



Harvard Law RECORD

35 CENTS

Volume 95, No. 9

Cambridge 02138

Friday, November 20, 1992

Recent HLS
Graduate
Investigated
for Stealing
from DSAC

By Malcolm Harrison

A former Harvard Law School student and DSAC employee is being investigated by Harvard University officials for allegedly misappropriating funds when he was manager of the Back Bench Pub in Harkness Commons.

The student, a graduate of the Class of 1991, allegedly used his position as manager of the pub to acquire money that should have been turned over to DSAC as part of the pub's revenues. The majority of the money in question was generated by the pinball machines, though there were several occasions when other money allegedly belonging to DSAC was appropriated by this student.

The allegations were initially made by current pub manager Wayne Herndon '93. About a year ago, Herndon discovered evidence that suggested that this student had misappropriated funds from the pinball machines. For the last year the matter has been under investigation by the HLS administration, Harvard's internal auditor, the Harvard University Police Department, and Harvard's General Counsel's Office.

While Herndon was reticent to say exactly how much money is missing, he noted that "We're talking about a lot of quarters."

Frank Lamentea, the director of buildings operations at HLS, stressed that this situation came about because of a lack of oversight over the pub before Herndon started managing it in early 1991.

"Poor management and oversight by DSAC officials allowed this type of thing to happen,"

please see *DSAC*, page 14

Clinton May Look to
HLS to Fill Top Posts

By Irie Taylor

Professor Chris Edley '78, survivor of the 1988 silver-medal Michael Dukakis '60 campaign, Administrative Law scholar, and *wunderkind* member of former President Jimmy Carter's administration, spent Tuesday, November 17 in Little Rock, Arkansas participating in a strategy session for the Clinton Transition Team. He has been appointed to the select position of Senior Transition Policy Adviser on Economic and Budget Issues.

Edley was called to the meeting by Robert Reich, internationally-renowned economics scholar on-leave from the Kennedy School of Government, husband



This year's Moot Court finals continued an illustrious tradition. Shown here are the 1990 finals.

Daughters Team
Wins Moot Court

Artur Davis Best Oralist

By Glennis Gill

After a complex and challenging argument Wednesday night, marked by great performances on both sides, the winners of the 1992 Ames Competition were announced: Best Oralist went to Artur Davis '93, Best Brief to Daughters of Danaus, and Best Team to Daughters of Danaus.

The competition was judged by the Honorable Antonin Scalia '60, Associate Justice of the Supreme Court, the Honorable Michael Boudin '64, First Circuit Court of Appeals and Pamela Ann Rymer, Ninth Circuit Court of Appeals. Scalia said, "We took as long as we did not to be polite but because it was a close decision." And then he announced the winners.

The Daughters of Danaus Team, consisted of third year students Kara L. Cunningham,

Lawrence M. Kraus, James J. O'Keefe, Stefanie H. Roth, oralist, Susan E. Spotts, and Marshall X. Searcy, oralist. The Thurgood Marshall Legacy Team was comprised of Artur G. Davis, oralist, Cari K. Dawson, Carolyn A. Edgar, Kim B. McCullough, Kim Robinson and Jaqueline A. White, oralist.

The case, *Susan Linfield, et al., v. Ames Public Utilities, Inc., et al.*, did not concentrate on the factual issues but rather was a purely jurisdictional question. In simple terms, the case

please see *AMES*, page 13

Scalia: Democracy is Served
by Limiting the Constitution

By April Rockstead

During a question-and-answer session on Wednesday in Austin North, Supreme Court Associate Justice Antonin Scalia '60 propounded his view that the more rights are held to be guaranteed by the U.S. Constitution, the greater the threat to democracy.

More than 500 students packed Austin North and a video overflow room to hear Scalia, who was on campus to serve as a judge for the Harvard Law School Ames Moot Court Competition.

Since his appointment to the Supreme Court in 1986, Scalia has confounded conservatives with seeming departures from the traditional line on such issues as flag burning and police searches, while angering liberals with his conservative positions in decisions involving such controversies as abortion rights.

A proponent of strict "originalist" interpretations of the Constitution, Scalia said the docu-

Sullivan Leaving
HLS for StanfordPopular Prof
says it's 'Time
for a Change'Departure Due
to Hostile
Environment?

By Betsy McGrath

By Bob Arnold

After a nearly twelve year relationship with Harvard Law School — three as a student and eight plus as a professor — Kathleen M. Sullivan '81 is calling it quits. She has decided to accept a position on the faculty of Stanford Law School.

In a letter of November 13, 1992 addressed to her colleagues, Professor Sullivan said her decision to accept the offer "was not easy."

"My nearly nine years on the Harvard faculty have been exciting and extremely fulfilling. But I have decided that it is time for a change," the letter stated.

Sullivan also cited the adventure-some call of the West

as a another reason for her departure. "After a lifetime in the Northeast, including 14 years in Cambridge, I find that California has strong allure."

The mood around campus as news of the announcement spread was one of shock, disappointment, and bitterness by some and yet hopefulness by others (see related story).

Dean Clark stated through a letter of the same date that he

Prof. Kathleen Sullivan's recent announcement that she will accept an offer to join the faculty of Stanford Law School at the end of this academic year caught most of the Harvard Law School community by surprise. Sentiments around campus ranged from sincere disappointment by some, utter bitterness

by others, and optimistic hopefulness by still more. The wide range of opinions were expressed by students, faculty, and alumni alike.

Jeff Lubell '93, a prominent student activist, is one member of the community left despondent by the announcement.

Lubell said that "the news was a real shock. It was an incredible disappointment and a real loss for the Law School."

Former HLS professor Susan Estrich '77 echoed Lubell's sentiments saying frankly, Sullivan's departure is "a real loss" for the School.

Dean Clark called a Monday afternoon meeting with the Women's Law Association, shortly after Sullivan's



Prof. Kathleen Sullivan



Justice Antonin Scalia '60

ment's framers meant to extend Constitutional protection only to those rights "the government is most likely to trample on," leaving the rest for society to debate.

"The people now think that anything that they care deeply about, by God, it must be in the Constitution," Scalia said.

"That seems to me a very infantile view of the thing — do you mean the only things we're going to have elections on or vote about are unimportant things?"

As he fielded questions on topics ranging from abortion rights to discrimination, Scalia remarked at one point it didn't matter whose question he addressed next, adding, "They're all likely to be hostile anyway."

On abortion, Scalia first refused direct comment, saying he could not make public statements on policy matters as a judge.

Asked specifically about decisions he might have made in landmark cases, Scalia sidestepped.

"What you're really asking me is about stare

please see *SCALIA*, page 14

please see *CLINTON*, page 12



Students gather outside of abortion clinic in Brighton. Photo Courtesy of the Harvard Crimson

Students Defend Clinic From Operation Rescue

By Rebecca Eisenberg

Special to the RECORD

On Saturday, November 14, about one dozen Harvard Law School students joined approximately five hundred other Boston residents in defending local health clinics against a clinic siege attempted by the anti-abortion group "Operation Rescue."

Operation Rescue is a small but militant fundamentalist offshoot of the anti-choice movement in the U.S.A.. Unlike other anti-choice groups which attempt to restrict a woman's reproductive freedom through changes in the law and politics, Operation Rescue has taken the fight out of traditional legal channels and straight to the actual clinics. At clinics across the country, Operation Rescue members try forcibly to stop women, patients and staff from entering.

Operation Rescue has been known to

utilize such violent tactics as assaulting women at clinics and throwing fetuses that they have stolen from hospitals at women. During the presidential campaign, an OR member attempted to hand a fetus to President-Elect Bill Clinton.

On Saturday, however, the OR group remained somewhat restrained, perhaps because a Massachusetts injunction prevents any group or individual from blocking access to a clinic.

The Harvard pro-choice contingent met originally at 6 a.m. at Gynecare, a clinic on Tremont Avenue in Boston. At about 8 a.m., pro-choicers were informed that Operation Rescue had decided to target a small clinic in Brighton. Consequently, about four hundred activists converged outside of a small clinic located in a residential neighborhood across the river.

Jodi Grant '93 emphasized what "a

please see **ABORTION**, page 9

The Ins and Outs of Faculty Appointments

By David S. Clancy

A detailed seven-page report, titled "Harvard Law School's Appointment Process," was recently released to the Harvard Law School community.

The report, prepared by the staff of the Office of Academic Affairs, Dean Robert Clark '72, and Professor Paul Weiler, Chair of the Appointments Committee, sheds light on the process by which members of the faculty are appointed.

According to the report, the appointments process is a "mixture of formality and informality," with the goal of making three categories of appointments — assistant professorships, visiting professorships, and full professorships.

The report makes it clear that the Faculty Appointments Committee has a central role in the process by which appointments are made. The members of the committee are Dean Clark, Prof. Charles Fried, Prof. Kathleen Sullivan '81, Prof. Randall Kennedy, and Prof. Paul Weiler is the chair. Assistant Dean Sue Robinson is the secretary.

The role of the committee is to recommend appointments in all three categories to the Law School faculty, and eventually to the Harvard Corporation. Prerequisite to recommendation is a complicated process of building a "prospect pool" of eligible candidates, evaluating interested candidates' merit using several criteria, and then making final recommendations.

The "prospect pool" for assistant professors is constructed, according to the

report, by drawing the names of eligible candidates for professorships from several different sources. Among these sources: Harvard Law School alumni "who show promise as teachers," similarly "promising" graduates of other law schools, individuals who have sent unsolicited applications for a professorship to Harvard, and Supreme Court justices and other judges.

This prospect pool is "screened," according to the report, in order to select the best candidates for assistant professorships. Among the criteria used in this screening are academic achievement, scholarship, recommendations from employers, and "potential" as a teacher and scholar.

Candidates for visiting professorships, usually appointed to fill a temporary teaching vacancy, are drawn usually from a list produced by the Association of American Law Schools. Field of expertise, scholarship and "teaching reputation" are the most important criteria in this category.

Full professors are typically drawn from the ranks of Harvard Law School assistant professors or a recent or current visiting professors. In granting tenure, says the report, the committee takes into account "teaching ability, scholarly accomplishment and potential, and service to the school."

After the committee recommends a candidate for a position at the School, the recommendation is sent for approval to the Law School faculty, President Rudenstine, and finally the Harvard University Governing Boards.

In addition, the report includes a

Somerville Shuttle May Soon Ride Again

By Greg Stohr

A door-to-door shuttle service might soon offer Harvard Law School students, faculty and staff who live in Somerville a safe alternative to walking home at night.

Though the details remain to be decided, three key members of the HLS community say they are optimistic the new shuttle service will be running in some form by January 4, 1993 when students return from the holiday break and will continue running throughout the spring semester.

"I feel very, very positive at this point," Law School Council President Marie-Louise Ramsdale '93 said.

"I'm sure something will happen," Building Operations Director Frank Lamentea said. "We're just trying to work out the details."

Acting Dean of Students Suzanne Richardson cautioned that establishment of the service was not guaranteed, but she said that probably only a problem with obtaining the proper licenses could derail it now.

"I don't want to get people's hopes up, and then it doesn't come through," she said. "On the other hand, I don't

been extended and made more definite this year, but many students, faculty and staff live beyond even the new boundaries, and the escort service is not designed to be used as a regular means of transportation from campus.

Additionally, HLS students may park their cars at the Law School in the evening for a small fee.

The new service might involve a fee for riders, possibly payable on a semester basis.

"My guess is that there will be some student payment involved," Lamentea said. "The Law School and the Graduate School of Arts and Sciences will subsidize part, but there is also a feeling that students should pay. There's no such thing as free. Somebody pays one way or another."

The shuttle would run on a trial basis during the spring semester and, depending on ridership, could become a permanent service next year. Two earlier trial shuttles into Somerville have produced mixed levels of ridership. In a one-month trial service in the fall of 1989, an average of 67 people used the service every night but a similar program in the spring of 1991 resulted in an average of less than 20 riders per night.

"I'm sure something will happen," Building Operations Director Frank Lamentea said. "We're just trying to work out the details."

have any reason to believe it won't happen.

"I'm pretty excited about it."

The new service would primarily serve the Law School and the Graduate School of Arts and Sciences, although other individuals affiliated with Harvard could also use the service. It likely would leave HLS on an hourly basis in the evenings and be available for transportation into any part of Somerville. It would likely stop at three additional locations on the Harvard campus.

The new shuttle would complement the existing Harvard transportation services. The Harvard Shuttle Bus now offers transportation to 20 stops, mostly in Cambridge.

The Harvard Police also offers an escort service. That service provides transportation into parts of Cambridge and Somerville and across the Charles River to the Business School. The boundaries for the escort service have

Ramsdale, a longtime advocate of a Somerville shuttle, said the new shuttle would be a significant improvement over the earlier trial programs, primarily because it would take riders all the way to their homes and because of its more permanent nature.

"We've surveyed students in the past," she said. "Students have been overwhelmingly in favor of something like this. I think they've heard our voices."

Richardson said that, although she was aware of no specific incidents in which members of the HLS communities have encountered problems while walking home from campus, establishment of a shuttle system was an important safety concern.

"The fact is that this is a city," she said. "You must be cautious and realistic."

Approximately 400 HLS students live in Somerville.

clause entitled "Affirmative Action." The clause asserts that "affirmative action considerations are taken into account in all activities relating to the search for prospects and the development of pools."

The recently released report explaining this process is the most recent in a series of such documents, updated and released regularly by the Law School, said Assistant Dean Sue Robinson. Most university programs publish such documents, and these are typically updated once a year, she said.

These documents "help students and people outside the program understand what's going on," she said.

While the report is therefore not a direct response to students' demands for a more open, accessible appointments process, the administration has taken several steps in this regard.

The Dean's Office recently released a memo entitled "Some Facts about Women faculty and faculty Prospects at Harvard Law School," which details the steps the appointments committee has taken to appoint female professors to various teaching positions.

In addition, a student committee has recently been formed to assist the members of the faculty appointments committee. Several students were appointed to the committee by the Law School Council.

"Last spring I expressed a concern that there should be a more formal process for student input and information sharing," said LSC President Marie-Louise Ramsdale '93. She added that the "committee has been a productive way to provide that information."

However, some students have gotten the impression that some faculty members aren't very interested in the student committee.

Brian Ellner '94 is one such student. "So far I've been very disappointed that certain faculty members have decided not to attend either of our meetings," said Ellner. The faculty members in question are Charles Fried and Paul Weiler '65.

Finally, a "town hall" meeting is scheduled for early December in which students will be encouraged to voice their opinions to Dean Clark and committee members on a wide range of subjects, including appointments.

Harvard LIPP Program: Myth or Messiah?

By Lisa Zornberg

Now in its thirteenth year, Harvard's Low Income Protection Plan (LIPP) is the oldest loan forgiveness program of its kind. Funded completely by tuition revenues, it's also the fastest growing item on the law school budget, "forgiving" over one million dollars of debt each year for qualifying graduates in low-paying law-related jobs. "Our loan forgiveness program is by far the most generous in the country," maintains Sally Donahue, Director of Financial Aid. "We're the leader, out in front."

But while the administration hails LIPP's success, many students question whether its reputation bears out in practice. Furthermore, both students and administrators agree that myths and misinformation abound. Few incoming students understand how LIPP works, who it can help and who it can't. Yet, a fairly large number of students indicate that LIPP influenced their decision to attend HLS. "A major reason I came to Harvard was the LIPP connection," Ashley Barr '94 told the RECORD. But two years later she still receives "conflicting evidence" about the program, and remains skeptical of its effectiveness.

The greatest myth is that LIPP is a public interest program. "It's not," expounds Mary Magnuson, who administers LIPP. "It's a financial aid program, although most students use it to do public interest." Eligibility is tied exclusively to salary and need considerations, not to job description. And although the job must be "law-related," the administration has recently liberalized that definition to include jobs which recognize a legal education as useful, or in which it is not uncommon to find members of the

legal profession.

"At its inception," Donahue explains, "LIPP was created to ensure freedom of choice within the legal career spectrum. To limit LIPP to public interest jobs would defeat that purpose."

But some students feel that mischaracterization of LIPP may be intentional. "Too often," remarked Bill Montross '93, "the university uses LIPP to demonstrate its commitment to public interest, to entice students to come to Harvard, when LIPP doesn't actually go to that end. I don't see the administration trying to debunk that myth."

