



Gropius Bathrooms Defiled

By Lisa Zornberg

Approximately fifty male residents of Ames and Dane Halls gathered Tuesday evening for a mandatory meeting about the disturbing defacement of two Gropius complex bathrooms. Since October, an unidentified person, who is believed to be a dorm resident, has repeatedly spread his feces on the toilet seats, stalls, walls, sinks, and floors of the men's bathrooms on the first floor of Ames and third floor of Dane.

Dean of Students Suzanne Richardson and Director of Student Life Counseling Mark Byers met with residents of the affected floors to discuss the administration's response to this situation, as well as student feelings of concern, fear, and disgust.

"This is a severe symptom of mental illness," asserted Byers, who is a doctor of psychology. "It probably indicates a thought disorder, a schizophrenic process, that has regressed into a kind of primitive behavior."

Sensitive that the unknown actor may have been one of the students in attendance, Byers and Richardson stressed that the person responsible for the defacement should seek help from the Dean of Students, the Office for Student Life Counseling, or the psychiatrists at the Law School Health Services. They ensured full confidentiality.

"I wouldn't want you to feel that this behavior was directed at you all, and that the person is sitting back and gloating at you," Byers told students. "From a mental health stand-

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Agresti to National Service Program

By Andrew Greenblatt

The Clinton Administration began tapping the HLS faculty and staff last week, and, after weeks of conjecture and gambling pools, the first to go is not Prof. Edley '78 or Prof. Tribe '66, but Barbara Agresti, associate director the Office of Public Interest Advising (OPIA). After more than two and a half years of service at the Law School, Agresti will be moving on to Washington to become special project assistant for Clinton's Summer of Service program.

Agresti will be leaving today to begin working with Jennifer

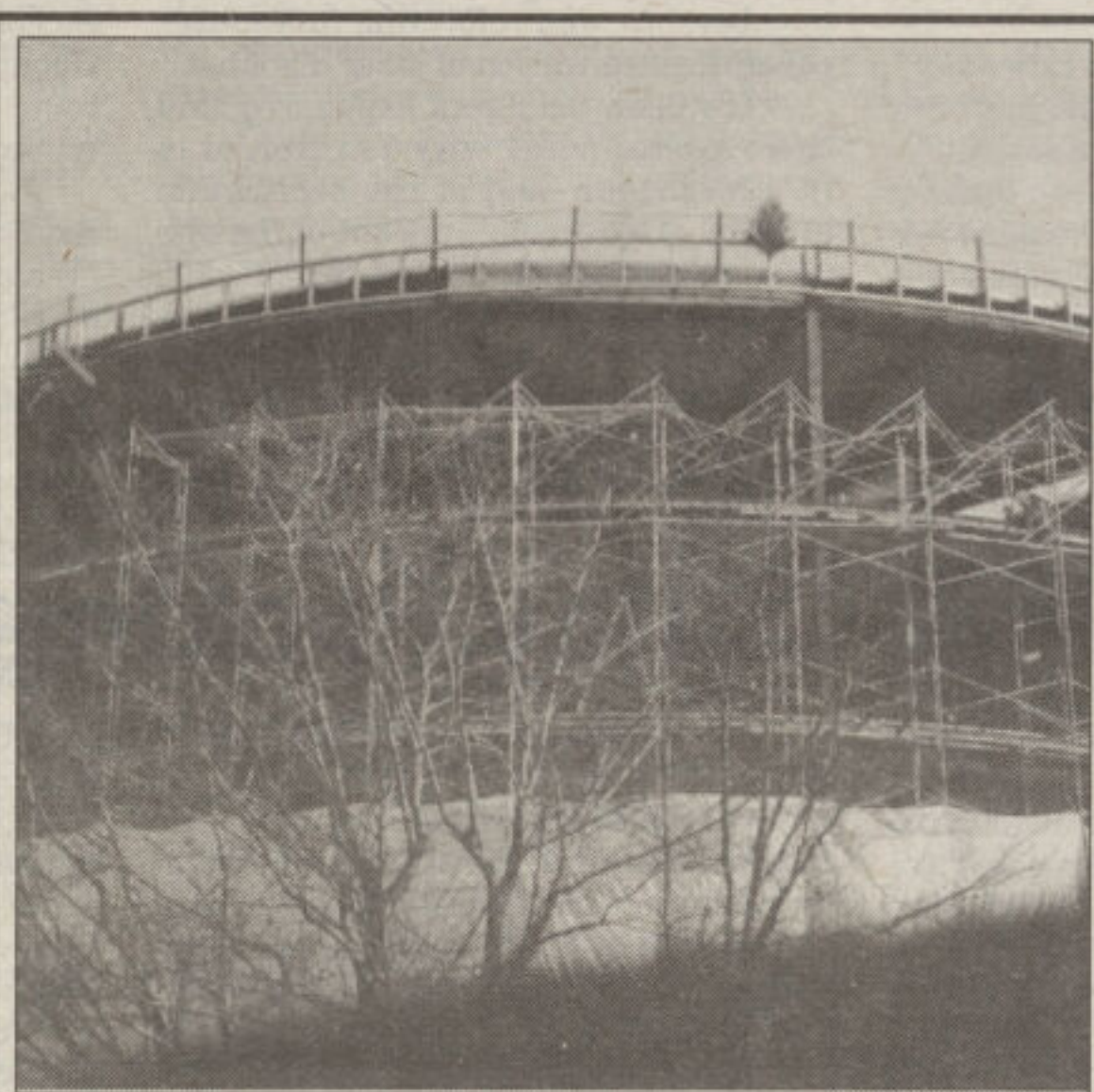


Barbara Agresti

Eplett Reilly, who will be coordinating the new public service program for 1,800 17- to 23-year-olds. Eplett Reilly formerly worked with the Echoing Green Foundation, a group that works closely with the HLS Office of Public Interest Advising in awarding grants to graduating students each year. It was through this contact that Agresti's talents became known to the new administration.

On hearing of Agresti's departure, most people voiced a mixture of sadness and good wishes. Stacy DeBroff, director of the OPIA said, "As sad as I am to see Barbara leave, I think

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With completion of the Holmes Field Building scheduled for December, 1993, faculty members are already choosing new offices. Administrative Dean Sandra Coleman expects the new offices to be ready for occupation by next January, and classrooms to be fully operational by spring, 1994.

Edley Confirms OMB Appointment

Lack of Diversity Won't Prevent Return

By Lisa Zornberg

Amid packing his bags for Washington, Prof. Christopher Edley '78 denied rumors this week that he may not return to Harvard following his leave of absence to protest the lack of diversity on the Law School faculty. "This is false," he asserted.

In a statement issued March 9 to the RECORD and *Crimson*, Edley said: "If I do not return it will be for a complex set of personal and professional reasons, only one of

which relates to my various disappointments with life on this faculty. I have been dissatisfied with appointments patterns here since I came as a student in 1973, but my inclination has always been to stay in a battle and fight, rather than avoid the war by changing my citizenship."



Prof. Chris Edley '78

"Flight from strife," he added, "is a luxury to which only those who are older, with more battle scars, are entitled." Edley is one of three tenured black

tenured professors at HLS. Edley announced to the faculty last week that he has officially agreed to become associate director of the Office of Management and Budget (OMB), and that Dean Clark '72 has granted his leave request for that purpose.

"As many of you know," he said in a memorandum to his colleagues, "I have very much wanted to build a career divided between public service and academia." Since joining the faculty in 1981, Edley has balanced course offerings in administrative law and education policy with an active role in national politics. In 1987-88, he took a leave of absence from HLS to serve as issues director in what he called "the silver medal effort by Mike Dukakis."

At OMB, Edley will supervise a career staff with budget, policy analysis, and legislative review responsibilities for numerous government agencies and departments. "Although the job is terrific, many personal and professional considerations make me quite ambivalent about going," Edley told the faculty.

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Review Censures Former President

By Greg Stohr

The *Law Review* has voted to censure former President Emily Schulman '93 and deny her the opportunity to speak at its annual banquet, but it stopped short of preventing her from writing her third-year student note.

In a secret ballot last week, the *Law Review* editors voted 41-30 to censure Schulman for her role in the controversies that erupted last year over Schulman's alleged abuse of power. In the same ballot the editors voted 47-21 not to deny her the traditional opportunity to write a student note in one of its spring editions.

Current President Van Nguyen '94 said the vote was a "purely internal" *Law Review* matter and declined to comment on its substance, but he expressed optimism that it would mark the end of a controversy that has plagued the journal since the beginning of this school year.

