and with a firm but fatu-

The conservative crusade still continues, but the captured citadels seem impregnable.

ous belief in moral relativism. Guided by such a philosophy, and unexposed to the classical canon which is its best refutation, students ultimately lose their intellectual curiosity and their spiritual direction. The new curriculum, concluded Bloom, closes students' minds and "impoverishes their souls."

Liberals ridiculed "The Closing of the American Mind." It brought upon its author the vitriol of a left-leaning intelligentsia which "denounced him as rigid, sexist, elitist, and anti-democratic." The New York Times, "interring the good with his bones," even ran a critical obituary of Bloom, saying that his book had "transformed him from an obscure professor...to a cranky icon of conservative views."

But Bloom's passionate philippic inspired a modern crusade, mobilizing a conservative counterforce to lay siege on academic citadels occupied by infidels. E.D. Hirsch penned the bestseller "Cultural Illiteracy," which defined precisely the contours of the intellectual vacuum hollowed out by the prevailing educational philosophy. Joining Bloom and Hirsch in the crusade were Charles Sykes (with "The Hollow Men"), William Bennett, and Dinesh D'Souza.

This conservative crusade still continues, but the captured citadels seem impregnable. Part of the reason is that every year more defenders crowd to the walls—the majority of recent college graduates. Their blind acceptance of a bland philosophy impels them to reject out of hand calls for a return to the old way. Our generation will produce even fewer critics of the new philosophy of education than the last generation, and this terrible trend will only accelerate.

For the most part, the new curriculum's effects have been locked inside the ivy walls of the educational establishment. But as legions of what Charles Sykes calls "hollow men" graduate and enter society, its dire effects will ripple outward, tangibly effecting the country as a whole. Bloom wrote of the new curriculum's rejection of the West that "it is not merely the tradition that is lost when the voice of civilization as elaborated over millenia is stilled in this way," and hints throughout his book that it may be the civilization *itself* that is lost.

Yale historian Donald Kagan calls democracy "a rare and fragile flower in the jungle of human experience," a fortunate several-hundred year anomaly in a history characterized by tyrannies, monarchies, oligarchies, and theocracies. There has been—seemingly until now—an understanding of the importance of a moral education in the development and maintenance of democracy. This understanding is crystallized in the central myth of Western culture, the Arthurian legends. In T.H. White's account, Merlin's moral tutelage of the young Arthur gives rise to King Arthur's rule-of-law doctrine of "right over might." Without such education democratic decision-making is performed in an intellectual vacuum. History, principle, and morality are unavailable as guides, and capricious mob rule followed by societal decomposition is the result.

The Greeks thought good leaders could make up for deficiencies in education. But if Bloom is right, we have scrapped the conditions necessary for the production of such leaders. The Greeks probably did not anticipate an education as deficient as ours—one in which students are provided with no coherent standards by which to guide themselves personally or their cultures collectively.

It seems unlikely that future leaders will be men such as Lincoln or Martin Luther King—men whose political stands were founded on their understanding of, and commitment to, the Bible, the egalitarian intellectual tradition of the European enlightenment, and the founding principles of American democracy. It is more likely that future leaders will be cut from the same unprincipled cloth as Bill Clinton—a pure political pragmatist—or Malcolm X, who rejected out of ignorance the Western philosophies of equality and rule of law which served King so well.

The left's victorious assault on the classical approach to education produces citizens without the intellectual resources to govern themselves, and is therefore ultimately an assault not simply on the society's principles but on the society itself. Bloom asked, "When there are no shared goals or vision of the common good, is the social contract any longer possible?"

Allan Bloom's death was mourned less than is customary for leaders of great causes, probably because he died not with his "object nearly won"—as Whitman wrote of Lincoln—but instead more sadly, with his object slowly slipping from his grasp. With Bloom gone, that object—the restoration of a coherent, morally sound, Western-based educational regime—will recede ever more rapidly.