Montross plans to work in public interest following graduation but doubts whether LIPP will help his financial standing.

LIPP Explained

So how does LIPP function and who benefits? For those who take LIPP-qualifying jobs, assistance comes in two variations: need-based grants and parental replacement loans. For students who meet established need criteria, Harvard makes their loan repayments as they come due. For those who borrowed

during law school to replace imputed parental contribution, Harvard provides interest-free loans for the first three years and switches to forgiveness thereafter.

Furthermore, the amount of LIPP assistance is determined by a rate schedule based on annual income and a ten year repayment plan. Graduates earning \$23,000 or below receive 100% repayment assistance, while those earning above the \$41,000 ceiling receive none at all. Graduations exist in between.

The greatest concern of many 3Ls considering LIPP participation is being priced out of the program. This reality is especially stark for those who accept government jobs with scheduled pay increases.

FEELING THE CRUNCH: AVERAGE GRADUATING DEBTS BY CLASS

1987	\$34,200
1988	\$39,400
1989	\$36,300
1990	\$41,500
1991	\$46,200

HLS Students are increasingly feeling the debt crunch; nearly one-third of the class of 1991 owes more than \$50,000

The Woman Behind the Hark Register

By Peter Mucchetti

You walk into the Hark, pass through the deli line and snip — your meal card is punched. But wait, you wonder, who is this woman behind the cash register? Gennet Gebre-Michael, a two-year veteran employee of the Harkness cafeteria, not only greets hundreds of hungry law students each day but also labors as a full-time student at nearby Quincy College.

"I hope to obtain an associate degree from Quincy and then transfer to pharmacy school," says Ms. Gebre-Michael. Her class schedule for this term consists of mostly English and Science classes which she finds challenging and interesting. In fact, she continues, it was her desire to attend college that led her to emigrate from her native home, Ethiopia, three years ago.

"I miss Ethiopia and speaking with my friends in Amharic," her mother tongue. But because of the unstable environment in her home-city Addis Ababa, Ms. Gebre-Michael says she doesn't know when she might return. "Of course, there's a lot of turmoil in Ethiopia right now, and no one is quite sure what the current government will do."

When asked about her adopted country, she quickly becomes enthusiastic about life in the United States. "Boston

is beautiful because it's such an old city." She admits, however, that she was "terrified" during her first few months in Boston because "everything was so different." The unfamiliar — the layout of the city, big buildings, the hustle and bustle on the streets — has now become what she likes most about living here.

She even likes Harvard law students. "I think they're great because they work hard on their education and because they're young like me. I especially admire the female students because we don't have many women lawyers in Ethiopia." Her only complaint is that law students are cheap. "They're always complaining about the prices. I tell them I just work here. Still, I have fun with them."

Although Ms. Gebre-Michael radiates optimism, she confides that she does worry about crime. "I work late into the night," she explains, "and with all that you see on TV and read in the papers, you get scared." Her only other complaint would be that Boston is too cold. "I'm just not used to this different weather."

Ms. Gebre-Michael says that she uses most of her free time for studying. "I have class in the morning and work during the rest of the day, so I have to use my weekends to catch up on school work." Yet, as an active twenty year old, she still has found time to join an exercise club, aerobics class being her favorite activity.

es. "There are a lot of people who end up getting squeezed by the program when salaries get bounced just above the LIPP ceiling," worries Glennis Gill '93, who will be working at the Manhattan D.A.'s office next Fall. "Students whose payments are replacing parental contribution end up paying Harvard back all the money Harvard paid unless they stay in the program for ten years - but that's not possible when raises throw them over the edge."

Working at the D.A.'s office, where attorneys start at \$32,000 and automatically receive a \$4,000 annual increase for the first three years, LIPP participants could be bounced out by their fourth year.

Magnuson recognizes that graduates who take government jobs may have it toughest, "because they may be earning more than the LIPP ceiling but not enough to pay their loans." However, she emphasizes that the ceiling keeps increasing in an effort to keep pace with realistic salaries.

LIPP's blindness to regional differences is a second source of student angst. Currently, the program takes no account of cost-of-living disparities, so that graduates who earn \$35,000 are treated identically whether they work in New York City or Nebraska. For Marie-Louise Ramsdale '93, who is considering founding a non-profit corporation in the South, "LIPP will be my saving grace. Because I'd be starting it in South Carolina," she admits, "it will make it easy for me to live. I do, however, sense the concerns of people living in larger cities."

According to Donahue and Magnuson, the Financial Aid Committee, comprised of faculty and students, control policy decision-making.

LIPP's ten year time line raises more student concerns. "You literally can't get married for ten years if you stay in the program," insists Montross. Under LIPP, married graduates are treated as having the higher of either their own income, or

half the joint income. As a result, marrying someone who earns a relatively high salary makes displacement from LIPP likely, whether or not one's spouse intends to assume debt responsibility.

For Jeff Lubell '93, "the biggest pain about LIPP is that it takes so damn long to pay off your loans. You've got to stay in it for the long run. That means a big debt is hanging over your head for ten or fifteen years."

Donahue sees this repayment anxiety as common. "There is a feeling about debt and complex psychological factors involved in how law students feel about borrowing. Many students want to pay in fewer than ten years."

Students' Ideas For Change

Some students offer constructive criticism rather than condemnation. Susan Craighead '93 would like to see a summer LIPP program established that would loan students money for summer public interest work. "The loan would become

LIPP eligible and be forgiven if you take a long-term public interest job after graduation. On the other hand, it would be the first loan to repay if you take a law firm job."

Ashley Barr would like to see a more concerted effort by the administration to inform 2Ls about their LIPP possibilities before firm interviewing begins in October. "There is no conversation about planning for the future," Barr asserts. "The administration puts out a red carpet

to the Career Services Office, then leaves you kicking and screaming to find out about public interest possibilities."

Nonetheless, most recognize that despite its limitations Harvard is one of the few institutions to offer a loan forgiveness program. Moreover, the law school has placed LIPP at the top of its fundraising agenda, bettering prospects for the program's expansion. As Craighead asserts, "LIPP is an insurance policy for me. I can take certain public interest jobs secure in the knowledge that Harvard will help me pay back my loans."

"Our loan forgiveness program is by far the most generous in the country," maintains Sally Donahue, Director of Financial Aid.

Be sure not to put the RECORD in the white paper recycling bin in the Hark. It's newsprint, dummy!



RECYCLE!

Koby Antupit
PHOTOGRAPHERS

Creative Portraits
Instant Color Passports
Résumé & Publicity
Job Photographs

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

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

only one coupon per day • Good through November 30th

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

7am to 7pm Monday-Friday • 8am to 6:30pm Saturday

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

BRIEFS



The New One-L

Leonard Feldman, a 1991 graduate of the Law School, is writing a book that will provide a current description of student life at HLS and other national law schools. The book is similar in principle to Scott Turow's *One L*. However, many people agree that Mr. Turow's description of law school is no longer representative of most students' experiences. Accordingly, Feldman hopes his book will provide a more recent and representative description that will entertain and inform prospective law students, actual law students, practitioners and lay persons.

Feldman wants to compile both serious and entertaining anecdotes about law school. The anecdotes will be organized by theme: classes, students, professors, extra-curricular, law review, night life and so on. The book will identify the author's law school, expected or actual graduation date, and if the author agrees, his or her name.

Mr. Feldman is beginning this endeavor by soliciting anecdotes from the HLS community. Anyone who is interested in submitting an anecdote should send it to:

Leonard Feldman
4016 8th Avenue, NE Apt. 505
Seattle, WA 98105

Mr. Feldman has agreed to give a complimentary copy of the published version of his book to those whose anecdotes are used in this book.

Family, Friends Honor Frug

Friends and family of the late Mary Joe Frug honored the memory of the murdered law professor at a showing for her new, posthumously published book Tuesday night at the Inn at Harvard.

Two law professors and a Bunting Fellow read selected passages from "Postmodern Legal Feminism," a collection of essays by the late professor of the New England School of Law who was fatally stabbed last year.

The essays, which examine the relationship between gender and law, were compiled by Frug's husband, Professor Gerald E. Frug '63, who said her writing was not edited.

"It's her words. It reads like her; it sounds like her," he said.

The author's ability to express her ideas clearly in her writing made it possible without editing even after her death, Frug said.

"It's difficult to publish a book posthumously," said Frug. "It's a miracle that it reads as well as it does."

Judith G. Greenberg LL.M. '79, a professor at the New England School of Law who wrote the introduction to Frug's book, began the evening's readings.

"Mary Joe's approach to feminism was to look for a multiplicity of meanings as opposed to a particular one," said Greenberg, after the reading. "In her mind, women would only be free when the term sex no longer means either male or female."

"She wanted to break open these categories," said Greenberg who was a close friend of Frug's. "That there would be more possibilities than just the two roles that our discourses about gender usually give us."

Bunting Fellow Florence C. Lad, also a friend of Frug's, read a selection that discusses gender and career choice options. And Professor of Law David W. Kennedy '80, recited passages from chapter seven of Frug's book: "Rescuing Impossibility Doctrine: A Postmodern Feminist Analysis of Contract Law," a selection that concluded the reading.

After the readings, Frug thanked his wife, Greenberg and the Routledge Publishing Company for their efforts in producing the book.

"It will serve for many years as an instructive guide to postmodern legal feminism," he said.

—From the *Harvard Crimson*.

World AIDS Day

World AIDS Day, the only international day of coordinated action against AIDS, will be observed on December 1.

The program began at the World Summit of Health Ministers on Programmes for AIDS Prevention in London in 1988 and since then, World AIDS Day has received the support of the World Health Assembly, the United Nations, governments, communities and individuals around the world. Each year, there is a new theme to focus the effort; this year the focus is encouraging commitment among local communities.

For the first time World AIDS Day will link communities throughout the U.S. in a unified observance of dimming lights and kindling candles.

The Public Health Service has rescheduled National AIDS Awareness Day to coincide with World AIDS Day.

The 1992 World AIDS Advisory Committee stresses that "World AIDS Day is a special opportunity every year to focus attention on this urgent problem that affects us all. It is marked around the world by thousands of different events designed to increase awareness, and to express solidarity and compassion."

Death of a Hero

The RECORD notes with great sadness the passing of Earth's greatest champion, Superman. The Man of Steel fell Wednesday, November 18 during battle with a creature christened "Doomsday" by Metropolis newspapers.

Superman's unparalleled career spanned fifty years, during which he faced the most terrible opponents that have yet been encountered by humankind, and yet never faltered in his struggle to protect the planet he had come to call home.

Superman gave his life to halt the rampage of the monstrous Doomsday, saving thousands - and perhaps millions - of lives in the city of Metropolis. Superman (real name left, out of respect, unrevealed) always exemplified what was best in humanity; he will be sorely missed.



Speakers at the Environmental Justice conference last weekend.

Environmental Justice Conference Draws Diverse Speakers and Audience

By Michael E. Wall

Special to the RECORD

A major conference on environmental justice last weekend brought together over 200 people from diverse cultural and political perspectives to debate the disproportionate impact of environmental hazards on the poor and people of color.

"The conference united groups who often have different priorities to discuss how environmental degradation affects people's daily lives, especially the lives of those who are in a position of unequal power in our society," said co-organizer Nelson Suit '93.

According to the speakers—more than three-quarters of whom were people of color—disempowered communities shoulder the burden of the nation's worst toxic waste dumps, the nation's most polluting factories, and, as a result, far higher cancer and birth defect rates than the rest of the country.

"In some urban central cities, up to 90 percent of African American children suffer low-level lead poisoning," said Marjorie Moore, co-founder of the West Harlem Environmental Action Coalition. "In any one child, the diminished I.Q. and poor health may not be noticed. But across entire communities, the affects are devastating."

According to keynote speaker Robert Bullard, a professor at U.C. Riverside and author of *Dumping in Dixie*, unimpeachable evidence proves that the U.S. E.P.A. reacts less quickly and less aggressively to toxic contamination in communities of color than in non-minority neighborhoods. "The reaction times are slower, the fines are lower, and the cleanup less thorough," he said.

"We will admit that an extraordinary number of hazardous waste facilities are sited in poor communities," conceded Peter Hendrick, Vice-President of Waste Management, while asserting that such sites may well be safe. "Poor and minority communities don't have as much political clout."

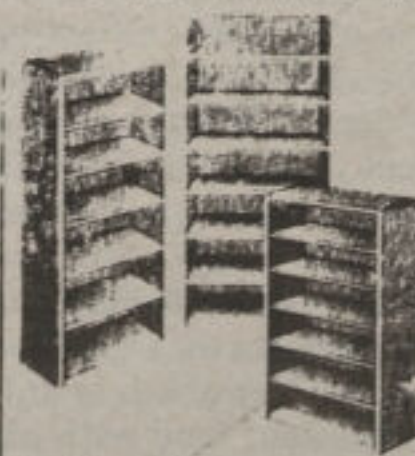
Several speakers called the perceived choice between jobs and the environment a false choice. "We spray fields with herbicides because they're cheaper than farm workers," said Luke Cole '85, staff attorney with California Rural Legal Assistance. "If you stop using herbicides, you would create many, many new rural jobs."

Cole urged environmental justice activists not to rely solely on litigation. "The various movements for social change in the last 25 years—the civil rights movement, the anti-war movement, the pro-choice movement—have all shown us that it is when people take to the streets and pressure their elected officials to hold them accountable, that's when we get real change," he said.

"So as lawyers, we have to build power in communities, giving people the tools they need to solve their own problems and figure out ways to let them speak for themselves."

The conference was coordinated by the New England Environmental Law Society, a coalition of student environmental groups at six area law schools. It was co-sponsored at Harvard by AALSA, La Alianza, BLSA, ELR, ELS, HLS Democrats, HLS South Asian Assoc., Human Rights Program, HRJ, ILJ, Labor Law Project, LSC, and WLA. The Nathan Cummings Foundation generously provided much of the funding for the conference.

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



Assembled Solid Pine
Ready to Finish Bookcases

\$75⁶⁴
36" x 72" x 9 1/2"

Over 500 in Stock
Low Low Prices

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

A Pilgrimage for All Times: Obscured By a Diluted History, The Rock Remains

By Todd Hartman

FOR the 102 passengers of the Mayflower, a trip to Plymouth meant 66 days of minimalist living across a tremulous sea which abandoned all they knew. In the defining pilgrimage of American history, only half the settlers would survive the first year. Whatever passion for freedom inspired this undertaking, it came to betoken the very roots of Anglo-American society and why it survived.

Today, there is a similarly imposing 40 miles of Massachusetts highway traffic separating the urban realities from this New World Mecca, and every Thanksgiving 30,000-50,000 tourists journey to find the historical essence which made these pilgrims so thankful. Either as a family trip or a placebo in the absence of loved ones, sightseers from all over the country drive through the streets of the first New England settlement, trying to glean what this holiday is all about.

"Surprisingly, the vast majority of tourists are from the New England area," said John Smith (no joke) of the Plymouth Chamber of Commerce, "However we do receive tours from Japan, Portugal, England and all over the world." The prevalence of area natives during the holiday reveals the poignancy such a visit has for people, according to Smith.

For those HLS students who are not traveling home next week, the trip will provide some sense of celebration, in addition to the cheap thrills of tourist exploitation.

Of course, predominating the scene is the fabled rock, enshrined with ionic columns in the main alcove of Plymouth Harbor. While the unimpressive slab of igneous engraved with the landing date, 1620, seems laughable, its history of plundered symbolism captures some significance.

"Originally, there was one larger boulder in the harbor, about 20' by 16'," explained Carolyn Travers of the Plymouth Plantation Historical Society. "There is no absolute confirmation that [the pilgrims] absolutely landed with a foot on the rock. It seems unlikely that they would have pulled up a wooden boat at the foot of a rock." It wasn't until over a century later that "the rock" was first placed in its historical niche.

"The first mention of it as an entity was in the early 1700s, when the town was going to build a wharf which would cover the rock," continued Travers, "Then an old man was said to be carried down in his wheelchair to the harbor's edge, saying that this was the rock on which his forbears landed." Since that time, "the rock" has been splintered and moved from appropriate location to appropriate location before being returned to its present site.