"I've talked to many, many editors since the vote was taken," Nguyen said. "The overwhelming majority, if not all, of them believe this is the final closing act."

Schulman did not respond to a request for a comment, consistent with her refusal to speak to

the press throughout the controversy.

The editors voted 50-20 not to allow Schulman to speak at the annual *Law Review* banquet next month. Traditionally, the *Law Review* president delivers an address at the banquet. The editors also voted 52-18 to break tradition and make its annual charitable donation in the name of the *Law Review*, rather than in Schulman's name.

The vote, which took place Thursday, March 4 and Friday, March 5, comes slightly more than a month after the release of a 109-page report on the controversy by Ralph Gants '80. In his report Gants concluded that Schulman made judgmental errors but that they did not warrant disciplinary action. One *Law Review* editor, who asked not to be identified, said that the editors wanted to wait until after Gants had reported on his investigation before they took any steps of their own.

"There was a reluctance in October (when the controversy first arose)," the editor said. "People didn't want to take any rash action. Because of the seriousness of the situation, people wanted to be sure of the facts."

A number of other *Law Review* editors either declined to comment on the vote or did not return phone calls.

Search for New Dean of Students Nears Completion

By Glennis Gill

After months of reviewing resumes and conducting interviews, the search committee for a new HLS Dean of Students has winnowed the large pool of applicants down to three finalists and is hoping to complete its part of the process by the end of March, according to Administrative Dean Sandra Coleman.

Following Sarah Wald's departure on October 15, 1992, Suzanne Richardson, who had been director of student activities, was appointed acting dean of students, and a search committee, headed by Coleman, was formed. The others on the committee are Director of Financial Aid Sally Donohue, Professor Daniel Meltzer '75, Professor David Wilkins '80, Rhonda Adams '93, and Neil Glazer '93.

An advertisement for the position, approved by both the committee and Dean Clark, began appearing in national publications in November. There were more than 200 applicants.

"We've completed preliminary interviews and are in the process of doing final interviews for three applicants," Coleman said. During preliminary interviews, the applicants met only

with the search committee and Dean Clark, but for these final interviews, applicants are meeting for a day and a half with many other faculty, students, administrators and staff.

Although the search committee is an integral part of the process, Coleman is careful to point out that "it's definitely the dean's appointment." She said, "We evaluate all the candidates and then the dean can choose one or decide to see others." However, Coleman added, "We hope to have someone in the position by early July."

Students have been happy with Suzanne Richardson's performance as acting dean of students. "She just stepped right into Dean Wald's shoes when she left," said Enu Mainigi '94, executive vice-president of the Law School Council. "She knew everyone, and understood all the politics and nuances, and I think she has been able to deal with all of that very effectively."

Richardson has been at HLS for fifteen years. When appointed to take over after Wald left, she said, "It's important to me to work with students... I hope to be able to carry on many of the policies of Dean Sarah Wald's office, with which I agree very

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HLS Alum: Union Leaders Fail in their Cause

By April Rockstead

Author Tom Geoghegan '75, found many to blame for organized labor's decline in America when he spoke to a crowd of about 75 Thursday night at the Kennedy School of Government, but he took the most flack when he blamed union leaders themselves.

Labor representatives failed to make a strong enough case to the Clinton Administration that bolstering union power is the essential component of a true national economic recovery, said Geoghegan, a labor lawyer who worked for the United Mine Workers before going into private practice in Chicago.

"At Little Rock, there was nobody there even to articulate a case for labor," Geoghegan said. "Clinton could articulate a better case for labor than labor could. But why should he get out and say for labor what labor could be saying for itself, if it's too dumb to make its case?"

But Geoghegan beat a limited retreat, amid muffled jeers, when a member of the sometimes-volatile audience objected, "I take absolute exception with your view that labor is no longer being heard — labor put Clinton in the White House."

Conceding some union members were in fact present at Clinton's economic summit, Geoghegan insisted that no one told the new president and labor secretary unequivocally that a strong labor movement is critical to any economic recovery.

Also sharing blame for dwindling

union power — evidenced by a drop from more than 40 percent private-sector union membership decades ago to 11.5 percent today — are not only Republicans and corporate political action committees, but labor's traditional allies, Geoghegan said.

"What I can't understand, rationally," he said, "is why the liberal left has been so utterly uninterested in this subject."

Now is the time for labor to make a comeback, Geoghegan said, because rising wages would increase consumer spending power and exhume the American industrial economy by forcing employers to use capital-intensive rather than labor-intensive production methods.

"Now, instead of collective bargaining, we have VISA cards, we have second mortgages, and an economy of K-Mart shoppers who get K-Mart wages," he said.

Geoghegan criticized the Clinton Administration's emphasis on job training standing alone and cautioned that even spurring wage increases is not a "magic formula" for economic health without concurrent, resulting capital investment.

Labor Secretary Robert Reich could push several measures to bring back a

strong labor movement, he said, including amending labor laws to make it easier for union rank-and-filers to obtain the right to vote directly for their leaders, amending civil rights laws to specifically prohibit discrimination based on union membership, and reforming procedures governing arbitration of labor disputes.

"It's been too damn expensive, and there are too many lawyers involved in it," Geoghegan said of the arbitration process. "Get the lawyers out of the system — that's something Reich could do."

Geoghegan also took some heat in an exchange with audience members for suggesting the 1980s' "low-income job explosion" had benefited women by fostering greater financial autonomy from

men.

"You're not listening to what I'm saying," he said. "The issue is how to create a high-wage society that isn't sexist."

Addressing a dilemma explored in his book, *Which Side Are You On: Trying To Be For Labor When It's Flat On Its Back*, Geoghegan said he favors automating some undesirable tasks, although workers would be displaced.

"I suggest to you that maybe we have too many jobs in this country," he said. "What we really have to do is create a society in which we don't have jobs anymore, but we have vocations — and we ought to be spending a lot less time at work, and the work we do ought to mean more to us."

Edley Packing His Bags

continued from EDLEY, page 1

As Edley and others leave for the nation's capital, Harvard administrators are left to fill staff gaps. Harvard President Neil Rudenstine acknowledged in a *Crimson* interview last week, "It is really a very substantial loss of excellent people. . . There'll be some real holes for a while. These are not people that you can just cover for in a very easy way all the time."

HLS is not alone in coping with faculty depletion. Ranking first at Harvard in losses to Washington is the Kennedy School. Six of its faculty members have been tapped for positions, including the School's only tenured woman, reported Kennedy School spokesperson Steven R. Singer. Among those headed south are full Prof. Mary Jo Bane, who will become assistant secretary of Health and Human Services (HHS) for children and families, and Academic Dean David Ellwood, who has

accepted the position of assistant secretary of HHS for planning and evaluation. John Donahue will leave the Kennedy School to become special advisor to Richard Reich, who was the first to leave Harvard for the Clinton administration.

Nor has the Faculty of Arts and Sciences been untouched by the recent political exodus. Recent appointments include Instructor of Economics David M. Cutler, who will serve as liaison between the Council of Economic Advisors and the National Economics Council; and Prof. of Economics Lawrence Katz, appointed to chief economist in the Labor Department.

Still uncertain is whether Prof. Lawrence Tribe '66 will be Clinton's choice for solicitor general. Last week Tribe confirmed that he is a candidate for the Justice Department post, but as of Wednesday, his office reported no new information concerning his nomination.

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Law School Faculty Appointments Scorecard

By David S. Clancy

The Faculty Appointments Committee released a memorandum late last fall which reveals that there has been far more "diversity" in the field of assistant professorship offers than in the field of lateral full professorship offers.

The ratio of white men to "underrepresented" groups who were offered assistant professorships in the last twelve years is tilted slightly in favor of women and minorities, while the same ratio in the area of lateral offers is tilted sharply in favor of white men.

The December 10 release, entitled "Memorandum on Appointments History," summarizes in a simple chart all offers of appointment made by the Committee since the 1981-82 academic year. It documents in what year and to whom offers were made, whether they were for an assistantship or for full tenure, the candidates' gender and race, and whether offers were eventually accepted or rejected.

The memo reveals that in the last twelve years, the Committee made twenty-seven offers of assistant professorships. Fourteen of these were made to women and minorities, and thirteen to white men. In total, therefore, the Committee made more offers of assistant professorships to "underrepresented groups" than to white men.

"This doesn't surprise me," said Prof. Charles Fried, a member of the Committee. "I know that we've been making a big effort in this area and those numbers are right in line with that."

While more offers were made to members of unrepresented groups than to white men, fewer women and minorities ultimately entered the faculty as assistant professors. Nearly all of the white men who received offers — twelve of

thirteen — accepted them, while only eleven of the fourteen women and minorities accepted their offers. The memo does not include any indication of why candidates rejected their offers.