Whether genuine or not, the rock remains an attraction for reasons no better explicated than by the

stretch of colonial architecture and modern functionality bordering the horizon. The very fact that Plymouth, like the rock, has survived from the nascent roots of that first terrible winter serves as firmament enough to evidence the Puritan mettle which, for better or worse, came to dominate US culture.

For a more graphic look at Puritan life, the 17th century lifestyle of the original Plymouth Plantation has been recreated just outside of downtown. For \$10, an approachable and well researched presentation of the Pilgrims daily life is expertly portrayed by a repertory group of seasoned actors, who in some cases have all but become their roles. In the expertly recreated plantation huts, some of these modestly paid historians spend literally all year demonstrating the daily rigors of American life in the 1600s. Candle making, cloth weaving and even corn husking goes on as a daily activity as it did then.

As part of an \$18 tour package, visitors can also experience the prior hardship of the Pilgrims by stepping aboard the Mayflower II. Recreated for the tercentennial of the landing in 1920, this replica of the original vessel which transported the Plymouth settlers embodies all the claustrophobic foreboding such explorers regularly tolerated. The moderately informed tour guide tells of daily sleeping and eating conditions in graphic detail, which you may or may not find interesting. The low ceilings and other unique gadgets of colonial sea life are interesting, but in a sense not specific to the Thanksgiving experience. Those who have already toured the USS Constitution in downtown Boston need not bother

unless antique sea vessels are of particular interest.

Also part of the tour package is a visit to the recreated Indian Homesite, located adjacent to Plymouth Plantation. The most familiar of all Native American portrayals, this tour reiterates the aid of Native Americans in helping and allowing the survival of the Plymouth Plantation through that first winter in which one out of two Pilgrims died. Leather craft and all the nifty uses for corn are recreated in a tactful, if not unique, manner. If nothing else, the homesite illuminates the magnitude of this inaugural clash of cultures on American soil and the natural fears that both pilgrim and Native American had to tolerate before their briefly mutual coexistence.



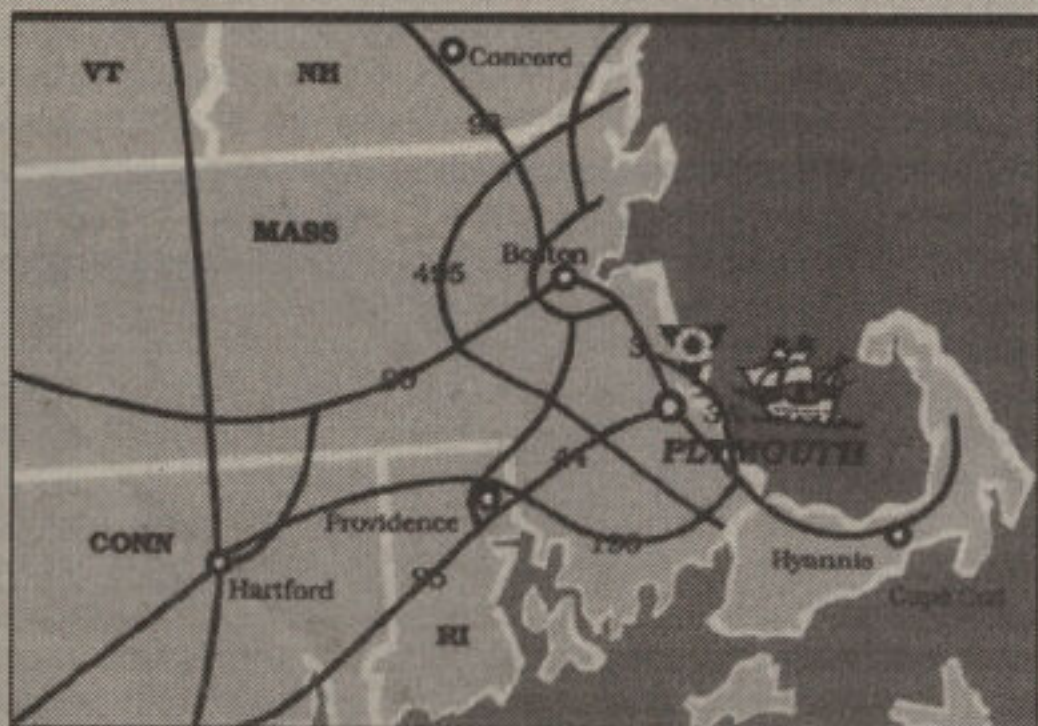
The traditional experience can only reach closure with the Thanksgiving dinner served in Memorial Hall, downtown. Ripping away many modern conventions, the turkey and all its accouterments are served by Pilgrim clad staff over large tables, recreating the communal ritual which occasioned the annual celebration of thanks. For \$21, no one leaves hungry while getting a taste of authentic preparation before the days of MSG.

Speaking of MSG, Plymouth, like all places of tourist convergence, offers plenty for those with a palate for the artificial. Just across from Plymouth harbor, the bright lights marking the John Alden Gift Shop glow with cheesy enticement. Inside, plastic objects of all colors and shapes, most having nothing to do with Thanksgiving or John Alden, can be had at an appropriately ridiculous price. The colonial hats, kissing pilgrims, and lobster claw salt and pepper shakers are among the more subtle selections.

Once so weighted by the scurrilous trappings of commercialization, a short trip up the hill to Pilgrims Hall finds the National Wax Museum. A \$5 ticket purchases access to a vast array of wax figures from colonial history and beyond. Some even actually resemble the persons they claim. Of course, a mass media representation with a flair for the melodramatic accompanies the final stage of the tour, representing the pilgrims plight in a manner not meant to be nearly as comical as it ultimately proves.

Upon mealtime, those unconcerned with tradition and lacking funds for the full Thanksgiving regalia can find good seafood and lots of it just to the north of Plymouth Harbor. Ziggy's Seafood Shack offers a low priced double lobster special which will placate the depth of a holiday appetite, if not the aesthetics. However, while the plastic plates and trays can barely contain the heaping portions, the satisfaction usually passes by the first restroom stop on the way home.

Infinitely more lasting is the impression Plymouth leaves on the holiday traveler. Even in the absence of relatives and others held dear, a spirit of surviving together overcomes whatever personal hardships the modern pilgrim may carry, at least for a time. The rock and the pilgrims hang on, like the memories of our own grace which no one can take away. And like all in our past for which we will soon take pause to be thankful, the rock will remain.



Clinicals: Hands-on Experience at HLS

By Glennis Gill

This is the first in a series of articles focusing on the clinical program. Later articles will feature particular clinical sites.

While most HLS students are beginning to worry about exams in courses that for many have turned out to be less interesting than one would have imagined, a large number of their colleagues are engaged in real legal work, learning through doing.

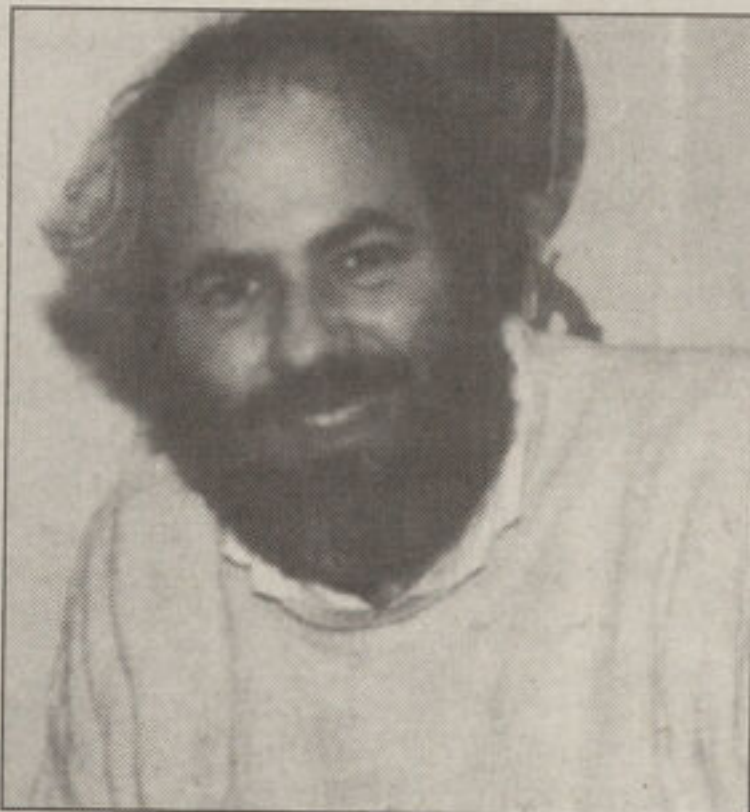
These students are part of the clinical legal education program, primarily a series of teaching institutions which use the provision of legal services to those who can't afford it as the vehicle for teaching the law.

Although not renowned for its clinical program, Harvard actually offers about twice as many programs as schools like Georgetown and NYU, known for large clinical programs. As Daniel Greenberg, Director of Clinical Programs, says, "I don't think that most people within the HLS community understand the breadth and depth of clinical offerings we have here." He continues that "in educational terms, there probably isn't any legal educational model we don't replicate in some way."

The HLS clinical method is in deep contrast to some other law schools, where the focus is on large, test-case litigation or class actions. Greenberg thinks the HLS program can be very beneficial "particularly for HLS students, whose first

instinct in resolving issues is to file a big lawsuit. The legal services practice and the exposure to people's lives is a counterpoint to that instinct." And in educational terms, working with the statutes, regulations and bureaucracies is very different from the theory of how law works.

Another advantage of clinical education is that it has the ability to adapt more quickly to the changing world than traditional courses do. For example, the legal issues raised by AIDS led to the creation of a course.



Danny Greenberg

fact that "we have a somewhat different philosophy of legal education than some other schools. Our work is much more connected to the traditional curriculum — one cannot receive clinical credit unless one is enrolled in a classroom course. While we have a lot of different offerings, the educational theme to all of them is interaction with real clients, generally in a poverty law setting, with clinical instructors who are also practitioners working with faculty or lecturers who teach courses."

Given that clinical legal education can

be so beneficial, why not make it mandatory for all HLS students? Greenberg explains that the Public Interest Advisory Committee, which met two years ago for a year and a half, decided not to make it mandatory but instead to create 1L offerings that would lead into clinicals. This has been done twice, once with Professors Edley and Rakoff's Law of the Administrative State, and once with Professor Bellow's Lawyering for Poor People.

While different from the case method,

According to Greenberg, "in educational terms, there probably isn't any legal educational model we don't replicate in some way."

According to Greenberg, these aspects of HLS clinical legal education reflect the

Greenberg points out that clinicals "nonetheless use recognized educational theory — we learn to do some things simply by doing them, and under guidance of a knowledgeable person, we can reflect on that experience." He adds that "in some ways we're trying to replicate the medical school model. . . We're saying that there is an important role for learning by doing. Law school education would be incomplete without a general understanding of what practice is like."

HLS students can gain this understanding at one of several different clinical sites.

The largest number work at the Legal Services Center in Jamaica Plain. LSC, a part of Greater Boston Legal Services Center (GBLS), provides legal assistance to thousands of income eligible people from Jamaica Plain, Mattapan, Roslindale, Roxbury, Fenway and Dorchester each year. Director Cheryl Burg points out that the Center has a full-time staff of about twenty — both attorneys and paralegals — who are both case advocates and clinical instructors.

Students, who work at the Center year-round (Northeastern students are there in the summer) are placed in either Landlord/Tenant, Family, or the Multi-service Unit, which deals with public benefits and AIDS law. According to Burg, the Center "provides good service to the low-income community while at the same time training and educating our students in handling cases." Students are responsible for their own cases, and handle all facets, from the initial intake to court appearances. "It makes a world of difference for students to do a clinical placement," Burg adds, "because it's very people oriented." Also, students are in communities where they wouldn't otherwise be, going to the Social Security

Administration in Roxbury Crossing or Roslindale, etc.

The Center will be moving in March into a completely rehabbed, four-story building at the corner of Amory and Boylston Streets, which Burg says will enable them to expand services, increase the number of students, have greatly improved work space and be in a more convenient location for all since the new building is located near the T and in a neighborhood where more of the Center's clients live.

The current cramped quarters at 3529 Washington St. has been rented since 1980 and as any student working there can attest to, is quite insufficient. Burg enthusiastically explains that "the Dean has done a great job. . . We originally met with the Dean about renting new space, and he suggested raising the money for our own building, which he then did," with a two million dollar donation from Hale & Dorr. Burg continues that "the Dean has been extremely supportive of us" and that "the most important thing about the new building is that it demonstrates Harvard's commitment to the Legal Services Center as well as the permanence of our place in the community."

Students working at the Immigration Clinic at Cambridge and Somerville Legal Services provide representation to immigrants and undocumented workers. It is one of the few providers in the state representing those seeking political asylum.

Within Pound Hall is housed the Criminal Justice Institute, a major program of education, practice, and research in matters of criminal justice. Abbe Smith, the Acting Deputy Director, explains that "in addition to running an in-house clinical defense program and taking on interesting cases, we also produce research and scholarship."

Smith continues that students at CJI "have an intense experience doing criminal defense work. They're lead counsel in criminal defense cases in Dorchester and Roxbury District Court, handle on average five cases, and receive intense supervision from one of the four full-time clinical teachers who are themselves long-time defense attorneys." Their cases range from disorderly conduct to serious assaults to drug cases, and "students very often go to trial before judges sitting without a jury and occasionally go to trial before a jury," Smith says.

According to Smith, CJI believes very much "in integrating doctrine and practice and in raising questions throughout the course about professional role, professional responsibility, the nature of zealous advocacy, the bounds of client autonomy and personal and professional conflict."

Four students just worked with Abbe Smith and Mary Prosser on the highly publicized case of Lisa Grimshaw, a woman serving 15 to 20 years for manslaughter for having participated in the killing of her abusive husband.

HISTORY OF THE CLINICAL PROGRAM

Clinical legal education as a distinct methodology began at HLS in 1966 with the establishment of the Community Legal Assistance Office (CLAO) in Cambridge under the school's auspices. Until 1971, students represented indigent clients in criminal and civil matters at this program.

In 1971, Professor Gary Bellow established the Lawyering Process and Criminal Trial Advocacy courses, which were later combined with an intensive trial advocacy workshop into the several Introduction to Advocacy sequences.

The Office of Clinical Programs was created in 1973, allowing for the development of clinical courses in appellate advocacy, housing, prison law, family law, government law, alternative dispute resolution, civil liberties and others.

Clinical education was greatly enhanced with the establishment in 1977 of the Jamaica Plain Legal Services Institute in a joint effort by Harvard and Northeastern aided with a grant from the Legal Services Corporation. Now called the Legal Services Center, this has and continues to be the largest placement for HLS students, up to 75 per semester. In 1984-85, a cooperative arrangement between HLS and Cambridge and Somerville Legal Services (CASLS) began which provides placements in immigration law.

A number of courses approved in 1987-88 by the Committee on Legal Education enabled students to work at placements in the Department of Environmental Protection, the U.S. Attorney's Office and the Attorney General's Office. In addition, students could now concentrate on legal problems related to AIDS. And in 1989-90, students were first allowed to represent patients in state mental institutions.

The Criminal Justice Institute, led by Assistant Professor Charles Ogletree, opened in 1990-91.

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



Improving the dilapidated Hemenway gym will be among the priorities of a new LSC committee.

RECORD File Photo

New Committee Gets Beyond Politics

By Derek J. Honoré

Despite the much-ballyhooed political rift in the Law School Council, both "liberals" and "conservatives" on the Council's Facilities and Services Committee are committed to making "real, tangible differences in the lives of students here on campus," according to Committee Chair Kerry Davidson '94.

Following up on the previous committee's success in obtaining shuttle service to Somerville (see related story, page 2), Davidson and his committee are working on several "quick-hit projects," designed to effect lasting positive changes in a short period of time.

"There are a number of things which can and should be improved almost immediately," said Lezlie Jensen '95, citing as an example a cleaner, safer Hemenway Gym. "The dust that accumulates on the floor is dangerous to both the basketball players and those participating in aerobics. People fall down and hurt themselves. This would be easily remedied if the staff swept the floor at least once a day or at least left a broom up there so the participants could do it themselves."

Other "quick-hits" on the committee's

agenda include such items as change machines in the dorms. "It's actually in the interest of the vending companies to work with us in this regard" said Clark Goodman '93. "I mean, if we've got to walk to the store or Laundromat to get change, we may as well buy our sodas there or do our laundry there."

Yet, the committee's goals are not all short term. Regarding Hemenway Gym for example, the committee has fielded a lot of requests that a push be made for a Stairmaster. Davidson points out that "at seventy bucks a pop, we're putting a lot of money into the athletic department's coffers. If they can't afford a Stairmaster, they should show us why not."

Another ambitious program that the committee plans to implement this year is a used book exchange. "It's based somewhat on the program my father told me they used back at Notre Dame," explains Mike Sullivan '93. "We'll basically bring together those students who have taken the courses and those who're planning to take them the following semester, and provide them with the place and information they need to make a fair deal for both parties. It's the free market at work!" The committee sees this as a logical response to the Coop's refusal to buy back

and sell used law texts, and more effective than flyers on the bulletin boards. The first book exchange of the year will take place on the first day of the Winter term for 2Ls and 3Ls, January 4th, at a time and place to be announced later.

There are a number of other projects which the committee is looking to implement including a computerized, pay-as-you-go meal plan (coupled with a push for better, healthier food and more choice), and also an interview shuttle, so that students needn't run to the Charles at the last minute during interview season. As one student astutely pointed out, "it's dangerous running on these Cambridge brick sidewalks in heels."

But Davidson points out that the committee needs not only the moral support, but the actual assistance of the student body. "Our committee is not composed solely of LSC members. We need more volunteers to work on the projects we have going and also to help brainstorm on further projects."

Davidson encourages all students interested in working with the committee, or those who have any questions or comments, to contact him at 493-9362.

CCR Holds Discussion with Rudenstine

By Toy Chandler

Nine representatives of the Coalition for Civil Rights (CCR) met with Harvard University President Neil Rudenstine on Wednesday afternoon as part of a continuing effort by students to inform the President of what they perceive to be troubling events at the Law School. By discussing a range of related concerns all at once, the students aimed to contribute to the President's understanding of the "big picture" of the problems at the School, according to Lucy Koh '93, who was among the group of CCR representatives.

Representatives of La Alianza, the Asian American Law Students Association, the Black Law Students' Association, the Women's Law Association and unaffiliated members of CCR met with the President for an hour to discuss issues, including the "hostile environment" of the Law School towards disenfranchised groups — including minority men and women — and the faculty hiring and retention process. These issues are closely related, according to Camille Holmes '93, a coordinator of CCR.

The students noted two recent events which, they said, were symptomatic of the more general problems at the school: the resignation of Professor Kathleen Sullivan '81 and the publication of an editorial in the *Wall Street Journal* entitled "Affirmative Action Backfires at Harvard Review," which questioned the qualifications of minority students on the prestigious *Law Review*.

Acknowledging that Professor Sullivan is leaving HLS for personal reasons, students noted that Professors Derrick Bell

and Susan Estrich '77, for example, were also serious losses to the HLS community. They articulated their concern that some present faculty members, such as Professor Chris Edley '78, have expressed dissatisfaction with their lives at Harvard and may also choose not to stay.

Rudenstine responded by ensuring the students that although under normal circumstances he would "turn up all levers" to convince faculty members to stay, there had been "no wriggle room" to persuade Professor Sullivan. Students expressed skepticism, emphasizing that the retention of minority men and women professors should be a greater priority.

Issues were discussed in the context of the "hostile environment" that the students say many status-minority men and women experience at HLS.

Lucy Koh '93 pointed out that rumors about Sullivan staying in California permanently "were already flying" as she was preparing for her absence from the school last year.

"If 1Ls knew what was going on," said Koh, "the faculty and administration surely should have also been suspicious and done more about it."

These issues of faculty hiring and retention were discussed in the context of the "hostile environment" that the students say many status-minority men and women experience at HLS. Holmes related the story of an HLS student who was assigned extra work by a professor because the configura-

tion of a classroom prevented the student from navigating his way to the front of the room with his wheelchair in order to participate in a panel discussion.

Students pointed out other contributing factors to the "hostile environment" such as the controversies at the *Law Review* last spring and this fall, and the perception that many faculty members remain uncommitted to working with students on

B.E.L.L. Foundation, Dedicated to the Black Community

By Jonathan V. Newton

Special to the RECORD

There is a crisis in the Black community. For several Black law students the B.E.L.L. foundation is a solution. The B.E.L.L. foundation (Building Enterprises for Learning and Living) is a bold plan spearheaded by Earl Martin Phalen '93. The goal is to raise a 1 million dollar endowment fund to be used in bridging the gap between economic classes in the Black community.

The endowment fund will yield approximately sixty thousand dollars a year in interest which would be divided equally among child-care programs, scholarships, and small business development. The foundation is staffed by student volunteers at present, however provisions are being made for full-time trustees and oversight which will guarantee consistency of management and security of investment.

The founders of this foundation hope to receive up to half of their endowment through contributions from law firms. This will be done by capitalizing on the commitment to diversity and community service which many law firms profess. Ideally law students with offers for employment would present the B.E.L.L. foundation information packet to their prospective employer. The combination of the law firms commitment and the interest in recruiting a promising young attorney should prompt a willing donation.

But one must ask, is the BELL foundation a workable plan, or will its lofty goals and purpose be overshadowed by the obstacles ahead? The ominous shadow of administrative difficulties and limited resources threaten to block the rays of hope the B.E.L.L. foundation offers. Volunteers may find themselves overwhelmed by huge numbers of funding requests, and sixty thousand dollars is a dimly small figure when contrasted with the magnitude of the problems the B.E.L.L. foundation hopes to address. To alleviate such doubts one need only look at the caliber of the volunteers involved.

B.E.L.L. foundation volunteers have already proven their ability to overcome obstacles by being admitted to HLS. Now they are anxious to turn that talent outward. The foundation is a vehicle through which these talented students can channel their energies to the benefit of those lacking similar opportunities. Each year the law school attracts hundreds of students who are dedicated to community service. However, for Black students the task of transforming academic ability into tangible benefits for the Black community is not always easy. Legal services work in school and/or pro bono work after graduation is often limited in scope and sporadic.

The B.E.L.L. foundation will not be sporadic. The B.E.L.L. foundation will be an ongoing endeavor which follows the recipients of its aid through difficult times. Furthermore the challenges presented will be worthy of volunteers with the talents of HLS students. Overcoming difficulties will be second nature. Additionally, the B.E.L.L. foundation will not limit its staff to law students. Black students from Harvard Business school will lend their analytic skills to the business development aspects of the foundation. Furthermore, these students will offer consulting services to funding recipients, and to businesses without the resources to pay competitive rates for such services.

please see CCR, page 14

please see B.E.L.L. page 14

Harvard Law RECORD

Founded in 1946

Robert C. Arnold
Editor-In-Chief



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, 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 •

Stupidity has Real, Painful Repercussions

In response to his commentary on animal rights entitled "Out of Sight, Out of Mind" (RECORD 11/13/92) I must say that I commend Mr. Panter for not reaping the benefits produced by the senseless wasting of animal life by purchasing fur coats and eating McDonald's hamburgers (if you consider that real meat). As Mr. Panter points out in his commentary, this is a "disturbing and hypocritical aspect of American culture". It seems only hypocritical for someone to preach

about the inherent evils of something they openly disagree with (such as animal research), and then to reap the benefits produced by such "evil and inhumane origins", as Mr. Panter phrases it. This hypocrisy runs rampant in our society, and it comforts me to see that some people, such as Mr. Panter, have remained above these evils.

I have but one question for you Mr. Panter. How did you get around the Harvard Law School requirement of providing proof of your vacci-

nation record? Surely, you have not received any vaccinations in your lifetime, for such medical advancements have "evil and inhumane origins". I can only anticipate your response to this question and I feel compelled to remind you of the words that you uttered at the end of your commentary, "You must realize that your obstinate stupidity has real and painful repercussions".

Michael Williams '95
November 17, 1992

Intelligent Critique, not Pointless Backlash

I write in response to David Lopez's Friday the Thirteenth column, noting that it was indeed an ill-omen regarding the continuing sexism in our society and our law school. To suggest that the "Wanted" posters of Coben and Fenyo were the result of some small infraction of the norms of PC conduct is really mind-blowing.

I don't know how else to explain this to you, so I just want to you to imagine that we live in a society where wives and girlfriends beat and murder their husbands and boyfriends on a daily basis, where you are afraid to walk home by yourself at night and have to constantly ask women to walk with you. Imagine that you stand up against this society that tolerates violence

against men, but eventually end up being murdered by a woman. She stabs you in the penis and testicles. A year after your death, a group of these man-hating women celebrate your death and denigrate you for standing up against this sort of societal man-hatred. Dave, if this scenario were true, I would like to think that I would put up a "Wanted" poster with the names and addresses of the employers of the women who parodied your life and murder, too.

But of course, the coup d' grace of your column is the line "I don't care if anyone calls me Hispanic or Latino or anything worse." Dave, there are so many things I could say in response to this. But I will say only this. I'm very sorry

that you are so ashamed of your ethnicity. I sincerely feel sorry for you.

I think that there is a general perplexedness and annoyance on the part of some about why we liberals never shut up and keep harping on our dogma. I'll tell you why we don't shut up: I read your column and think, "My god, this guy goes here so he must be very intelligent, and he still doesn't get it!" I can only wonder if you have been listening, Dave. I am not saying that feminism, liberalism, *Thelma and Louise*, etc., are not open to intelligent, informed critique. I'm saying that I'd like to see it.

Elizabeth Moreno '93
November 17, 1992

I Tend to Write How I Talk

Dear Ms. Moreno,

I've gotten three critiques of my movie reviews so far. As you know, I've been using the movie review to talk about whatever I feel like. I tend to write how I talk, which means that when I talk, I put my foot in my mouth as much as I do in print. I try not to hurt anyone's feelings, but inevitably I do. In this case, though, it was entirely on purpose. This is my third year at this law school and I've seen a lot of mean and nasty things happen in the name of enlightenment or education or whatever it's called, and if I can somehow convince people to stop being nasty, then good for me. Actually, I just felt like writing so I did.

I don't think I have very defined views about anything, but I do come from a strong individualist point of view. Very John Stuart Mill or René Descartes and especially Jesus as I see him. I was also brought up as a man in this society and I know that has had an impact on my thinking, but not all that much. Let me use a technique I learned from my liberal friends at Berkeley, which is to relate something personal, and then say you just wouldn't understand because we're just different. However, since I don't think anyone is different at all, I won't say the last part.

I spent the first eight years of my life in South America. My dad is Colombian and my mom is American, but fluent in three languages. The reason she left Colombia after ten years was that my dad not only had affairs, but he cut her off as far as money went and he ended up hitting her. Kicked her like a dog, she says. Anyways, I learned a little bit about the artificiality of social constructs when I learned how different a 'real man' is in South America and here. In South America, if a man cries, it's because he's passionate, he cares, he feels deeply and he's not afraid to show it.

Let's just say I cut out the crying bit real quick when I had to deal with the States. We ended up being really poor here, we had to sleep in sleeping bags for a long time, didn't have any furniture. Bad neighborhoods, too. I remember the only reason I got into sports was because gang members would hang out after school looking for fights. Also, my mom is really pretty and she came to school once and the gang saw her; we were living alone. No joke, if those guys ever would have followed me home and found out where I lived, my mom would have been raped and murdered.

Well, that was only for a few years, my mom remarried a really nice guy and they are living well. I'm just trying to say that even though my gender is male, I do know something about women's issues. Oh, yeah, my mom worked night shift in a winery getting paid about a third of the men and she got audited by the IRS, they made her pay for her workbooks because she didn't have a receipt. Now all this doesn't mean I know everything about women's issues, but I think I'm past the 'men don't get it' stage.

Now, as for the Coben and Fenyo thing, I don't defend what they did, it was clearly wrong, an easy case, and it's ok to get mad. But, and this is what the gist of what I was saying in my article, it's not OK to get even. You can change their minds, you can throw things around the room, whatever, but geez, trying to get someone fired, ouch. You have to admit the whole atmosphere around here turned nasty. Now, I've heard that well, some people feel really strongly about this. Well, if I'm willing to let Coben and Fenyo slide for writing the parody, I'm willing to let the poster people slide too. But if someone's saying, "no, actually, I feel strongly about it and therefore it's ok that I savage these people," I disagree. It's not ok.

If you can convince me it

is ok, then I will join them. I'll go even farther, I'll think of new and better punishments. I usually try to be nice, but it's not easy, and if I could justifiably take a break once in a while, it would be much appreciated.

Anyways, to continue. I think I was being a little unfair with *Thelma and Louise*, it was a movie about women, which doesn't happen much in Hollywood. It's actually one of their better movies. The thing that bugs me about feminist - liberal movies, though, is that I get the distinct impression that they talk down to people. Instead of the attitude being, "hey, we're all in the same boat together, let's care about each other," it's more like what you said — these guys must be intelligent, why don't they get it? I was just pointing out that a lot of people don't get it. You, me, everybody.

Now, as for the Hispanic/Latino thing. I'm not ashamed, and you don't sincerely feel sorry for me. It's called forgiveness. It's the ability to take a hit and not hitting back. It's the underlying strength of a person that's able to see through exteriorities and see the human being underneath. I think of it kind of like being teased as if I were rich or something. Make fun of me all you want for having a million dollars, but in the end, I'd still have a million dollars. I also see it as a celebration of differences to be teased for what you are, it's an affirmation of sorts. Now, I know you can't take this analogy to all levels, but among friends, or maybe even the law school community, I'm willing to lay down my rights.

Just a couple of other points. I'm ecstatic that my reviews remind you of real reviews, I'm happy that I made you think about it, thanks for the letter. Also, I'm not smart, I just go here. But thanks for the assumption.

David Lopez '93
November 18, 1992

Clark's Statements Reminiscent of *Plessy*

By Timothy Seaver '93

IN his now infamous statement to L. Gordon Cravitz, Dean Clark posited last spring that the diversity movement at Harvard was little more than a symptom of the lack of confidence that minorities feel as a result of affirmative action.

In the aftermath of the statement's publication in the *Wall Street Journal*, many students on campus expressed a profound sense of anger and frustration at the Dean's obtuseness regarding the diversity movement, as well as his incredible condescension toward the students involved in that movement. It seems, however, that there is something more to Dean Clark's statement than simply obtuseness and condescension. Indeed, by suggesting that the "problem" behind the diversity movement lies in the minority students themselves, Dean Clark merely added a modern twist to a very old and very ugly argument.

In 1896 the United States Supreme Court was presented with a challenge to a Louisiana statute that required railroad companies to provide "equal but separate accommodations for the white and colored races." The plaintiff, *Plessy*, argued that a majority-imposed separation of blacks and whites would necessarily result in stamping blacks "with a badge of inferiority." In responding to this argument, the Court stated that "[i]f this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it."

According to the Court, whatever evil that resulted from the law derived neither from the law itself nor from the people and institutions behind the law's passage. Instead, fault lay squarely on the shoulders of blacks themselves.

Today this argument seems particularly absurd. The modern reader of *Plessy v. Ferguson* is repelled by the notion that whatever subjugation blacks felt in Louisiana in 1896 was simply the result of their own choice. Yet this crude concept of choice allowed the Court's justification of what we now accept as a profoundly racist policy. For the jurist of the 1890s, choice was the crucial currency of legal discourse; it explained the intricate working of the market and it offered the essential justification for a law of contract that treated industrialist and laborer as bargaining equals. Thus, by applying the principle of choice to the black's sense of inferiority and oppression under Jim Crow, the Court could justify its own assertion of the law's legitimacy.

Similar to the plaintiff's attack on segregation in *Plessy*, supporters of the diversity movement at Harvard argue that the Law School's lack of minority professors results not from a neutral policy fairly applied, but from discrimination. In discussing these charges with Mr. Cravitz, Dean Clark chose not to address the issue on its merits; instead, like the Court in *Plessy*, Dean Clark located the problem within the psyches



of the people charging discrimination.

Unlike the Court in 1896, however, Dean Clark did not need to rely on a crude conception of choice in order to justify his failure to address the issue of Harvard's lack of diversity. In this case, Dean Clark could explain the minorities' self-imposed "badge of inferiority" by means of the unconscious. More specifically, Dean Clark posited that as a result of affirmative action, minority students feel a sense of distress when they do not see professors that look like them. As Dean Clark stated: "[t]he minority students need a sense of validation and encouragement, with the fundamental problem being a need for self-confidence that plays itself out as, 'why doesn't Harvard Law School have more teachers who look like me?'"