No offers of assistant professorships went to black women or to Hispanics.

There was considerably less balance, however, in the area of lateral offers. Of twelve lateral offers of tenure, only two were made to members of underrepresented groups, according to the memo. One of candidates was Gerald Lopez of Stanford University, who rejected his offer. According to Sue Robinson, secretary of the Faculty Appointments Committee, Lopez declined to join the faculty in order to remain with his family in California.

The other offer was made to Mary Ann Glendon, who is currently a member of the faculty.

The greatest activity in lateral hiring occurred in 1992-93, when four tenure offers were made, all to white men. Three of these were accepted — by Joseph Singer '81, Joseph Weiler, and Robert Mnookin '68. Mnookin will join the faculty this fall. Henry Hansmann, of Yale Law School, declined his offer.

The net result of lateral hiring is that in the last twelve years nine white males and one white female have joined the faculty ranks as fully tenured professors, the memo reported.

According to an administration source, a partial explanation for this imbalance is that in the last decade constant ideological infighting among members of the faculty resulted in many potential lateral offers being "blocked." In order for an offer of appointment to be made, it must pass by a two-thirds majority faculty vote.

Assistant professorship offers, according to this source, were easier to make because the ideological stance of

candidates for entry-level positions is usually less well established.

Another possible explanation for this imbalance, offered by the memo on appointments procedure, is that because most lateral offers are made to "established academics" who have previously taught at HLS as visiting professors, the pool of candidates for lateral offers is more limited than the pool of candidates for assistant professorships.

Overall, the ratio of white men to members of underrepresented groups invited to teach at HLS is roughly balanced. The memo reveals that thirty-

nine offers of new positions — assistant or tenured professorships — at Harvard Law School were made in the last 12 years. Of these, nearly half — sixteen — were made to members of underrepresented groups.

The rate of acceptance among the two groups was also roughly equal. Twelve of sixteen members of underrepresented groups accepted their offers, as compared to twenty of twenty-three white men.

In sum, the hiring of the last twelve years has placed seven women and five blacks (all male) on the 68-member faculty, according to the memo.

MacKinnon Confronts Tenure Rumors

In an exclusive interview with the RECORD, University of Michigan Law School Professor Catharine MacKinnon acknowledged rumors that she is being considered for tenure at Harvard Law School. "I have heard that I am under consideration," she said, and "that the decision will be made very soon."

Allegedly, the Appointments Committee will vote on MacKinnon's tenure bid today. MacKinnon has visited the Law School twice as a guest lecturer and has spoken here on repeated occasions.

Although she would not speculate as to whether she thought the faculty would vote in her favor, MacKinnon did expect that HLS politics — "the politics of which any literate person in this country is aware" — would determine the outcome.

"The result will either be consistent with those unfortunate politics or show that Harvard is in the process of transforming itself," she said.

MacKinnon also responded to Prof. Alan Dershowitz's censure of her scholarship and vehement opposition to her joining the faculty. "It's a standard ploy to attack my scholarship and certainly everyone knows that," she asserted. "And he [Dershowitz] is a pornographer's lawyer."

Last week Dershowitz told the RECORD that MacKinnon "plays so fast and loose with facts, data, and statistics that she doesn't pass scholarly muster."

Asked if she would feel comfortable joining a faculty that has been noted for its ideological division and under representation of women and minorities, MacKinnon answered, "Comfort has not determined any decision in my life as far as I can recall."

OPIA Suffers Theft

By Jeff Bucholtz

"Property of the Public Interest Placement Adviser — Do not remove from the lounge area of the 3rd floor of Pound": Be on the lookout for books bearing this warning floating around the Law School.

Barbara Agresti, the associate director of the Office of Public Interest Advising, reports that thirty reference books were stolen last week from the bookshelves outside her office. Among the volumes stolen were all of OPIA's materials on environmental and international public interest opportunities, foundations, and grants.

"We are absolutely shocked that anyone knowing the type of work we do, who uses our office regularly, could do this," lamented Stacy DeBroff, director of OPIA.

"We trust students," Agresti said. "We try to help students, to make it as easy as possible to use and to photocopy our materials, and then someone does this. It's appalling to me."

OPIA runs on the honor system, with free use privileges and no sign-out system or searches of bags. Agresti said OPIA does not have "the staff to constantly monitor the books, or the room to store them. We have very limited resources, and have to depend on students' honesty."

Several books have been stolen from OPIA in the past. Agresti recalled that, "last year, someone took all of our environmental books. We replaced them all, and now they're gone again." While OPIA's materials have occasionally disappeared before, Agresti said, "This is by far the largest, most damaging theft that we have ever suffered." She estimated the total worth of the materials stolen as "nearly \$500" and predicted that OPIA will not be able to replace them in the near future.

Suzanne Richardson, acting dean of

students, said the Law School library also has sustained several recent thefts. In addition, June Thompson, director of the Office of Career Services, said that theft is an ongoing problem in her office.

"Last summer, the Massachusetts Martindale-Hubbell directory disappeared, among other things," Thompson said. "It seems like students frequently 'borrow' things and bring them back soon afterward."

It remains to be seen whether OPIA's materials were stolen or merely 'borrowed,' and DeBroff and Agresti have issued a plea for their return: "All we really care about is getting the books back." The stolen materials represent a significant portion of OPIA's resources, and in their absence, students "won't be able to get the help they need from our office."

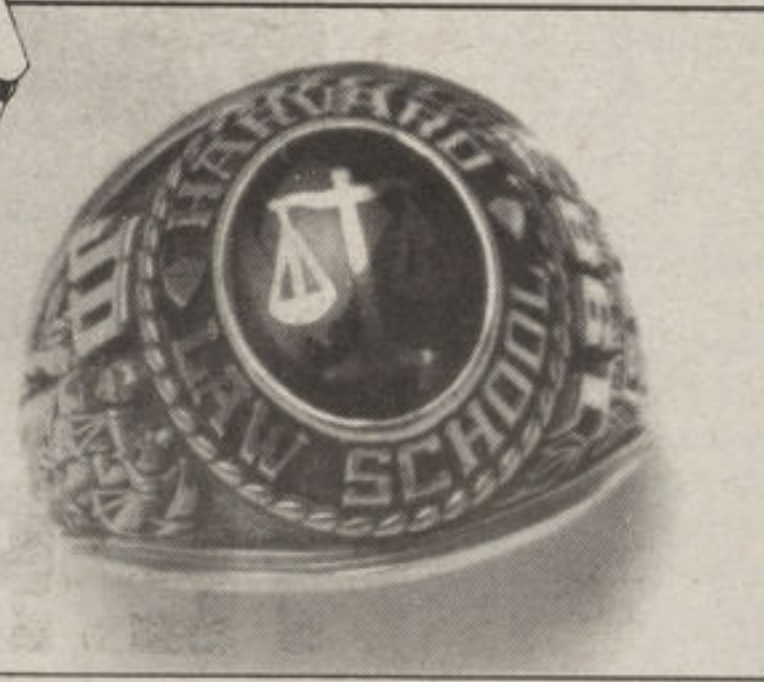
Many students' searches for public interest positions may be adversely affected by the theft. Agresti promised that OPIA "will do what we can," but students interested in environmental public interest positions or opportunities overseas and with foundations may find themselves disadvantaged by its sudden lack of resources.

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BRIEFS



SFF Receives Record Number of Pledges

HLS students and alumni pledged over \$60,000 to the Student Funded Fellowship Program (SFF) this year — enough to fund 45 students doing public interest work during the upcoming summer. Awards were based on the demonstrated financial need of student applicants and the extent to which the work proposed would benefit traditionally underrepresented groups. The average recipient received \$3,000. Kathleen Tarr '94, Chairwoman of the SFF Phone-a-thon, was pleased with the results, although she wished everyone could have received funding. "Most people are doing great work, but there are just not enough funds to go around," she said.

Higgenbothams Accept Harvard Positions

US Circuit Judge Leon Higgenbotham, a federal district judge for almost thirty years, will serve in a joint appointment between HLS and the Kennedy School of Government. However, the Law School is not offering Higgenbotham a tenured professorship, according to Prof. Charles Fried. Higgenbotham judged the Ames Moot Court competition last year, and was once rumored to be on the short list for attorney general. His wife, Evelyn Brook Higgenbotham, a scholar of Afro-American religious history, has accepted a joint tenured position between the Afro-American Studies Department and the Divinity School. She will become the sole black woman tenured in the Faculty of Arts and Sciences and will be only the second ever tenured. The Higgenbothams, both currently faculty members of the University of Pennsylvania, will arrive in fall 1994.

HLS Students Named Skadden Fellows

Peter Cicchino '92, Lisa Otero '92, Seth Rosenthal '93, and Guy Wallace '93 were among the 25 fellows chosen by Skadden, Arps, Slate, Meagher & Flom. Each fellow participating in the two-year program will provide legal assistance to low-income groups through a non-profit organization, while receiving a salary of \$32,000 paid by the Skadden Fellowship Foundation. Cicchino will work with the American Civil Liberties Union on the Lesbian and Gay Rights Project in New York City, Otero will work for Greater Boston Legal Services, Rosenthal will work for the Southern Center for Human Rights in Atlanta, and Wallace will work for the Disability Rights Education and Defense Fund in Berkeley, California.

Yale Prof Wins Henderson Prize

Jerry Mashaw, the Gordon Bradford Professor of Law at Yale Law School, was awarded the Henderson Memorial Prize at a ceremony held February 26. HLS awards the Prize to the "author of a critical and constructive written work, of outstanding excellence dealing with administrative law or the legal problems affecting government." Mashaw's winning book is entitled *Bureaucratic Justice: Managing Social Security Disability Claims*. He has been a Yale professor since 1976, teaching administrative law and social legislation. He is also the co-editor of a widely used casebook on administrative law.

Women's History Month Events

On Wednesday, WLA presented "Conversations with the Women Faculty," featuring Professors Chris Desan, Martha Field, Carol Steiker '86, Kathleen Sullivan '81, and Elizabeth Warren. On Monday, March 22, Prof. Elizabeth Warren will speak at the annual WLA dinner. Professor Warren teaches Secured Transactions and Bankruptcy, and her dynamic teaching style has made her a popular member of the faculty. Tenured at the University of Pennsylvania, she still has not decided whether to accept HLS's outstanding tenure offer.

CSEL Hosts Entertainment Extravaganza

Entertainment lawyers in the fields of television, music, and film will speak about their experiences and industry trends when the Committee on Sports & Entertainment Law hosts an Entertainment law conference on Saturday, March 13. The speakers will include Kenneth Werner, Senior Vice President of Walt Disney Television, Gary Jenkins, agent for Heavy D & the Boyz, and Tim Collins, Aerosmith's manager. Attorney Allen Grubman will be the keynote speaker at a luncheon in Harkness Commons. His firm, Grubman, Indursky, Schinsler & Goldstein, has represented Michael Jackson, Madonna, George Michael, Billy Joel, MTV, Bruce Springsteen and Robert DeNiro, among others. The conference registration fee is \$5.00, and includes a buffet lunch.

Reno Sails Through Hearing

Janet Reno '63 promised to blend tough law enforcement with respect for people's rights at a smooth confirmation hearing that both Democrats and Republicans predicted would lead to her approval as America's first female attorney general.

Miami's chief local prosecutor for 15 years, Reno described herself as a no-nonsense person who lived by the credo: "Don't pussyfoot, don't equivocate, don't talk out of both sides of your mouth."

For members of the Senate Judiciary Committee, an especially welcome quality seemed to be that she was non-controversial. "You have no idea how happy we are to see you here today," said Chair Joseph Biden (D-Del.). Reno seemed nearly free of controversy and Biden scheduled no other witnesses for the confirmation hearing. Sen. Orrin Hatch of Utah, the ranking Republican on the committee, said the panel might vote on her nomination this week.

"Having read every page of your FBI report, I am impressed with your credentials and what you've done with your life," Hatch told her. After the hearing ended, he told reporters: "She's come through this process very well."

Reno declined to answer reporters' questions, but smiled broadly as she left the building. White House aide Ricki Seidman, who helped shepherd the nominee, said the hearing couldn't have gone better.

—from the Harvard Crimson

Gropius Bathrooms Defaced

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point, this is someone who's really hurting." He said the defacement of the bathrooms evinces a "profound sense of powerlessness."

Although dorm residents expressed concern for the well-being of the person responsible, they also vented feelings of outrage and frustration toward an intolerable situation and the Law School's slowness to respond. "I'm pretty angry," proclaimed one student, who demanded to know what administrative sanctions will be taken if the actor is caught.

Richardson responded that the identified individual will no longer be allowed to reside in a dormitory with multi-use facilities, but added that the administration views this situation as "mostly a mental health issue."

If bathroom defacement continues, Richardson informed students, the Law School may place different key locks on the doors of the affected men's bathrooms. This would limit access, she said, and might provide a better sense of who is doing it. Several students criticized this approach, however, claiming that key locks would only prevent innocent residents from using clean bathrooms on other floors.

Other students demanded to know why the meeting had been held so late, given that the first defacement incident occurred in October. They further criticized that on several occasions the defacement had not been cleaned up promptly.

Richardson defended that she had "asked the cleaning help to do things that didn't get done," and claimed she only recently became aware of the continuing nature of the problem. However, she assured students that the administration is taking the matter extremely seriously, and informed them that she

has spoken to Harvard's general counsel as to what legal limits pertain to the School's response.

"The idea is not to punish those who have been living under this circumstance," she said, welcoming suggestions for how to proceed.

"What really pisses me off the most," one student declared, "is that

some janitor, who is infinitely less privileged than we are, has to get on his knees and clean this up." He advocated that students pay the cleaning crew extra money for performing the task.

Other students suggested that residents of the affected floors receive a rebate on their room fees. Richardson agreed to bring this possibility to the attention of Frank Lamentea, director of building operations.

Quick resolution of the problem remains difficult. It would be "hard to identify the actor short of having a police-state," Richardson asserted. Byers predicted that whoever is defacing the bathrooms will get worse over the course of the year, until he reaches a point of crisis.

"There will probably be accompanying symptoms," he warned. However, Byers assured that there is little reason for students to fear for their personal safety. "Statistics indicate that schizophrenics are no more violent than other people in society," he said.

The meeting ended with the recognition from both students and administrators that the situation is incredibly frustrating for all involved. "This is analogous to terrorism and vandalism," Byers lamented, "in which those who feel powerless strike with impunity because there is so little one can do to prevent such behavior. In a community that is lawful and rule-abiding, this is about as lawless and rule-less behavior as you can encounter."

"The idea is not to punish those who have been living under this circumstance," Richardson said.

Agresti to Depart for DC

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that it is a fabulous opportunity to be in on the ground floor in Clinton's national public service program."

Students who have worked with Agresti voiced similar feelings. "What's bad for Harvard is good for America," Ashley Barr '94 said.

"Barbara is a goddess. We'll miss her," lamented Mike Wall '93. "She is one of the only members of the staff or faculty who recognizes me."

When asked what Barbara had done for him, Mitch Kamin '93 said, "What hasn't Barbara done for me?" Kamin, dreading going through a job search when his clerkship ends next year continued, "I'll really miss her a lot next year when I call OPIA during my job search."

What made Agresti such a resource on this campus? DeBroff cites, "Barbara's warmth, her enthusiasm, her commitment to public service, her organizational wizardry, and her laughter." Others talked about Agresti's ability to combine a heart-warming level of humanity with the ability always to get the job done. As Barr said, "She's an incredible resource and an incredible person."

In typical form Agresti credits others for her achievements. "The past few

years have been fabulous, but I attribute all of that to Stacy [DeBroff]," she said. "It was great working with a visionary. She's absolutely wonderful, a real friend."

Agresti was not the only one to recognize DeBroff's insight. DeBroff will be serving on a special advisory council to Clinton's public service program.

In looking over her tenure at HLS, Agresti talked mostly about the students. "I'm going to miss all the students I've worked closely with for the past three years," she said. "I hope that they are all able to actualize their public service commitment."

When asked what her greatest accomplishment has been, she pointed to the fact that each year since OPIA opened the number of students doing public interest work both during the summer and after graduation has increased. She expressed hope that "the school sees the growing demands students are placing on this office and gives the office more space and staff."

Agresti's new job will only last for six months because the Summer of Service program is considered a "pilot project." But Agresti hopes to remain in DC, perhaps working somewhere else in the Clinton Administration.

DeBroff hopes to hire replacement as soon as possible.

"Barbara is a goddess. We'll miss her," lamented Mike Wall '93.