In this case, minority students have not chosen to read inferiority into a race-neutral policy; rather they have been betrayed by their unconscious lack of self-esteem. This regrettable consequence is not their fault, Dean Clark paternalistically informed us, it is simply one of the "symptoms of affirmative action."

Yet what if we were to turn the pseudo-psychoanalytic tables on the Dean Clarks of the world? Is it possible that Dean Clark, like the Justices of the *Plessy* Court, needs to justify his failure to address his own racism by attributing its manifestations to the very subject of that racism? After all, what evidence does Dean Clark offer to support his theory that the

diversity movement is merely a manifestation of its supporters' low self-esteem?

As a person who has been primarily an observer (albeit a highly sympathetic one) of the diversity movement at Harvard, I would be extremely hard pressed to call its leaders lacking in confidence. On the contrary, the diversity movement and its leaders have by any reasonably objective criteria exhibited a confidence in their position and their abilities strong enough to match even the heartiest of Law School egos (surely crafting one's argument into a controversial legal theory and pursuing it to the Massachusetts Supreme Court indicates as much).

Furthermore, would those opponents of the diversity movement who so adamantly proclaim that they have been silenced and oppressed want to admit that their oppressors are little more than a group of timorous wannabes? Could it be then that Dean Clark's attribution of low self-esteem to minority students actually masks his own unconscious feelings regarding their inferiority?

My central point here, however, is not to point out the disparity between Dean Clark's perception and reality. Rather, I suggest that Dean Clark's blithe dismissal of the arguments and experiences of students and facul-

ty alike as nothing more than the psychological byproduct of a particular policy, illustrates what appears to me to be one of the central points of the diversity movement — that we have not come as far from *Plessy* as we would like to think we have, even at Harvard Law School.

More importantly, even if one disagrees with the objectives of the diversity movement, it need hardly follow that one should tolerate arguments against it that

sound so deeply in this country's very real legacy of racial oppression. It need hardly be said that this form of argument ad hominem can only make resolution of this conflict a distant possibility.

Dean Clark chose not to address the issue on its merits; instead, like the Court in *Plessy*, he located the problem within the psyches of the people charging discrimination.

Students Defend Clinic

continued from ABORTION, page 2

strong sense of community there was. People opened their homes so the pro-choice demonstrators could use the bathroom and provided us with coffee, which was great because it's very cold at 6 a.m." She continued that "although it was a shame we had to be there, it was a powerful bonding experience."

The forty or so OR members were outnumbered almost ten to one by pro-choice activists of all types. Operation Rescue members were largely white, male, above age forty, and sometimes accompanied by young children, whom they also gave signs to hold. Pro-choice activists were of all races and ethnicities, and were divided about 80 % female, 20 % male. (The police, who kept a very low profile through this all, were about 95 % male).

Interestingly, members of both Libertarian and Socialist groups showed up at the clinic to defend women's reproductive rights. The Socialist group carried banners that read "Break with the Democrats;" "Build a Workers' Party;" "Free Quality Health Care for All;" "For the Separation of Church and State;" "Down with Aids Witch Hunt;" and "Women's Liberation Through Socialist Revolution!"

Libertarians touted signs reading "Pro-Choice, Anti-Tax" and "Pro-Choice and Everything." Both socialist and libertarian groups were about a dozen strong and mostly male.

A six-member marching drum band composed of members of the Women's Action Coalition paraded through, rapping: "Things were fine, when I was a fetus. Now that Dad's Gone, Mom's

money can't feed us. Got no health care, and that's a fact. Now that I'm alive I want my right to life back!"

Even though the pro-choicers lined up and linked arms in order to secure a safe access route to the clinics, a few Operation Rescue members tried to push through the lines and block the route of access. The few men who tried forcibly to shove the clinic defenders out of their way were stopped quickly by the police.

The Operation Rescue members held up banners that displayed pictures of bloody things that were supposed to represent fetuses and signs that read "Clinic Closed." They also crooned religious hymns through a loudspeaker and shouted "Mommy, don't kill us."

The OR voices, however, were largely drowned out by the hundreds of women's rights supporters, chanting "Pro-life, that's a lie, you don't care if women die;" "2-4-6-8-10... why are all your leaders men?" "Racist, sexist, anti-gay, Born-again bigots go away!" and "2-4-6-8, You can't make me procreate."

Marie-Louise Ramsdale '93 commented that "essentially through the whole day we couldn't believe we were having to do this in the United States in 1992." She continued that "It was a very empowering experience but I think it's a real shame we have to go to such extremes to protect a woman's fundamental right to choose."

All in all, Saturday was a failure for Operation Rescue. People who needed to enter the clinic were escorted through the pro-choice ranks by police and activists wearing "clinic escort" vests. The clinics remained open, and women's right to choose remained temporarily secure in the Boston area.

**Nobody
Does the
Law School
Like the**

R E C

O R

D

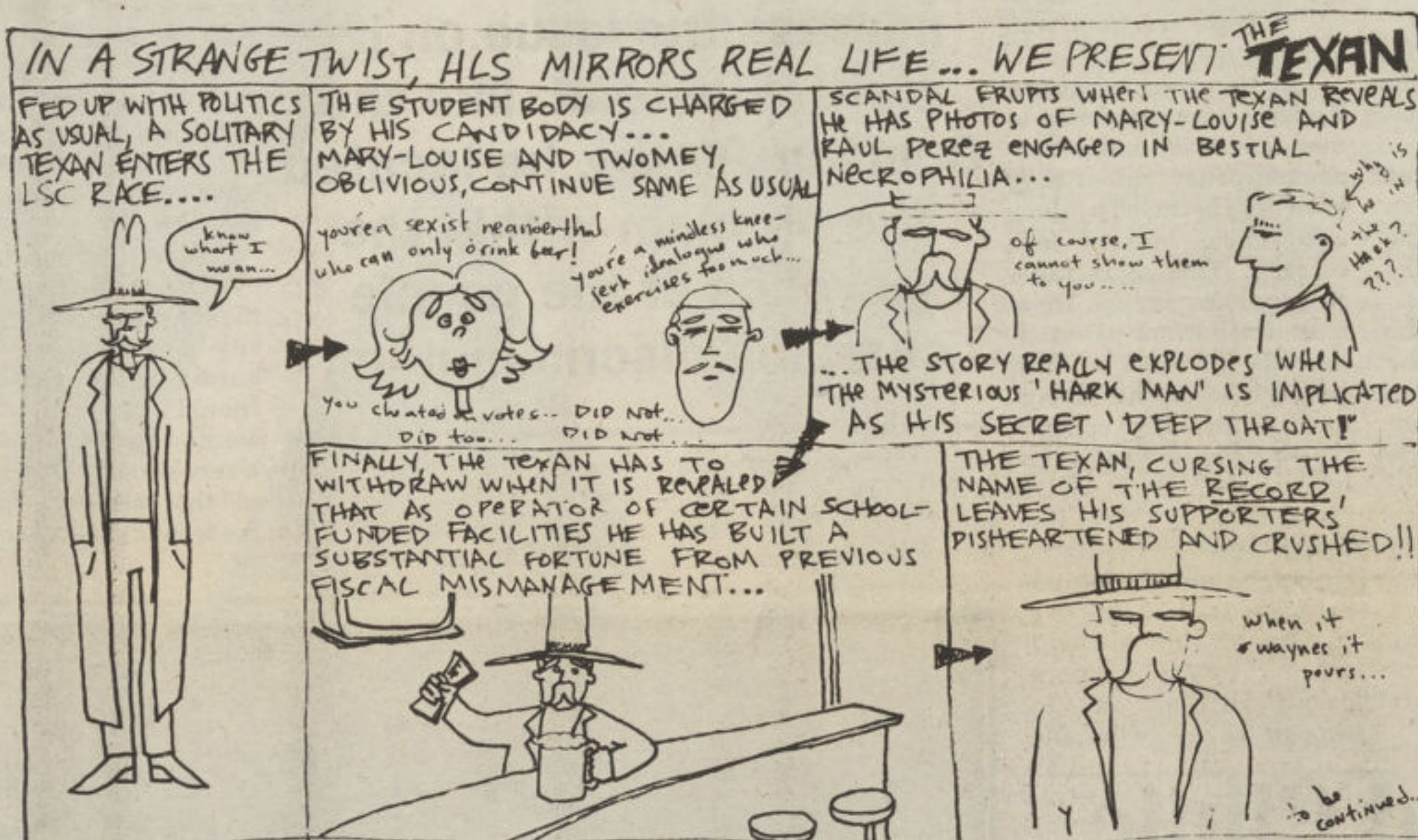
for information on writing for the RECORD or
the whereabouts of Jimmy Hall, call
435-4418 and ask for Linc Taylor

Liabilities

By Paul Taylor



The Texan



HOROSCOPES

By Rosie Cosentino

ARIES March 21-April 20: A wealthy or prominent woman can assist you in advancing your career, business or social status. The new moon brings success and rewards in business. Be careful of being snobbish. Wear some hematite to ground your emotions and bring good luck.

TAURUS April 21-May 21: You will adopt a more philosophical attitude toward partnerships and marital and romantic relationships. Social opportunities may come from a religious interest. Be careful of neglecting scholastic responsibilities. Be yourself and listen to some music.

GEMINI May 22-June 21: Your interests this week may lead you into the world of art and music. You may have your tarot read by a friend, do not play games. Studies are a little harder, because you cannot seem to keep your mind on them. Relax, you will overcome and win in the end.

CANCER June 22-July 23: Public relations for business are handled with ease, especially those related to luxury items, art, music, entertainment and politics. Be more social. Older people are drawn to you this week, you may learn from their advice.

LEO July 24-August 23: The spotlight is on the way you dress. Take an interest in dietary habits, personal grooming and dress requirements, especially at work. Meeting someone at the supermarket or laundromat could prove very interesting in the future.

VIRGO August 24-September 23: A week for romance, take time to give or go to a party. Investment in yourself and your creativity could be the start of something good. Time for you to pursue your goals. Your good work is being noticed, take advantage.

LIBRA September 24-October 23: A week to help a friend. A party or social function in your home allows you to be the center of attraction. Your good taste in decorating might open the door to financial opportunities on the side. The expression of your talents in music and art could surprise and impress a loved one.

SCORPIO October 24-November 22: A time to catch up with family and neighbors. Use tact and diplomacy in speaking and writing now — it will win you friends. Write, this is the time to communicate your feelings on a business or personal matter. Take time for an interview. All of the above will bring good results.

SAGITTARIUS November 23-December 21: Financial favors from employers, bankers or people of means can be sought now. Your sense of responsibility and self-confidence in yourself are realized and you can profit by this. A good time for travel, investments and studies.

CAPRICORN December 22-January 20: A week to be socially outgoing and active. Your charm and refinement will be pleasing to others. Finish up loose ends and get ready to create a new you. A friend made now will help you in school and in the future.

AQUARIUS January 21-February 20: A time of deeper appreciation of beauty and sympathy and compassion for others. It is a time to express a hidden talent. Take time to be alone. Love is getting complicated, making a choice now might not be good for your future. Have fun and enjoy all forms of recreation.

PISCES February 21-March 20: A good time to seek favors. Your hopes and wishes can come true, start making a list of what you want. Renew an interest in groups and organizations. Being social helps you achieve your goals. Use equal time and energy for business as well as pleasure.

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

For personal consultations contact:

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

NEXT ISSUE!



This is the final issue
of the RECORD this
semester. Happy
Thanksgiving, and
good luck studying
for finals!



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

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.

Confessions of a Shop-a-holic



By Alysse MacIntyre

RECORD Columnist

GOD knows why a smart girl such as myself should become like Jello in the face of marketing and hype, but I do. I am a sucker in the face of a sales pitch. I will buy virtually anything I've seen advertised enough. Like once I was watching Soap Operas. I remember very little of what happened, but I am told that right in the middle of *General Hospital*, I wandered out of the house and came home hours later with a bag full of douches in scents like "Herbal Meadow" and "Springtime in the Hamptons." I also apparently had a box of Huggies diapers, "just in case."

I have a closet where I hide my consumer nightmares. Realizing that I had to come to grips with the truth of my shopping dysfunction, I decided to sort through it recently.

I found my perfume, Red by Georgio of Beverly Hills. But not just my perfume. I have the dry oil spray, the powder, and the cream. This all came from that unfortunate afternoon at Macy's when I fell for the "fragrance layering" pitch.

Near by is my Princess Marcella Borghese Cura Natura night cream, made from genuine first cold press olive oil and genuine bits of olive. This came from a disastrous day at Bloomingdale's. I won't even say how much I paid for it, but had I been thinking, I would have realized that I could achieve the same effects by smearing salad on my face and at a fraction of the cost. Adding to my humiliation, I later found that the

Borgheses are among Italy's foremost fascists. I have to say, though, there is nothing sexier than me on the way to bed with bits of green olive all over my face.

On the bottom shelf are two bags. One contains outfits I bought on the rebound. Never go shopping just after you've broken up with your most recent Mr. Right. You will come home with the latest, trendiest horror that the fashion world has to offer. It will stand as a monument for all time that no matter how often you said he was a jerk and that you were happy to be rid of him, you were really off your head about the whole thing. So if you must go shopping after a break up, save your receipts. You'll thank me.

The second bag is even worse than the first, but at least I don't have to take responsibility for it. The one is called "the Grandma bag of horrors," filled with tacky gifts from Grandma that all the guilt of a Catholic childhood will not allow me to throw out. Its primary virtue is that it gives me some indication of the origins of my shopping dysfunction.

Included in this bag is a baby doll nightgown with a giant teddy bear appliqué and matching booties. Perhaps in trying to understand me, my grandmother started watching Sandra Dee movies and thought that I would like this. More likely, she realized that if I got near any man in this get-up he would go immediately flaccid.

There is also a plaster Christ with eyes that follow you when you walk around. At the time, she made a special point of telling me that it was for my bedroom. And there is a plaque with a prayer to St. Jude. St. Jude is the patron saint of lost causes. I think she meant something by it.

It use to be that as long as you stayed home you could avoid buying things that you'd regret for all time, but not so anymore. I am the ultimate mail order sucker. I haven't bought a bra from anyone but Victoria's Secret in 5 years. In gratitude, they've put me on their A1 Consumer Dupes List and sold my name and address to everyone else in the country.

Truthfully, I love reading the copy in mail order catalogues. I refuse to buy anything from a catalogue that doesn't have clever copy writers. And nobody but nobody beats the Good Vibrations catalogue for truly amusing writing. It's where I get all my best inspiration. For example, "We can think of dozens of situations in which a no-hands vibrator would hit the spot. After all, who hasn't been stuck in rush hour traffic, experienced workday blues..." Along this line, they recommend the Vibro G-String. "You'll look good and feel great in this elegant piece of functional lingerie." Hey, it's at the top of my Christmas Wish list. How else am I going to get through all those tedious document productions next year?

J. Crew wins hands down for their creativity with color terms. It goes a long way in compensating for the fact that their clothes are as dull as dirt. They actually sell stuff in colors like, "petrol," "bottle," and "fog." But my all time favorite J. Crew color term is "safety"

for a particularly garish shade of orange. They also have more shades of and names for "beige" than any one. I took an inventory of them: stone, natural, oatmeal, oatmeal heather, taupe heather, tea, wheat, khaki, chinos, saddle, tan, tobacco, chamois, straw, blonde, camel, ivory, ecru. But no beige. Heaven forbid.

The Victoria's Secret writers have done a lot to turn the trashy into the respectable. They introduced the term "body conscious clothing" which means tight and slutty but sounds better. And only they could try to convince the

world that a see-through stretch lace t-shirt is "The best thing that ever happened to the business suit." I can just see me wearing one of these things saying, "You're honor, may I approach the bench?" Oh, right!

Confidential to the Republican Weenie who tore my "Bye, George" bumper sticker off my locker: Ha ha ha, I laugh at you and your pitiful lame duck administration. Ha ha ha. But all is not lost; maybe Millie can go to the Lincoln's Inn formal with you now.

I am a sucker in the face of a sales pitch. I will buy virtually anything I've seen advertised enough.