Leather Jackets & Ballroom Gowns

By David Lopez '93

Ah, yes, spring seems to be here at last. Warm days, the snow is melting and all seems to be right with the world. The faculty is preoccupied with who is going to get an office in the new building, and a certain large rumor about Charles Fried has reached students and alumni as far as New York, and unlike *The Crying Game*, I'm not giving this secret away. And you know people are scraping bottom when all they have to protest is Neil Glazer. It reminds me of a slow news day in Sacramento. "Two kids were arrested today shooting their BB guns at cars. They were released in the recognition of

from different colors and nationalities talking about what it was to be a lesbian. I was surprised in that a lot of women intertwined their sexuality and their ideology. Some said it outright: "To me, Lesbianism and Feminism are intertwined, I can't be one and not the other." For others, it was more subtle but the message was clear. I had the same sense of cluelessness as I did in Civil Procedure when I wondered what all those railroad cases had to do with procedure.

The film was very well done in the way it pointed out discrepancies in what the women were saying. In one area, women spoke about their struggle to define themselves, the way in which their families and friends tried to force them to conform and dictate their way of thinking. Then some of them turned right around on the issue of bisexuality and said that bisexuals "need to decide" what they

are going to be and that they "have to" be one or the other, not both. There was some hissing, but not a lot. What does it all mean?

In one part a woman said, "I thought that lesbianism meant short hair, leather jackets and a comb in the back pocket. Yuck, I hate that stuff." Some people in the audience fidgeted uncomfortably.

The one place I did relate, though, and I think I have the entire Harvard Law community on my side on this one, is that all the people in the show were different. They all had the distinct impression that they didn't fit in, that they felt out of place somewhat. They were aware of an ideal, like a house and a car and a dog, but that they somehow couldn't fit

into it, for better or worse. I saw that same irreverence, that same quirky intelligence, that same sense of humor of a lot of people around here that seems to be saying I stopped trying to fit in a long time ago.

Strictly Ballroom is a very quirky movie that really doesn't fit in. It reminds me of the years I worked my way through college as a Chippendale's dancer. It's a movie about a guy who has been dancing since the age of six and is trying to win

the Pan Pacific Ballroom Dance Championships. Everyone says that this is his year, except something goes wrong at the semi-finals. He tries some unorthodox steps, which are crowd pleasers, but you can't win unless you dance strictly ballroom, hence the name. So he loses that contest and his dance partner leaves him for the guy who won. He has to get another partner fast and starts holding tryouts. One girl starts hanging around him and he agrees to dance with her once, and they hit it off. He goes by her house once and the girl's father refuses to let her go out with him unless he can dance the Paso Doble. He attempts it, and her large gypsy family laughs. "You call that the Paso Doble?" asks the father as he has his toreador outfit brought out to him. "This is the Paso Doble," says the dad as he instructs the young Jedi. It's a campy, tongue in cheek movie, but it's fun. Some of the dancing is hilarious. If you've ever watched Sam "Dumb Sam" Liccardo dance, you'll know what I mean.

their parents. Back to you, Jan," the announcer would say this with all the seriousness of announcing a nuclear war. Yawn.

I was bored, and I guess that's why I went to go see *Thank God I'm a Lesbian*, at the Brattle. I was in the mood for an Audrey Hepburn movie, but that's all they had. I was kind of afraid of reviewing this one, because I could just see me walking down a deserted street and hear someone say, "Hey, it's him, that's the guy who wrote the movie review!" and I'd be running for my life, chased by all these women chanting, "Kill the oppressor!" or something.

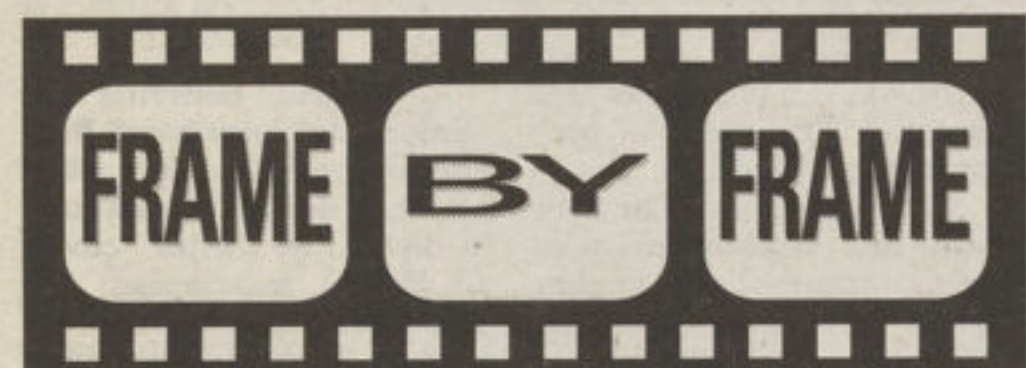
But Deanne Fairfield suggested that maybe I should disclaim the column just

in case I make a p.c. snafu. She said maybe I should affirm my own lesbian identity, but I didn't think anyone would buy that one. Finally I thought to myself, no, Dave, you really can write a sensitive, articulate column on a topic you know nothing about; it'll even be coherent this time. Yeah, and maybe the Dean can get Metallica to play at graduation.

So there I was, going up to pay for my ticket, and from a distance I saw all these guys hanging around outside the movie theater. Short hair, jeans, leather jackets and smoking cigarettes. They looked like average-sized dudes from a distance, but as I passed by none of them passed my shoulders in height. Then I looked closer. None of them shaved, either. I expected to feel uncomfortable, but they seemed pretty relaxed and non-chalant and so I relaxed as well.

I went in and sat down in the back, and there were a few guys there so I didn't feel too uncomfortable. There was a short movie beforehand about a couple of women who married each other. It seemed sad to me because they sent out hundreds of invitations and hardly anyone showed up. However, the audience loved it. People just laughed and laughed when it showed the couple shopping together and when they interviewed some of the parents, who were quite embarrassed. I was just sad, though, because one woman's father didn't even show up. I don't know, maybe I'm just old fashioned, but I think you should love your kid no matter what.

Thank God I'm a Lesbian was cheerier. It had a lot of different women



Finally I thought to myself, no, Dave, you really can write a sensitive, articulate column on a topic you know nothing about; it'll even be coherent this time.

DAN 'N ERIK'S FOOD GRADER

Oh Hello Dali

By Dan Drosman '93 and Erik Marks '93



Dan 'n Erik loved Dali (415 Washington St. — on the corner of Beacon St. and Kirkland St.; 661-3254). The Old-World Spanish ambiance and hearty food evoked fond memories of medieval times when class roles were clear and chivalry ruled the day. Indeed, a faux laundry-line, replete with busty brassieres and silky panties, flatters the restaurant's dining grotto, reminiscent of a charming Gothic brothel. The bar area is spangled with dangling ham hocks, a stuffed boar's head and huge dried cod plastered with iridescent filament. These surrealist touches, blended with hardwood floors and Renaissance-style stucco walls, recall Salvador Dali's spirit: outrageous, startling and fun.

Mario Leon Iriarte and his wife and co-owner, Tamara Bourso, have obviously put as much effort into the food as they've put into the decoration. Mario explained, "We want this to be the kind of place where we'd want to dine." And with Spanish cuisine now the Mediterranean food du jour, this is a perfect restaurant to taste a variety of dishes from many regions of Spain.

Dali stakes its claim to greatness on tapas. Tapas are like appetizers, but often several are eaten as a full meal. The word "tapas" means lid, and they evolved from small chunks of bread placed over the patron's wine glass to prevent flies from committing suicide in the drink. Eventually, pieces of cheese and other edibles were added to the bread and, voila, tapas were born.

The tapas at Dali are delicious, but choosing from the extensive menu is daunting. The regular menu lists 18 different tapas, and a daily list of another 10 tapas ("Inspiraciones") changes every couple of weeks.

We began with the Butifarras con Brevas (\$4.00). Savory pork sausages swam in a piquant fig chutney. The sauce was so good that we mopped it up with our delightful Portuguese corn bread. The Pulpo A'Feirer (\$4.00) contained octopus tentacles the size of Dan's middle finger, but far more tender. Served on a wooden palette with a wedge of lemon, the octopus was tinged with olive oil and paprika.

We were tempted to make a meal out of several tapas, but the fragrant smell of the entrees at the next table persuaded us to move on. The Pescado a la Sal (\$17.00 — "our signature") was wonderful. A whole sea bass is baked and arrives at your table encased in a mound of coarse salt which your waiter deftly chisels away. The salt acts as a cooking agent, not a seasoning, and the fish was moist and flaky.

We highly recommend the Conejo Escabechado (\$14.00). A little cottontail bunny is braised in a sweet and sour sauce made from caramelized onions, juniper berries, cinnamon, serrano chiles, sherry vinegar and red wine. The sauce is stirred in a massive witches' cauldron for five hours, and the exertion is evident in this near-perfect creation. Remember this dish for authentic Easter dining (not a bad idea for Passover either).