Fenno

All afternoon Fenno had rehearsed his opening. "Clarence Darrow," he thought straightening the knot in his tie, "you got nothing on me." So what if he hadn't bothered to actually read any of the cases he cited, or even checked the citations? Fenno was ready to make history.

"No sweat," Fenno thought on his way over to the argument, "with my wit and charm, I'll have the judges eating out of the palm of my hand." Entering the room, Fenno gave his brief one last reassuring looksie, thinking, "hey, a Brandies brief has got nothing on this masterpiece."

The argument, however, didn't quite go the way Fenno had expected:

"May it please. . ."

"Councilor, what's the standard of review here?"

"Uh. . ."

"Councilor, you realize, of course, that *Plessy v. Ferguson* was overruled. Don't you?"

"Uh. . ."

"Councilor, isn't it improper to cite to Legal Lines in a court brief?"

"Uh. . ."

"Councilor, do you know the difference between a majority and a dissenting opinion?"

"Uh. . ."

"Councilor, you do understand that opinions handed down on L.A. Law aren't binding as precedent in this jurisdiction? Right?"

"Uh. . ."

For 15 minutes Fenno stood there getting hit by questions he had no idea existed, let alone how to answer. If it were a fight, they would've stopped it.

When it was over, Fenno limped over to the reception to suck down a few cold ones and wait for the judge's scores. Some time, and a six-pack later a messenger

came with Fenno's scores. Opening the sealed envelope, he stared in disbelief at the judges' computations. "A 29?" How could anyone get a 29 in an Ames Q-round argument? "You know," he mused in disbelief, "even Mauna Lasch probably did better than a 29. I've never even done this poorly on an exam! Well, there was Accounting, but that was pass/fail so it doesn't really count."

What was even more disturbing was the note from the judges stating that he was going to be reported to the Board of Bar Overseers for malpractice.

"Geez," thought Fenno contemplating the possibility of being disbarred before he was even admitted, "these guys have no sense of humor. What's the worst thing that could've happened to my client tonight? Oooh, maybe now he'll get thrown into moot jail. Gimmie a break."

Nevertheless, that 29, coupled with the 46 he got on the brief (O.K., so Fenno didn't know what the "O" treatment code in Shepard's meant, or, for that matter, even how to shepardize, what's the big deal?) pretty much guaranteed that Fenno and his mates (the James Sokolov and Associates, P.C. team) would be home for the holidays. "Boy," thought Fenno, rubbing his head, "the guys are really going to be upset with me. Then again," said Fenno re-assessing the situation, "anybody who'd have me on his team has got to know it's assumption of the risk."

Heading out of Pound, Fenno thought to himself, "Oh, well, 29 + 46 is a 75. 75 is average, right? I guess there's nothing wrong with an average score."

Quote of the Week

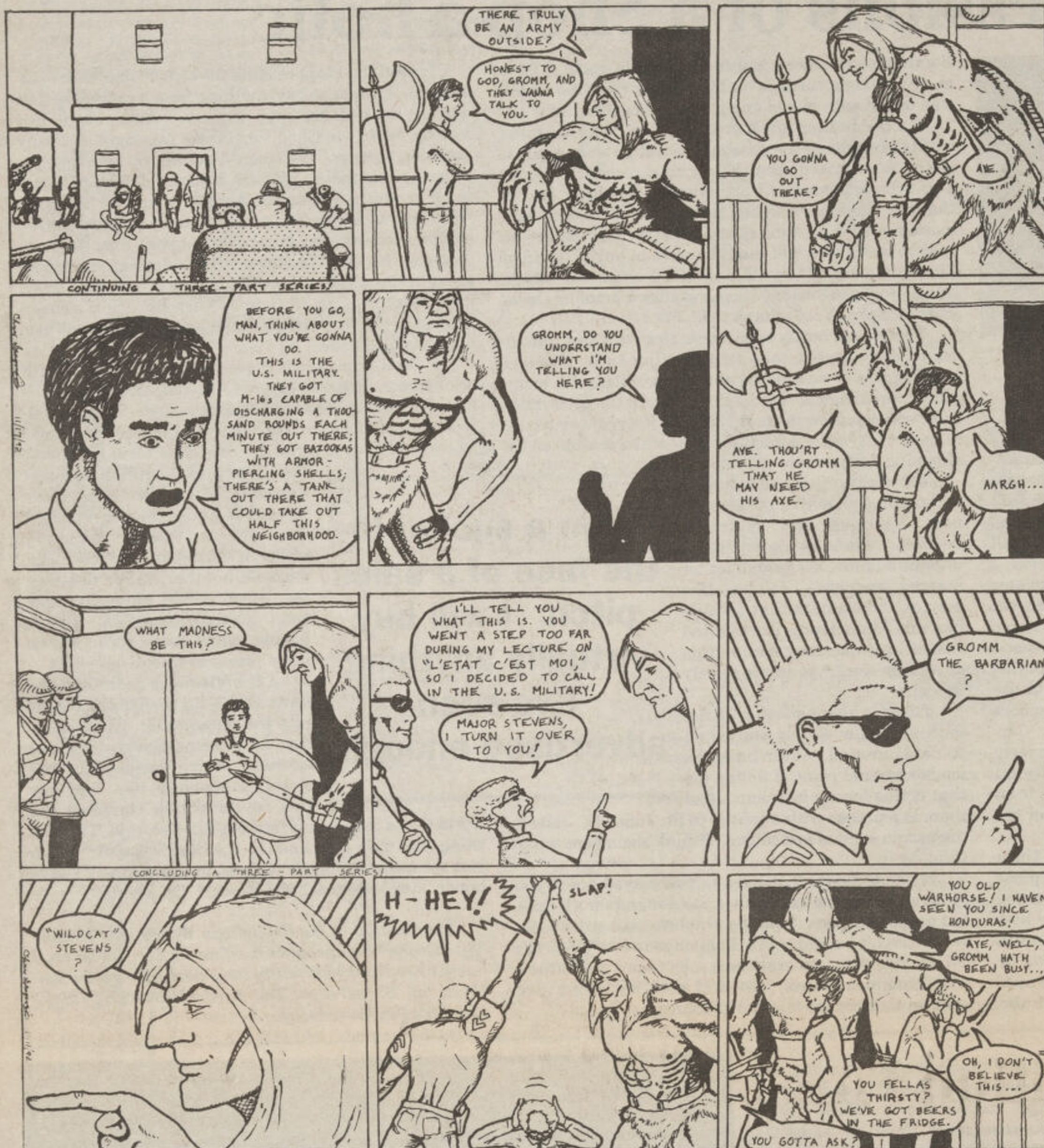
"I find that California has a strong allure."

—Prof. Kathleen Sullivan

We'll be back next semester!

Gromm: Barbarian at Law

By Chris Spagnoli



Sullivan to Teach at Stanford

continued from SULLIVAN, page 1

"was extremely saddened" by the news. "Her departure from Harvard will be a great loss to all of us," Clark's letter read.

Stating that she is "quite irreplaceable," Clark praised Sullivan as "a stellar teacher, a superb scholar, and a consistently positive influence on the life of the School." The letter added that he wished her "a happy and fulfilling life in her new venue."

University of Southern California Law Center Professor of Law Susan Estrich '77, a former professor at HLS and Sullivan's close friend, saw the change coming.

"Kathleen is one of the leaders in her generation of scholars," said Estrich. "I think [her departure] is a real coup for Stanford and a real loss for Harvard."

The Dean of Stanford Law School, Paul Brest '65, was very excited about the prospects of Professor Sullivan joining their faculty.

"The best way to put it, is that the school fell in love with her and we are glad it was reciprocated," said Brest. "The faculty and students are just ecstatic that she will join the faculty."

Many observers speculate that this is a great career move for Sullivan

ic that she will join the faculty."

Sullivan was extremely popular with students. She was awarded the first annual Albert M. Sacks-Paul A. Freund Award for Teaching Excellence by the Class of '92. The Class created the award in honor of two of the most beloved and well-respected professors in the history of the Law School. The award to Sullivan was particularly indicative of her popularity because she was away all of last year as a visiting professor at USC and Stanford. In a poll conducted by Class members, students praised Sullivan for her inspiring instruction and clarity of presentation in the classroom, as well as for her enthusiasm, compassion, and accessibility. "Her clear presentation and organization of materials made complex issues easy to understand and made class a joy and a challenge," commented one student.

Many observers speculate that this is a great career move for Sullivan. If she had remained at HLS, the thinking goes, she would have been perennially in the shadow of Professor Laurence H. Tribe '66. Although she is generally regarded as a force in her own right, many people don't look past Tribe on the HLS faculty on constitutional issues. Stanford too has a large looming constitutional scholar in Professor Gerald Gunther '53, however, Sullivan is projected as a potential replacement for the aging constitutional sage.

Sullivan is a constitutional scholar who has addressed issues ranging from affirmative action and abortion, to the First Amendment and federal funding for the arts.

She received a BA from Cornell in 1976 as a Telluride Scholar, a BA from Oxford in 1978 as a Marshall Scholar graduating with first class honors. She clerked for Judge J.L. Oakes of the 2nd Circuit upon graduation from HLS in 1981. She did appellate constitutional law and criminal defense litigation from 1982 to 1984 and has written extensively in her specialty. She teaches Con Law and Crim Law this semester.

Students, Profs Consider Clinton Jobs

continued from CLINTON, page 1

both in the transition/selection process and as members of the long list of potential candidates.

"The task of the group is to prepare recommendations for Clinton on those matters that he has to decide within the next sixty days," said Edley. He also had high praise for the transition team.

"It's clear from the conversations I've had that the leadership understands very well what the political and policy demands are for a successful policy. The communication and other skills that were evident in the campaign are being applied with the same care for detail and strategy that we saw over the last several months," he added. "It's much sharper than what I saw in the Dukakis campaign or the Carter White House. They've really studied and mastered the lessons of history."

Edley was very forthcoming about his desires for some sort of position in the Clinton administration. "It's an open secret that I have long hoped to return to Washington to work in government." When asked if his position on the transition team precluded him from being considered for an administrative position, he indicated that it didn't.

Edley served as Assistant Director of the White House Domestic Policy Staff, responsible for welfare reform, social security and related programs in the Carter administration, and as Issues Director in the Dukakis campaign. As Issues Director for the Dukakis campaign, he had overall responsibility for all areas of policy, including domestic policy, national security and economics, and ran a staff of fifty people.

Andrew McLaughlin '94, who organized the National Law Students Association for the Clinton campaign, expected many of his former colleagues from HLS to continue their commitment to the Clinton presidency.

"I know there are a bunch who are hoping to do it," said McLaughlin, speaking of students interested in immediate political appointments. "I think their best bet is to pursue traditional paths and connections. Unlike some, I'm not going to leave Law School. But once I graduate I'm certainly putting that [working

in the Clinton administrations] as my number one priority."

Of those students who are considering an early exit into the political scene, McLaughlin speculates that Chris Lehane '94 is the best bet. Lehane, as the campaign's State Political Director for Maine, swung the long-time republican electorate to Clinton, winning "major kudos" according to McLaughlin. With continuing involvement in the campaign and a part-time HLS schedule, Lehane was unavailable for comment.

Others with potential ties to the Clinton cabinet include the recently departed HLS graduates from the Class of '92. Julie Gordon '92 has spent her time since graduation last June working on the campaign from Little Rock. While her time commitment with the political office would make an appointment likely, she has chosen not to be a member of the transition team and will instead begin her job with the law firm of Wilmer, Cutler and Pickering in Washington, DC this December.

Additionally, former students Jill Hargis '92 and Keith Boykin '92 both worked in the regional field offices for the campaign, though private sector work will be their eventual career choice.

In addition to rumors concerning possible cabinet positions, as always, many current faculty have already been rumored to be potential Supreme Court nominees in a Clinton Administration. Along with the regular mention of Larry Tribe '66 and Sullivan, many in the Washington loop have mentioned the name of 1st Circuit Chief Judge and HLS Professor Stephen Breyer '64 as a serious candidate for a seat on the high court.

"He's a brilliant scholar and has a history of legal and political philosophy which I think will be attractive to the Clinton Administration," claimed one DC lawyer who had spent time on Capitol Hill working for a Democratic congressman.

The Harvard connection goes beyond HLS as well. Madeline Kunin, former governor of Vermont, faculty member at the Kennedy School, and Harvard College graduate is currently a member of the transition board. She was also on the vice presidential selection committee. The choice of that committee of course, was Al Gore, another graduate of Harvard College.

"I know there are a bunch who are hoping to do it," said McLaughlin, speaking of students interested in immediate political appointments.

Hostile Environment?

continued from *HOSTILE*, page 1

announcement, to reiterate his commitment to hiring women for the HLS faculty and to express his sadness that Sullivan was leaving.

Through a letter dated November 13, the Dean said he "was extremely saddened to learn from Professor Kathleen Sullivan that she has decided to move to California and join the Stanford faculty." He told the group of WLA members that the faculty was "very committed" to finding women professors, and that he was "redoubling his efforts" in that direction.

Linda Dunn '94 co-chair of WLA expressed deep regret at the news of Sullivan's impending departure.

"I am extremely saddened by her decision to leave the Law School," said Dunn. "I think it's unfortunate given the small number of tenured women professors here, and her departure will leave a large gap. However, I am happy for Professor Sullivan if she feels this is the right decision for her."

Dunn also attended the Monday afternoon meeting with the Dean, and said that she was encouraged by the fact that he scheduled the meeting, yet disappointed at the impetus for the meeting.

"I am dissatisfied with the fact that we will now only have four tenured women professors and only two women in tenure track positions after Sullivan's departure. It is particularly disheartening that we are still trying to fix this problem in 1992."

"Sullivan's leaving is an extremely telling fact. It shows just how slowly we are progressing at the Law School," Dunn concluded.

The Dean released a memo on Monday relating some facts about women faculty and faculty prospects at HLS. The memo stated that "As of today, there are 7 women on the tenured and tenure track faculty of the Law School; 5 are professors

with tenure, and 2 are assistant professors. In addition, there will be 3 women visiting professors at the School during the 1992-93 academic year." Further, the memo read "Of the 6 visiting professors now scheduled to be at the School in 1993-94, 3 are women (Anna-Marie DeVita, Carol Lee, and Joan Williams).

Some students at the Law School felt that Sullivan is leaving because HLS — the "Beirut" of law schools — is perceived as an unpleasant place to work. Professors Todd Rakoff '75 and Chris Edley '78 expressed their disappointment with the work environment at last spring's "Community Forum."

However, Sullivan has categorically denied that the environment here has anything to do with her reason to leave.

Lubell received Sullivan's assertion with incredulity. "Even if Professor Sullivan is not leaving specifically because of the hostile environment, her departure says something about the atmosphere here nonetheless. A more accepting and nurturing environment may have convinced her to stay."

Lubell continued, "The fact that she is leaving is illustrative of the problems this school has in maintaining an environment in which women feel comfortable. Historically, HLS has lost an unfortunate number of talented women professors."

Estrich agreed that the environment isn't the most ideal in which to work not only for women but for men as well.

"Any institution that spends too much time on internal politics creates an unpleasant environment for anybody," Estrich added, however, that although the environment is "less pleasant than it used to be," it is not the reason she left, nor is it the reason she suspects Sullivan is leaving.

"Harvard Law School is still a wonderful place," Estrich concluded. "The weather is better in California."

Ames Competition Finals

continued from *AMES*, page 1

involved 1) Whether an appellate court can use the interlocutory appeal provision in 28 U.S.C. 1292(b) to review or remand a determination made under 28 U.S.C. 1447 (d) where the latter section says "no review by appeal or otherwise," and 2) Whether claims for personal injuries and property arising from a nuclear incident "arise under" the laws of the United States for purposes of Article III.

The case was based on *In re TMI Litigation Cases Consolidated II* (3rd Cir. 1991), a Three Mile Island case, and was written by S.J.D. candidate Sarah Robinson, under the supervision of Professor David Shapiro '57. Susan Linfield brought this action in her own right and on behalf of her minor son for damages for personal injuries arising out of a nuclear incident which occurred at the Grafton nuclear generating facility in Grafton County, Ames in 1986.