The Mari Muntanya (\$15.00) was a delectable mix of shrimp, chicken and lobster floating in a dressing of saffron, tomato, nut and wine, with a lick of chocolate adding to the complexity. Mario recounted the story behind this 300 year-old Catalan god-father of the Mexican Mole: the delicacy was fashioned when a farmer and a mermaid wed, he proffering the terrestrial harvest and she the fruits of the sea.

For dessert, we splurged on the Creme de Arroz con Leche (\$4.00) and the Filcoa al Licor (\$5.00). The Creme de Arroz con Leche was a dense and creamy rice pudding topped with caramelized sugar. The Filcoa al Licor loaded fresh strawberries into a dessert crepe and smothered it with chocolate sauce and orange liquor; it will be tastier when the strawberries are in season.

The all-imported Spanish wine list was large and impressive, complete with reproductions of the bottle labels. The comprehensive descriptions of all the wines should help any budding Don Juan to debauch his maidenly date.

The food was enhanced by outstanding service — knowledgeable, efficient and very friendly. We would gladly return to Dali with either parents or girl in tow. So the next time your hankering for an exotic foreign escape within a short walk of the law school, try Dali.

GRADE: A+

HLS Intramural Basketball Standings

as of Sunday, March 7

Team Number and Name Wins-Losses

"A" LEAGUE

3.	Two-L-Men-Ators	8-1
5.	One-L	7-2
6.	Black Panthers I	6-3
2.	Gimme the Rock, Baby!	5-4
12.	Children of the Corn	4-5
7.	Hair Club for Men	3-6
4.	Wacky Ducks	3-6
1.	The ChaChis	0-9

"B" LEAGUE

15.	Mo Knows	5-0	11.	Full Tort Press	2-2
9.	The Varks	4-1	13.	Joey Buttafuoco	2-3
19.	Harlan's Globetrotters	4-1	22.	The J-Men	2-3
24.	Bildad & the Shoe-Hites	4-1	26.	Ted's a Liberal	2-3
27.	Stolen Legacy (B.P. II)	4-1	28.	Mrs. Hammer	1-3
16.	Tugl Tunkl	3-1	10.	Court Feasors	1-4
21.	Call Me Ismael	3-1	17.	Black Flag	1-4
18.	2 Wright Crew	3-2	25.	Death Squad	1-4
20.	The Rest of the World	3-2	8.	The Grizzers	0-5
29.	The Chicano Bulls	2-1	14.	Ballbusters	0-5
23.	Below the rim	2-2			

Compiled by Kirby Lewis



Harvard Law RECORD

Founded in 1946

Lisa R. Zornberg
Editor-In-Chief

Kevin D. Werbach
Publisher

Farewell to the King

I have no idea how many people have noticed that Bob Arnold '93 is no longer Editor-In-Chief of the RECORD, but I suspect it is not many. This is partly attributable to the talent of Lisa Zornberg '94, the new Editor-In-Chief, and Kevin Werbach '94, the Publisher, who took over production without missing a beat. Partly, however, it is attributable to Bob Arnold himself, who built the RECORD up over the last two and a half years from an eight-page, bi-weekly rag, to a credible sixteen-page weekly. It is almost ironic that Bob's efforts put the RECORD on such solid footing that it not only survived his departure, but that it did so with relatively little difficulty or publicity.

This did not happen by accident. Bob Arnold worked tirelessly to improve the quality of the RECORD in a variety of ways. First, he spent countless hours to improve the quality of editing and layout, both by poring over the copy looking for errors, and by bringing in editors who shared his eye for detail, like Glennis Gill '93 and Johanna Davis '94, and layout people like Kevin Werbach, who possesses an uncanny talent for putting the copy into a readable, consistent form. Without this, the RECORD might still be a mass of misspelled, incoherent pieces thrown together in a hodge-podge fashion.

Next, Bob recruited talented people like Alysse MacIntyre '93 and Paul Taylor '94, author of the *Liabilities* comic, who attracted a devoted regular readership. The humor and insight of people like Alysse and Paul transformed the RECORD from a series of inane articles and editorials to a vehicle for ideas and opinions that people looked forward to reading each week.

Bob also attracted competent managers like Kerwin Chung '93 and Bobby Daut '93, who handled hundreds of problems behind the scenes ranging from purchasing new office equipment and computers, to lining up advertising, to paying the phone bills. Without the sound business footing Bob worked to build, I doubt seriously whether the RECORD would, or could, be published each week.

Finally, Bob encouraged all of us to say what was on our minds. I heard many complaints about the RECORD's leftist tendencies during Bob's tenure as Editor-in-Chief, and though it was indeed a liberal paper through most of his reign, it was only because left-leaning articles, letters, and editorials were what came into the newsroom each week. When David Clancy '95, Dean Newton '95, Neil Glazer '93, and Dave Lopez '93 came to the RECORD, and indeed, whenever I wanted to say something non-PC, Bob did not object. "OK, cool, go with it," he would say in response to even the most right wing idea for a column or letter. Anything to give more people the chance to develop and express their views. Anything to attract more readers.

I did not always agree with Bob Arnold's editorial decisions, and I certainly did not always agree with his politics. That was as it should have been. Whatever my disagreements with Bob, though, I never saw him make a decision motivated by anything other than what he believed in good faith to be the best interest of the RECORD.

I speak for everyone on the staff when I say Bob Arnold will be sorely missed. The RECORD, of course, will go on publishing without him, but it will do so, in large part, because of him.

—RFW

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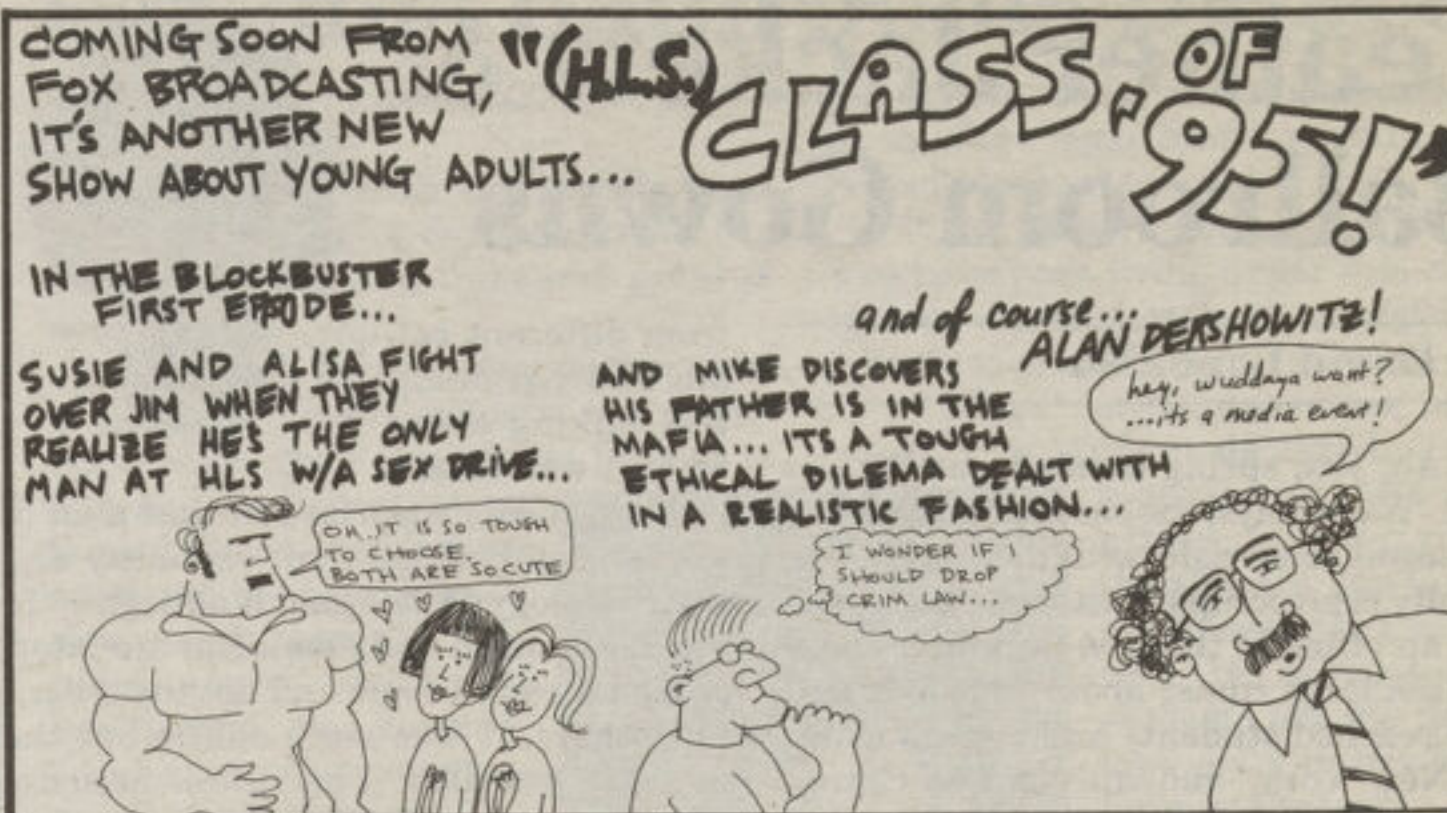
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"Congress shall make no law...abridging the freedom of speech, or of the press;..."

—First Amendment, U.S. Constitution



Letters

Food Festival No Shortage of Success

We, the Executive Board of the International Law Society (ILS) are sincerely sorry that Dave Lopez (RECORD, February 26) did not have an enjoyable time at the First Annual International Food Festival and Party sponsored by ILS in conjunction with the LL.M. program on Saturday February 20. A line formed early in the event because the planners expected 100 people for the event and over 350 students actually attended. While obviously pleased with the turnout, the planners were temporarily overwhelmed by the crowd and the available food was consumed at a quick rate. As soon as the situation was evident, additional food was quickly ordered and by 8:30PM, everyone had been served. The event continued until 1AM. The festival will be an annual event and the turnout will be better foreseen in the future.

ILS considers the International Food Festival and Party an enormous success because the event allowed LL.M. and J.D. students to interact in an informal setting. ILS believes that these populations of students mix too infrequently and that the LL.M. students, representing over 59 countries, are a valuable source of information about the history and culture as well as about the study and practice of law in their home countries.

The ILS board has initiated as well as planned several

al programs and series this year, such as the Food Festival, along several themes. The areas of programming include:

- **Academic:** fourteen Academic Exchanges have been organized to foreign countries, including Senegal, Australia, and the Middle East this year. On these study visits, delegations of ILS members focus on a current legal topic by meeting with top government, legal, and business leaders. Other academic programs include speakers, such as the Legal Advisor of the US Department of State who spoke this November. A series in which ILS members dine with international law professors has also been started this year.

- **Professional:** A Professional Speaker series has sponsored speeches by lawyers involved in the practice of international law. In addition, a symposium (also jointly planned by LL.Ms and J.Ds) on the legal aspects of international business transactions is being organized for April.

- **International Affairs:** A new program is being initiated whereby LL.M. students talk about their countries, complete with a multimedia presentation, sample food and music, and a question and answer period. Also earlier this year, ILS hosted a reception for the International Fellows (mid-career diplomats and lawyers) who work for a year with the Harvard-affiliated

Center for International Affairs.

- **Social:** Believing that students can learn much from the people whom they befriend, ILS has made a commitment to foster closer LL.M./J.D. interaction. To this end, happy hours were held in the beginning of the year and the Food Festival and Party was sponsored in February. (Note that ILS did not make a profit from the event, but rather spent over \$1,450 of its funds to provide the food, drinks, music, security, and appropriate licenses.)

In closing, we believe that Mr. Lopez's urgent need to 'eat and run' before his pending appointment on the night of the Food Festival should not overshadow the work of the many students who organized and cooked for the Food Festival and Party. This year, ILS has worked hard to provide a more interesting, fun, and international law school and we thank the many students who have attended the wide variety of events sponsored by ILS and who have made the past year successful. In addition, we would like to thank the more than 350 students who, unlike Mr. Lopez, did stay around for both dinner and a party and who made the First Annual International Food Festival and Party an enormous success.

Steven Lurie '93
President, ILS
March 3, 1993

Advice for Prospective HLS Gourmands

Tsk, tsk, Dan and Erik. As anyone with a sophisticated palate knows, a la Pultanesca means "in the whore's fashion." This describes the speed at which the dish can be

cooked — between jobs, so to speak. We wouldn't want some under-civilized, overblown law students embarrassing an unsuspecting, hard working waitress, would we?

No. We have a bad enough rep around town. Salut et bon appetit.

Maryann Gatto '94
March 8, 1993

Nesson Reads the RECORD, and Likes It!

I offer one of the fruits for me of working through the story of my apology.

I apologized for not asking an "Issue Spotter" on my Winter Evidence exam. My exam consisted only of short answers for thirty minutes and two essays on broad subjects for two hours, the first eliciting students' thought on how they relate to the law, and the second eliciting their thoughts about how law works. The responses in the exam books I have been reading are so extraordinary that I found myself commenting on them, actually writing my reaction on the margins or the covers of the books. A pity, I thought, that the students hardly ever come to see them, and then only to complain. Why not make the one's I've read available in my office for my students to come to see and read? They will learn from every one, personal yet clothed in anonymity, until one they read will be theirs. What am I teaching? How do I grade? Am I a teacher or a grader, and what's the differ-

ence?

Your wonderful cartoon jokes about "Nesson's Test-Making Procedure" (The Real HLS, 3/5/93). Here's mine for real:

Our exams should include a question asking our students, "What have I taught you? What is distinctive about what I teach?" We should publish the best answers, with comments.

Would publication of the best answers reveal us as teaching the same stuff? Or teaching nothing? Would the differences between us be all doctrinal?

Imagine me reading the exam books desperate to find a few describing sufficient distinction to be published. Would distinction, if any, belong to me, or to the student who wrote it up? Every student, given the competition around here for grades, would strain creative imagination to see something truly distinctive in what I'd taught them, even if they had to make it up.

Would students rebel at the self interest of the grader?

What would that interest be? What of the poor student who says I taught nothing? Do I grade that student low for my failure? Or could I put the responsibility for learning something from me on him or her? Imagine the ones who know they've learned nothing coming up to the end of the course. I bet I'd have their full attention.

Could I stand giving an A to someone who didn't attend at all? "Working on the Review, you know. Got Nesson from an outline. Didn't have time to go to class." That would hurt. I'd at least like this person to come around and meet me, emerging from numbered anonymity.

Let our students teach us our distinction. They are fabulous. Reading exams would be a time to listen, and not merely to grade.

Great cartoon. Warmest regards,

Prof. Charles Nesson '63
March 8, 1993

RESPONSES TO NEIL GLAZER'S COLUMN ON HOMOSEXUALITY LAST WEEK

My Father Would Know What to Do

By Richard Gordon '83

It was 1965 and I was only nine years old, but I remember that evening with extraordinary clarity. Lyndon Johnson was President, the great expansion of the war in Vietnam was under way, and the long hot summer of Watts had just begun. I was sitting at the dinner table while my sister, 11 years older than I, told us the tragic story of what had befallen a college friend.

The year before Peter had enlisted in the Air Force. He had studied Russian there with great success, and had looked forward to a career with Military Intelligence. But a few months ago both Peter and the Air Force discovered that he was gay, and he had been discharged. His mother virtually disowned him, and Peter had nowhere to go.

My father was then a great big man, with fierce blue eyes and an authoritative voice. "He

will stay with us," he said. "For as long as he wants. Until the day this country figures out what it's supposed to be about."

This was great news for me. Until then I didn't have a brother, and now I had. Peter and I stayed in what Gen. Colin Powell might have called "close quarters," in fact, we even shared bunk beds. Peter served as my companion, playmate, counselor, in other words, brother, with great distinction. I wish I could have given him a medal.

That night my father told us a story. In 1942, after Pearl Harbor, he joined what was then called the Army Air Corps. He was accepted as a cadet in Officer's Candidate School, and was sent to Maxwell Field in Alabama to learn to be a pilot.

What he found was deeply unfamiliar and upsetting. Maxwell Field was a whites only facility. My father had heard about segregation, but it was something else indeed actually to live it. One night, he and a few other cadets went to a bar for a few beers. As they were preparing to leave, a lone black ser-

viceman (my father couldn't remember from what branch) came in, and walked up to the bar. First, dead silence. Then, voices of anger. Next, it was as if a bomb had exploded. The man lay in a pool of his own blood, stabbed repeatedly in the stomach. "If he'd been a Nazi, maybe he'd have had been taken prisoner. But they wouldn't have knifed him. He'd have been white," my dad said.

He was not one for sentimentality, but that night he told us in a soft, almost hushed tone, "You know, a piece of myself kind of died that day." The military separated blacks into their own units to protect military morale because some southern soldiers couldn't stomach living in the same barracks with them.