Petitioners Marshall Searcy and Stafanie Roth argued that: 1) the Ames Circuit Court's decision to review the remand order must be reversed because such review is clearly barred by statute and because the District Court's determination raises no serious constitutional concerns; 2) Congress cannot transform a state law cause of action into one that "arises under" the laws of the United States by simply proclaiming that the relevant state law now "arises under" the Price-Anderson Act; 3) Section 2210(n)(2) of the Amendment Act is unconstitutional insofar as it purports to confer federal jurisdiction in this case because the Grafton litigation contains no federal ingredients; and 4) Applying protective jurisdiction is a violation of Article III and is unjustified in this case given the lack of substantial federal interest to be protected.

Respondents Jaqueline White and Artur Davis argued that: 1) Title 28 U.S.C. 1447(d) is not an absolute bar to appellate review of a District Court's determination that an Act of Congress is

unconstitutional; 2) Title 28 U.S.C. 1292(b) is the proper vehicle for appellate review of a District Court's ruling declaring an act of Congress unconstitutional; 3) Original federal jurisdiction over public liability actions is constitutional because such actions arise under the laws of the United States; and 4) the Price-Anderson Amendments Act strikes a proper and delicate balance between the Federal Government's power to regulate nuclear safety and the state tort law system.

This is the 81st year of the Ames competition, and the teams followed in the tradition of naming themselves either in honor of an individual or with a name related to the case.

The Thurgood Marshall Legacy Team was the first all-African-American Ames team to reach the final round. Artur Davis explained that "the main reason we chose our name is we wanted to say something about how a lot of what black students are accomplishing now has its origins in what people did a long time ago." He continued that "I think Thurgood Marshall was probably the most significant black figure in the legal community this century."

The Daughters of Danaus Team, focusing on the case itself, based their name on an obscure quote from a case they cited. In the conclusion to their brief, the team wrote that "Concededly, the challenge faced by this Court in attempting to determine if Petitioners' 'case 'arises under' the Constitution, laws or treaties of the United States is like the exercise performed by the daughters of Danaus, condemned for eternity, as they were, to draw water with a sieve." *Stone & Webster Engineering Corp. v. Ilesley*, 690 F.2d 323, 328 (2d Cir. 1982).

Most members of the standing-room-only crowd were amazed at the effort and performance of both teams. Author of the case, Robinson, said "I think they all did a wonderful job. It was a very hard case." Dean Robert C. Clark '72 added, "I thought it was a fabulous event. They made obtuse legal points lively and inter-

"Right" on the Moderates

By Dean Newton '95

RECORD Columnist



I have been told that I am "to the right of Jerry Falwell." I would not go quite that far in describing myself, but I admit I am a "conservative" Republican. I must take issue, however, with the apparent propensity among my "conservative" colleagues to attack those who label themselves "moderate" Republicans. The moderates are an important contribution to the Republican Party. They are our link with the rest of society, and remind us when we go too far or when our message rings hollow. Instead of attacking them, we should be reaching out to them and reuniting the Party for the journey toward 1996.

Before I proceed, I feel compelled to unmask the labels "moderate" and "conservative." What are they, and what do they mean? While I do not pretend to speak for all conservatives, I am willing to set myself up as the straw man. What are my beliefs that have won me the title of conservative? I am a strong supporter of tough punishment for criminals, even supporting the death penalty for child molestation. I believe in the free market, letting the market work, and encouraging free trade agreements. I am hawkish in foreign policy, and protested in support of the Persian Gulf War. I don't see anything wrong with the pledge of allegiance in schools. I think less government is better than more, and that we should reduce government spending to get a grip on the deficit. I could go on, but I think I have made my point.

Now, what is a "moderate"? A moderate is often viewed as someone who holds some beliefs that are "conservative," while taking issue with others. Or a moderate is someone who is "in the middle" on a number of issues. More recently "moderates" have been those who are sympathetic to "conservative" economic programs while rejecting parts of the moral agenda. For example, a moderate might argue that free trade is good, supporting the Bush NAFTA agreement, while saying that prayer has no place in schools. A moderate might also argue that the death penalty is a good thing, but so is affirmative action. At the end of the day, a moderate Republican is some Liberal/Conservative hybrid, who for one reason or another is more conservative than liberal.

One can see where "conservatives" and "moderates" might disagree from time to time, just as conservatives and liberals disagree almost all the time. But many conservatives have recently labeled moderates as conservative "pretenders," who take only unthoughtful, ambiguous positions. They charge the moderates with being out of touch with the Party's soul and conviction. Such charges are ridiculous, and serve only to weaken the Party by dividing it.

Most moderates I know are anything but lacking in conviction or thoughtfulness. In fact, moderates are often far more thoughtful than many of my conservative colleagues. They generally wrench through the logic of a position, while many conservatives (and liberals for that matter) adopt positions grounded solely in ideology or emotion.

Moderates challenge us to rethink our positions — to ask ourselves if we have gotten it right. One good friend of mine, a "moderate," argues that prayer in schools would have negative ramifications. The state would be relegated to endorsing one religion by selecting a prayer, i.e., a Jewish prayer, a Protestant

My hope for the conservative movement is that we make a concerted effort in the years to come to reach out to the moderates rather than alienating them.

prayer, a Muslim prayer, etc. Ignoring the separation of church and state argument, the selection of any one prayer would almost necessarily discriminate against another religious group. After grappling with the issue, I have to admit his position makes a lot of sense. In many ways, it is more "conservative" than mine. Do I, an advocate of less government, really want the government selecting my children's prayers? What if the school selected a prayer I disagreed with? I have modified my stance to supporting a moment of silence and allowing kids to select their own prayers.

Moderates, especially in this election, have charged that if we are going to campaign on family values then we should quit bashing single mothers and lambasting Murphy Brown and start revisiting our social policies to strengthen the family unit and empower the poor. This is what many call the "Jack Kemp" wing. Again, I have to admit such arguments make a lot of sense. Given the nation's negative reaction to Dan Quayle and Pat Buchanan, it appears most Americans agree.

Moderates haven't lost touch with the party's soul. I believe most of them love God and America as much as any conservative. They, however, often go one step further. They remind us that good governance takes more than love of God and country. Leading the most powerful nation on the planet also requires us to use our brains. We must go beyond ideology and be thoughtful in our approach to problems. That is a very powerful message, which strikes to the very core of the Republican creed. They don't ask us to abandon our principles, as they share our principles to some degree. Rather, moderates ask us to be thoughtful in how we pursue them. Personally, I don't think that is too much to ask.

My hope for the conservative movement is that we make a concerted effort in the years to come to reach out to the moderates rather than alienating them. May we hear their warning signals rather than moving through the political process with blinders on. If we learned anything from the loss to Clinton it was that infighting accomplishes nothing. Divided we cannot succeed. Only by unifying as one can we regain the faith of the American people and recapture the presidency. To unify, we need the moderates. To appeal to the moderates, we must be willing to listen. Neither side need abandon its principles, but each must be willing to give a little. Out of power we may have our principles, but no way to have an impact. Enough of this bickering between moderates and conservatives. Let's move forward together.

Top 10 Quotes of 1992

By Rich Wareing '93

RECORD Columnist



It's late and I'm bored, tired, and fresh out of ideas. In fact, I'm about as desperate as an eighteen-year-old on prom night without a date, which is to say I'd take anything that came along right now, so long as it could breathe. I've sat at this terminal for hours, trying to think of something to say, but there isn't much out there breathing.

There is always the prospect of another populist tirade against some aspect of the establishment, but even I can only take so much of that. I've thought briefly about another sensitive mushy column, but several of my conservative friends have promised to break both my legs if I put pen to paper on that score. The thought of writing about our Editor-in-Chief's annoying habit of singing seventies Top 40 hits has crossed my mind, but he's threatened to cut me back to 250 words if I do, so I've dropped that like a summer employer with a lousy lunch policy. I've toyed with the idea of saying something about the Rader-Hartman tiff, but then I remembered what my mother once said — "If you play in the manure, you'll smell like *@#%\$!" I've even thought about writing something responding to Alyse's little tirade against men at Harvard Law last week, or her friendly little jab at me back in October, but frankly, I'm just not that clever, and Alyse is a hell of a shot with that 38 special she carries around.

As I sit in front of a blank terminal, sucking down No-Doze and Jolt, I've come to realize that I will not be allowed to leave the RECORD office in the basement of Ames until I write another 455 words, so I have to think of something quick.

Well, if you can't think of anything to say yourself, steal good stuff from other people. It almost worked for Joe Biden.

To wit, a list of great quotes for the year. Although this wasn't the best year on record (Who could forget "Evil Empire on the dustbin of history" and "we start bombing in ten minutes"?), there was still enough stuff out there to make this one of the better years in recent memory — sort of like a pretty good restaurant you'd take your parents to, though certainly not one good enough for a really hot date.

So then, here they are, from the Home Office, far beneath historic Ames Hall, part of the only standing Gropius Complex in the civilized world (thank God) the Top Ten Quotes of 1992, Annotated:

Number Ten - "If my own mother had been alive, even she would not have voted for me." Check-bouncing Congressmen Mickey Edwards (D-Okla.) — Probably not Mick, probably not.

Number Nine - "Fight the real enemy." Singer Sinead O'Connor — What?!

Number Eight - "[The Equal Rights Amendment] is about a socialist, anti-family political movement that encourages women to leave their husbands, kill their children, practice witchcraft, destroy capitalism and become lesbians." Televangelist Pat Robertson — What?!

Number Seven - "[The tape] clearly showed what was going on there — the fact that Rodney King was not being abused. Rodney King was directing the action." Juror in the King case — That's right, and all black people look alike and if you shake their hands it will rub off on you.

Number Six - "I only get this big office because I raised all the money to have this building (International Legal Studies) built." Prof Milton Katz — Another day, another dollar, at the Harvard Law School.

Number Five - "There's a giant sucking sound coming out of Washington." Ross Perot — What could I possibly add to this?

Number Four - "Hawaii is a unique state. It is a small state. It is a state that is by itself. It is a — it is different than the other 49 states. Well, all states are different, but it's got a particularly unique situation." Dan Quayle — Dan, Dan, Dan, I hope you've gotten something out of the last four years.

Number Three - "[Dan Quayle] is not, like, smart. I'm not trying to rag on him or anything. But he has the same mentality I have — and I'm in the eighth grade." Vanessa Martinez, — See Number Four.

Number Two - "Who am I? Why am I here?" Admiral James Stockdale — Good question.

And, finally, from the Home Office, far beneath Historic Ames Hall, the **Number One** Quote of 1992, Annotated. . . "Face it, you guys are stuck with me." Bill Clinton — Swell.

Ah, 758 words, that should just about do it. Hasta luego, amigos.

Foundation a Positive Step

continued from B.E.L.L., page 7

The goal is to take positive steps towards resolving the lack of opportunity in the Black community. Lower class Blacks are faced with domestic strife which limits both their opportunities, and their ability to compete when they get the opportunity. Programs like the B.E.L.L. foundation can go a long way towards bringing this country out of the abyss it has sunk to in education, child care and small business development.

The B.E.L.L. foundation represents commitment, willingness to sacrifice and the acknowledgment that government can not solve domestic strife alone. It is not enough to cast a ballot for change, then turn from CNN to LA Law and leave the problems of the country to the new

administration. Without public pressure, commitment and sacrifice, the issues of the past election will be larger issues during the next election. This is particularly true in the Black community.

Once the votes are counted politics can forget the Black community. When the cameras turn away and the sound bites have lost their teeth, the Black community is offered token satisfaction and handouts. The B.E.L.L. foundation rejects this approach. It is not a "give-the-beggar-a-quarter" program. It is a teach the beggar how to build and then build together program. The commitment the B.E.L.L. foundation represents is a resource the Black community can count on to weather the rough times and add sunshine to the good ones.

Scalia Answers Questions

continued from SCALIA, page 1

decisis," he said. "I certainly don't take the position that I'm going to invent our whole body of Constitutional law anew whenever I disagree with the decision rendered."

Scalia also refused comment on a close-to-home reference to faculty diversity, saying, "That sounds more judgmental than judgelike."

But Scalia bristled at the suggestion that many of his decisions are to the detriment of personal rights, pointing to his decisions upholding flag burning as freedom of expression and limiting police search powers.

"I won't even let a policeman look at the bottom of a turntable," he said. "You can't get much tougher than that. I let people burn flags."

Still, Scalia defended the Supreme Court's decision in a case allowing a Mexican citizen allegedly kidnapped by the Drug Enforcement Agency to be submitted to the jurisdiction of American courts, again under the rationale that

courts should defer to the executive branches that presumably act in accord with the will of the people.

"Our country can violate international law if it wants to," Scalia said, "if that decision is made by our political branches."

Despite his originalist interpretations of the Constitution, Scalia recognized the judicial selection process as a means for popular control, allowing for more flexible interpretation.

"The worst news is that it has not been broken down," Scalia said of the process of confirming Supreme Court nominees. "The confirmation is doing exactly what it ought to do to select what we now want our justices to be."

The result, Scalia said, is a "plebiscite on the Constitution" held with every confirmation process.

"In a well-functioning democracy, which we are, it is going to be the majority who will say what the Constitution will mean," he said.

"I won't even let a policeman look at the bottom of a turntable," he said. "I let people burn flags."

CCR Meets with Rudenstine

continued from CCR, page 7

decision-making committees which have been newly established by Dean Clark this year.

The students and President Rudenstine also discussed the eventual loss of Professor Sullivan on the Faculty Appointments Committee, and that Committee's relative "ideological unanimity" without her presence. The "uniformly conservative" makeup of the Admissions Committee, and the significant decline in women and minority students admitted to the class of '95, were also matters of concern to the students.

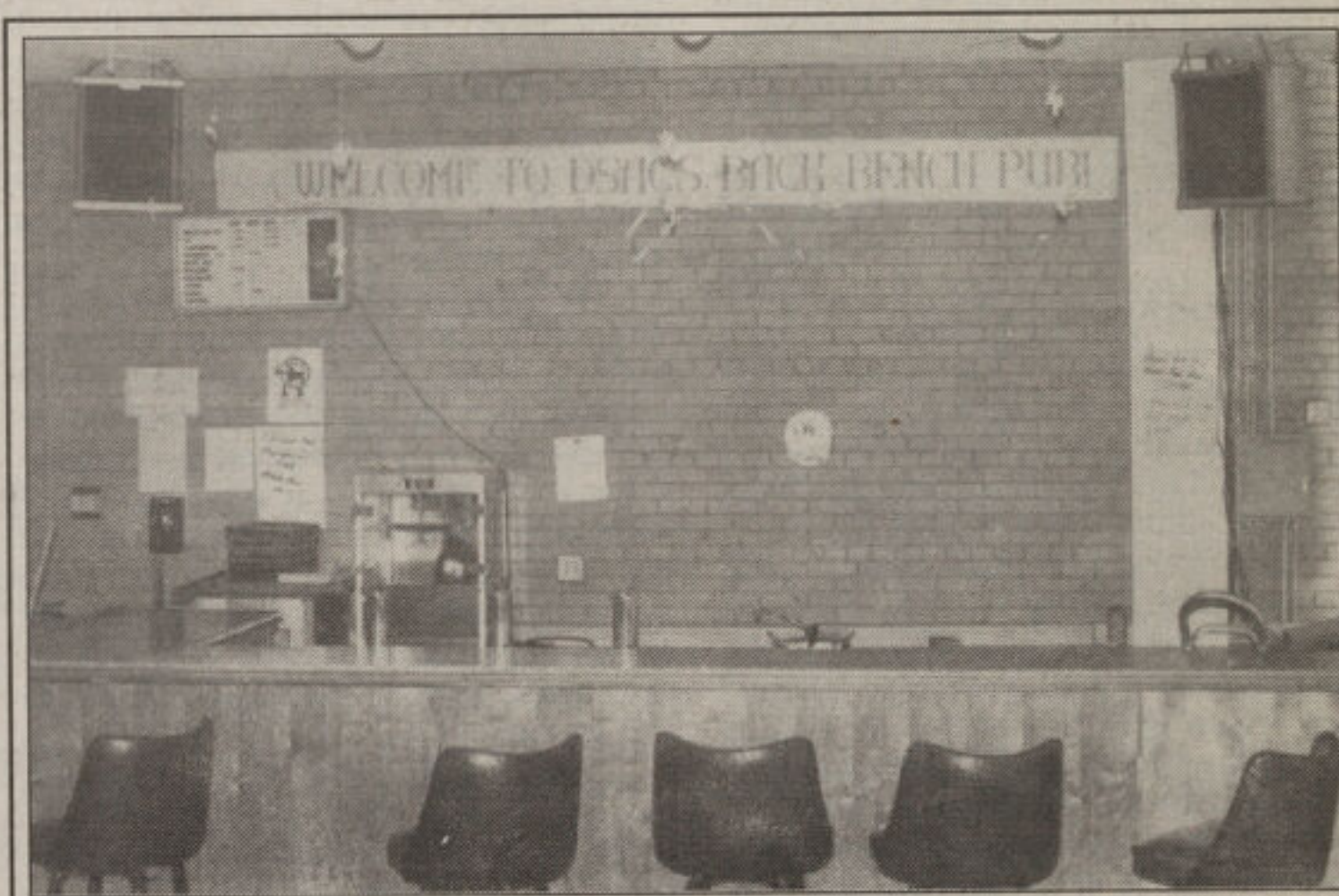
Octavio Pedroza '95 postulated the "decreasing interest of minority students applying to Harvard is related to the fact that the curriculum does not include a broad range of, for example, public interest law courses, which are of concern to many of those students. That limitation in the course selections at HLS is also connected to the lack of a diverse faculty who would be qualified to teach them."

Andrew Strom '93 addressed the related issue of the way in which the law school devotes vast resources to make it easy to pursue a career in corporate law, while frustrating student efforts to enter public interest fields.

"If our goal is to include those who are traditionally excluded, then we should be concerned that HLS graduates continue to exclude the disenfranchised, who are often minority women and men, as clients," said Strom.

President Rudenstine said that his goal in confronting the issues raised by the students would be to "seek continual, steady results. Letting people know my goals," he stated, "makes a difference. But making something happen is much harder."

While not agreeing to take any particular action, Rudenstine did assure the students that he took their concerns very seriously. Long-standing problems and rifts within the HLS community, he said, "can't disappear in six months or in fifteen months."



The Backbench Pub, site of alleged embezzlement by a recent graduate.

Grad Accused of Embezzlement

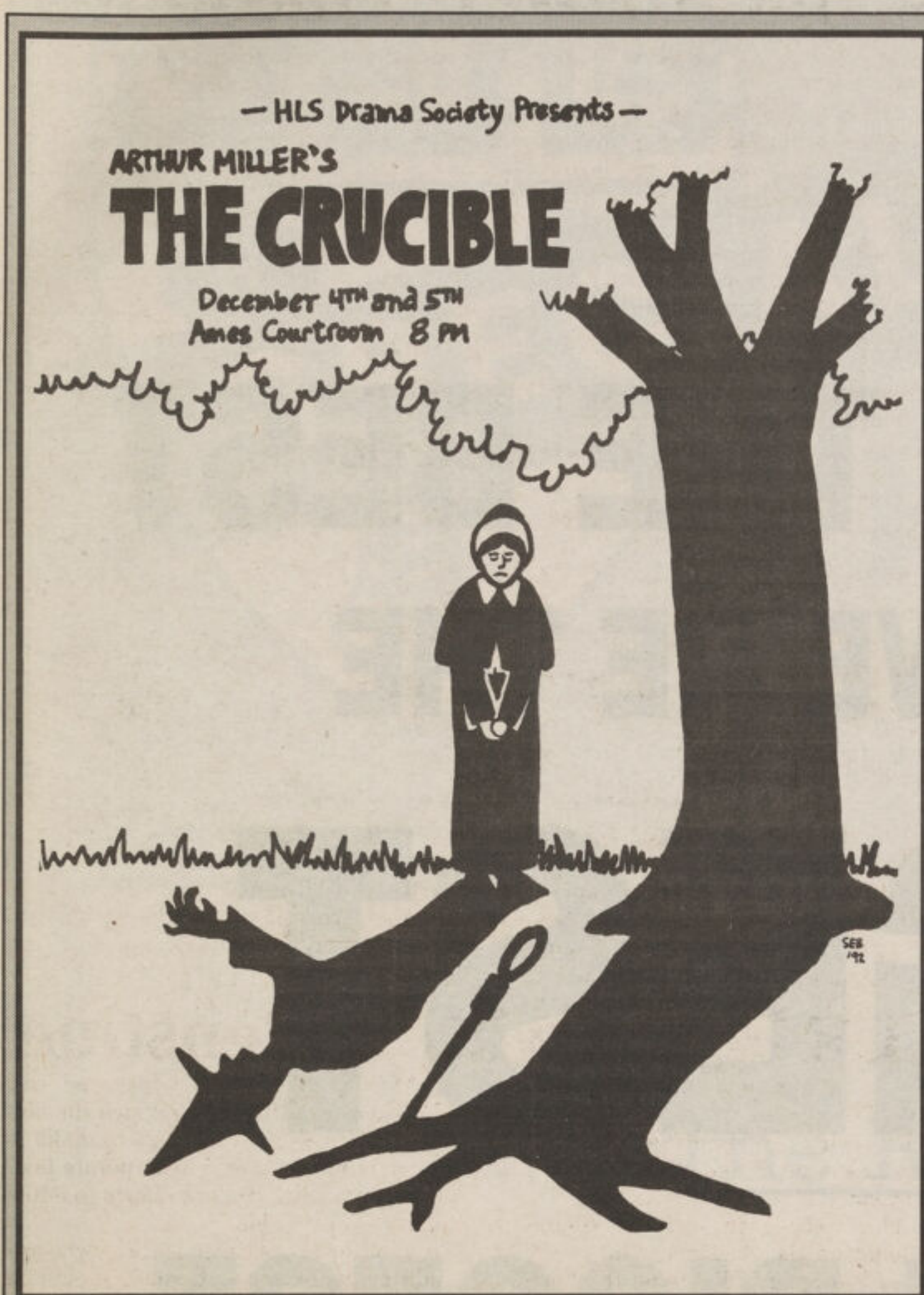
continued from DSAC, page 1

said Lamentea.

Cam Jones '92, who was DSAC's business manager from 1990-91 and was the supervisor of the individual being investigated, said that "DSAC, lamentably, has a long tradition of inadequately supervising its employees. Unfortunately, while I was business manager, I was unable to institute oversight procedures in time to prevent this

from happening."

In response to this situation, DSAC officials and the administration are meeting to hammer out tighter controls for the pub which is administered by DSAC but remains part of HLS's property. Herndon has already implemented internal controls which require every bartender in the pub and the assistant managers at the Harkbox Cafe to report to him daily.



Miller's *The Crucible* to Premiere at HLS

By Toy Chandler

1992 marks the 300th anniversary of the Salem Witch Trials. In commemoration, the HLS Drama Society's winter drama production is *The Crucible*, by Arthur Miller. Directed by Emiliano Mazlon '94, and produced by Steve Bondi '93, the play will show on December 4th and 5th in the Ames Court Room. Curtain rises at 8:00pm.

The Crucible tells the story of the Salem Witch hunts which, according to the play, began with a love affair between a married man, John Proctor, and a young woman who attempts to curse the man's wife. When the young woman, Abigail Williams, and her friends are caught practicing a witchcraft ritual, they accuse others of also practicing witchcraft in an attempt to win forgiveness. Things spiral from there.

The acting features two stars of last Spring in the featured roles. Valerie Mitchell '93 follows up her appearance in *The Colored Museum* with an equally impressive performance as Abigail Williams. Coming off his comic Bogart caricature in *The Malfested Falcon*, Todd Hartman '93 makes an almost diametrical yet believable switch to the dramatic, as the wavering John Proctor who has trouble resisting his love for Abigail. As the spiritual search begins, both suspicion and guilt furrow a twisted path through the Proctor household. The moral Nick Rossi '93, who is delighted to get to play a bad guy, portrays the evil prosecutor Danforth while Ed Ducayet '93 plays Judge Hawthorne. Ted Cruz '95 is very good as the Reverend Parris.

"I'm the star," said Hartman, "that's all you really have to remember."

In addition to being about the Salem Witch Hunts, the story is also considered to be blacklisted playwright Arthur Miller's commentary on the Communist witch hunts led by Joe McCarthy and the House Unamerican Activities Committee. Members of the cast also drew comparisons to modern life at Harvard Law School.

"For starters, the sex is only implied," said Ducayet. "The policies of

Clark and Fried are like the policies of Danforth and Hawthorne. And the Reverend Parris represents today's corporate mentality, sort of an everyday bad guy," he also noted.

Christina Telarides '95, who plays Betty Parris, also finds the story appropriate for HLS. She noted the play is a critique of an

over-litigious society.

"The authorities in the show focus attention on the preservation of form over substance," explained Rossi in describing why the story is like the law school. "They worry about the justice of pardoning the accused character when others have been punished. It's full of judicial trappings and procedures by people who are blinded, convinced of their correctness."

"It's an honor to do a play written by one of our professors," said Ted Cruz. "How many law students get to be in a play written by their Civ Pro professor?"

Rob Rader '93? '94? plays the character Ezekiel Cheever, who gets into a physical fight with John Proctor. "I keep having to hold back so I don't hurt Todd too much in our fight scene," said Rader. "God knows that wimp can't take a punch."

"I'm the star," said Hartman, "that's all you really have to remember."

Lopez Gets a Little Cultured

By Dave Lopez

THIS week, I am not Dave Lopez, movie review editor, I am Dave Lopez, opera critic and movie review editor. Also, I got yelled at for being incorrect, factually and politically. Therefore, please disregard any and all opinions or statements of fact as they are fantasies of a warped and demented mind and should not be attributed to me personally. Herein, the singular shall include the plural and vice-versa.

On Saturday, I went out to some com-

met. "North winds buwoow! South winds Buwowow! O Bwoom Hwilda, you're so wovely. . . ." I started to think of that to keep myself amused.

Then, though, Ed came into his own. He did a scene with his teacher that was pretty impressive as far as just musical ability. However, nothing could have prepared me for the Death of Rodrigo in Verdi's *Don Carlos*. Ed, of course, was Rodrigo, the guy dying. As he was singing, he stopped addressing his coun-

terpart and addressed the audience. Not the audience, though, because he wasn't looking at us, he was looking straight ahead. It seemed to me that he was looking straight into the face of death. It was something

he'd encountered before.

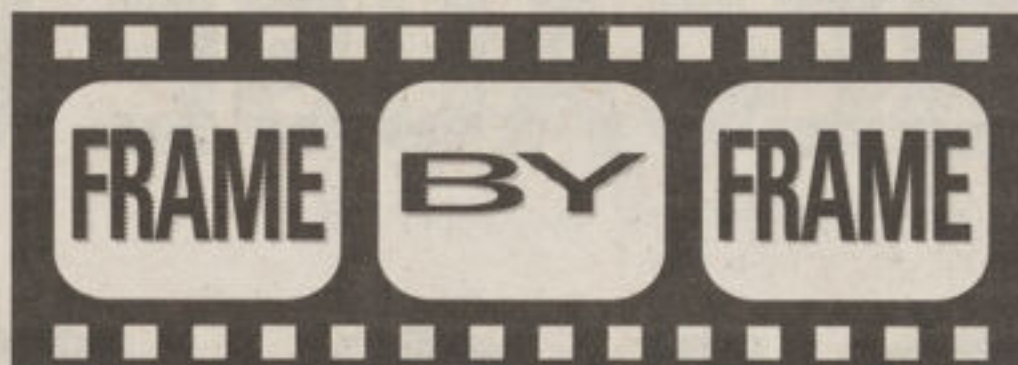
It seemed he was singing straight at his fate, the fate of all of us. Where most of us avoid even thinking about the fact that we are slowly dying, there was Ed, staring it in the face. It seemed to hover in front of him. And there he was, trying to keep it at bay with a furious resolve born of one desperate to go on living. It reminded me of Dylan Thomas: "Rage, rage against the dying of the light. . ." Then his song changed. He knew he had no choice but to die, and there grew a touch of sadness in his voice, a touch of fear, yet there was still a strong sense of defiance. It seemed that, knowing he was going to die, he would go willingly and knowingly. And so Rodrigo died.

I came home and watched a Phil Collins concert on television afterwards and it paled in comparison. The cad was holding a microphone. C'mon, Phil, I thought, put some heart into it, you've got nothing to lose. Ed's problem now is doing it again. It seemed like a once-in-a-lifetime performance. It reminds me of Laurence Olivier. Once, after a performance of *Hamlet*, he brought the house down in a standing ovation. It was one of his best performances. Afterwards, he was found in his dressing room. Enraged, he was throwing things across the room. "But why," asked someone, "you performed marvelously." Olivier replied: "Yes, but I don't know how I did it." It is the mark of an artist that he can repeat the performance. Do it again, Ed.

There are those that ignore the statistics: one out of one person dies. Some people never think about it, it's morbid and not polite conversation. But those people will never understand much about life until it's too late. They will never know what it must have been like to be Hector, facing Achilles. He knew what it was like. They will never know Sylvia Plath. They will never know Carson McCullers or Sydney Carton; they will never know Turin Turambar, master of doom, by doom mastered.

Dracula was good. There was magnificent use of colors and darkness to give it that gothic feel. *Dracula's* shadow would move about independently of him, making a very eerie effect. Mike Dierks '93 liked the way they accurately portrayed the situation of beginning lawyers fresh out of law school. Keanu Reeves played the part of a first-year associate sent out to have *Dracula* sign some papers and he ends up with white hair at the end of the movie. Extensive client contact, as they say. The third year associate ended up in an insane asylum. Typical New York law firm.

Anthony Hopkins was great as the doctor. In one scene, someone asks him: "Doctor, Doctor, Lucy was my friend, did she . . . did she suffer much?" The doctor replies: "Huh? Oh yes, she suffered horribly. First I cut her head off, then I took out her heart." But of course, Anthony Hopkins has always had a penchant for good lines.



munity theatre on a bus to watch Ed Ducayet's '93 operatic debut. I went on a bus, and I hate busses, and I only marginally like operas. I think of it as something for old or pretentious people. It's kind of like jazz fusion, nobody likes it but a lot of people pretend they do. I figure it's something I might do if I get rich and bored. I'd go because it's expensive and I can, no other reason.

But Ed is a strange guy, he actually likes opera. He takes German so he can read Wagner, he'll read it all afternoon instead of reading law. He majored in Japanese and spent time there studying martial arts, he knows all of *Monty Python* and *the Holy Grail* by heart and can do even the three-part scenes. He was in my legal methods class my first year, and one of the first things I heard him say was when he offered his cup of apple juice to Jonathan Selbin '93 and Jonathan said: "Oh, no thanks, Ed, I don't want to drink your apple juice." Ed replied: "Don't worry, depression isn't catching." I took notice, not because he was depressed, but that he would actually admit to the stigma. Everyone gets depressed, most people never admit to it, they don't want to be ostracized by their friends. Nobody wants to deal with it.

Well, with Ed, it turns out he's not really depressed, it's just his philosophy more or less. If someone tells him to look out because a bus might hit him, Ed says "good." It may be part of going to law school. If Ed had an Indian name, it would be "Sits in Solitude" or "Stands with Grimace." He and I are some of the few that know that the Admissions Committee blew it when it came to our case. I'm sure they look at us and say, "If only we could do the Class of '93 over again." I can almost hear them screaming, "One more like Lopez and Ducayet and you're fired!"

Ed invited a lot of people, and five of us actually showed up. It was a community theatre, and a lot of old people were there. Pretending to like opera, no doubt. We took our seat and looked at the program. Happily, Ed was featured for one solo and about half of the scenes. It was a bunch of scenes from different operas, and a guy came out to tell us what was happening in each one. Then the show started. Frankly, the beginning was torture. I don't fault the singers, I fault Mozart. It's like he told the singers to open their mouths and say "ah." Then he'd write the music in such a way that they'd have to go up and down the scales, and up and down. . . and up and down.

I don't know if you call it contrapuntal or what, but I did not like it one bit. It may be audacious of me to criticize a master of some former age, but he's dead and I'm not. Sorry, Mo. Ed seemed a bit restrained in these beginning scenes, and he told me later that he was supposed to be. Booring.

My favorite opera of all time is the *Ring Cycle* as done by Warner Brothers. Bugs Bunny is a Valkyrie, and Elmer Fudd is the guy with a spear and a hel-

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