Sure. Great job at protecting morale. More like validating prejudice. "When Harry Truman integrated the armed forces, that was one of the great moments in my life," my dad told us. In at least some sense, it gave him back what he had lost in Alabama.

"Now they want to take it away again. When will this country figure out what it's supposed to be about."

Today, my father is in a veterans hospital, dying of complications from an injury suffered in 1943, when he was in the Air Corps in the service of his country. There could be no more fitting gesture to men like my father, men without hatred or prejudice, if Colin Powell and the Joint Chiefs of Staff would do what is so obviously the honorable thing. If they could give back to my father what was taken away from him. If they could only figure out what this country is supposed to be about.

—Reprinted with permission of the author.

Queer Talk About Homosexuality

Just when I despaired of energizing "the homosexual community" within my term as COGBLLI chair, Neil Glazer's '93 "Straight Talk About Homosexuality" comes out of the blue. HLS queers, and right-thinking people generally, are outraged. Secretly, I suspect the organizers of the 1993 National March on Washington for Lesbian, Gay and Bisexual Equal Rights and Liberation beamed this stuff to a transistor implanted in Glazer's brain so he'd rouse "the homosexual community" here, ensuring HLS will march on April 25th. Although it's unlikely his column passes anyone's "straight face" test (so to speak), I respond lest you take him seriously.

I should say parenthetically that I know no "homosexual community" whose agenda I could summarize in one sentence: our communities and our political "demands" are plural. But let us assume, for the sake of discussion, that Glazer knows what he's talking about. So that the full "homosexual" agenda is on the table, I'll add another demand: that we could have one year without the same old tired hokey.

Glazer complains that "homosexuals" "equate tolerance with acceptance," which may tempt you to "surrender" to the unprecedented, "radical demand that [homosexuals'] lifestyle be fully embraced by the American people as a perfectly normal and acceptable way to live." What will we think of next? Now, if our "initial demands for tolerance" had once met with actual tolerance, things wouldn't be at this radical pass, but why quibble?

Anyway, with "acceptance" too "radical," we are left with "tolerance." Glazer is "not advocating that we begin to persecute homosexuals." He "absolutely agree[s]" that homosexuals have a right to be free from physical violence. Gosh, that's a relief! But maybe "tolerance" sounds better than it really is. After all, Glazer does "believe that ... various groups ... have the absolute right to determine that they do not want to associate with ... individuals who actively engage in such behavior." Since this association plainly *does* occur, I don't know how "various groups" will purge "homosexuals," if not by persecution, but this troubles me less than what this "absolute" right implies.

If Glazer means what he says, he intends to discourage homosexuality. This works in two ways. We can stop actively

engaging in "such behavior" and lose our "personhood," to which it relates, or we can starve or freeze to death when we can find neither work nor housing (for surely if Glazer is sincere, he believes everyone should exercise this "absolute" right absolutely). Maybe Glazer will say this isn't what he intended, but that's simply squeamishness about his project. If, therefore, Glazer *doesn't* mean what he says, then his column is just gratuitous gay-bashing. Either way, I can't see the difference between this and "persecut[ing] homosexuals." Your psychiatrist calls this passive-aggressive behavior.

Glazer's "absolute" right of disassociation is an absolute right to disassociate from the moral consequences of homophobia, and his "tolerance" is zero tolerance. Or, to put it another way, Glazer tolerates — indeed, embraces — the disappearance of "homosexuals," including people you care about.

I don't want to misrepresent Glazer's position. He "is not motivated by any hatred of homosexuals"; indeed, [Glazer] believe[s] it is wrong to hate homosexuals... Now, I always feel hated when someone describes me as "aberrant, unnatural and immoral," but I'm one of those overly sensitive minority students. After all, even though my "lifestyle" resembles that of every other law student, mine "is in contravention to the laws of God, nature, and man." Unfortunately, Glazer cites to a divided court. American religions are not unanimous on "the homosexual question," and the laws of man are more divided still. In any event, I thought ours was a constitutional, not a theocratic, regime, in which enforcing naked prejudice to cater to the overly sensitive majority impermissibly expands government power over private individuals. But hey — what do I know? I'm no Federalist.

So that basically leaves Glazer with the laws of nature. I consulted my scientist friends on this, and they tell me Glazer's position will surprise all those same-sex pairs in the animal kingdom. They also tell me that, for example, laws of nature preclude my breathing water or traveling faster than the speed of light, but not "homosexual behavior," whatever that includes. Glazer will accuse me of being obtuse by ignoring the distinction between nature and *Nature*, but the only difference

I see is that one lacks a moral code and one magically duplicates Glazer's world view. I happen to know that some "unnatural" sexual practices are dear to heterosexuals and "homosexuals" alike (you know what I mean), so I doubt there's consensus on the "nature" thing. More to the point, I've actively engaged in several behaviors that I'll bet constitute "homosexual behavior," and — how can I put this delicately? — if they in fact contravened natural laws, they sure as hell wouldn't feel so good.

"Confronted with the urge to violate [his] conscience," Glazer "refuse[s] to surrender to such demands." This means if you drop the soap, Neil won't pick it up. Which is just as well, since no one wants him to "surrender" (trust me). He "do[es] not know if it is true" that "a fairly large percentage of males, at some point in their lives, 'think' about homosexuality, but of course his column belies that claim, for we can all see that Glazer did spend some time 'thinking' about homosexuality. Unfortunately, he didn't spend any time *learning* about it. "It would appear," if one really *did* "listen to those from the homosexual community," that lesbians, bisexuals and gay men never waited for the embrace of a heterosexual society. Who told Glazer that any of us sought his or anyone else's permission? Far from an "urge to violate [my] conscience," I feel the desire to run with my heart, and yes my groin as well. In this am I so different from heterosexuals? Can it be that heterosexuals' sexual and romantic lives are merely the dutiful and puritanical fulfillment of "the laws of God, nature, and man"? I think each of us pursues a little "personhood" through "such behavior," knowing fully well that this quest obeys no law other than love, "the very foundation of our moral code."

Steven K. Homer '94
Chair, Committee on Gay, Bisexual
and Lesbian Legal Issues
March 10, 1993

are considered taboo by the politically correct. Three, the abhorrence of sexual objectification by the politically correct does not extend to instances where the object is a straight white male.

After two and one-half years at HLS I am disappointed, but not surprised.

Mark Mickelson '93
March 9, 1993

A Vicious Attack

We are writing to respond to Neil Glazer's latest diatribe in the last issue of the RECORD ("Straight Talk About Homosexuality"). At a time when many people at Harvard Law School are trying to restore a sense of community to the campus, Mr. Glazer has launched a vicious attack on gay men and lesbians which we emphatically condemn.

Mr. Glazer implies that hatred for gay men and lesbians is different — and more justifiable — than the less-accepted hatred of African-Americans and women. His reasoning: homosexuality is not "an innate and unalterable characteristic." His proof: "testimonials from former homosexuals who have been 'cured.'" He totally ignores inconvenient scientific evidence that has come to light in recent years that suggests a strong link between "nature" and homosexuality (for a detailed analysis of some of these studies, see the cover article in this month's *The Atlantic*). And he fails to address the "testimonials" of the overwhelming majority of gay men and lesbians who have said that the only real "choice" for homosexual people is to live life proudly in the open or to cower in the closet, fearing the possibility of discrimination on the job or in their communities. Mr. Glazer's talk of "curing" homosexuals is particularly alarming given the fact that many gay men and lesbians were subject to shock therapy and even lobotomies in the earlier half of this century, all in the name of "curing them." These so-called cures had a zero success rate, but is it any wonder that people were impelled to submit to such torture by a society that labeled their behavior (borrowing Mr. Glazer's words) "aberrant, unnatural and immoral?"

Recent studies have shown that approximately one-third of teenage suicides are committed by gay and lesbian youth. Clearly, these individuals feel that they cannot cope with a world that in many respects still denigrates who they are. If Mr. Glazer had his way, this system of oppression would continue forever. Fortunately, although Mr. Glazer uses the phrase "we, as a society," in his screed, his views can hardly be seen as representative of Americans as a whole. We hope that his constituency is as narrow as his mind.

Perhaps Mr. Glazer should stop trying to obsessively analyze what he views as the faults of others and reflect upon himself.

Jon Dauphiné '94, Raissa Lerner '94,
Lisa Binder '94, John MacLay '94,
David Kahn '94, Funmi Arewa '94,
Bethany Spalding '93, Jonathan Sichel '93,
Andrew Ward '94, Patricia Lau '94,
Gail Brashers-Krug '94, Ted Mills '93,
Julie Doyle '94, Brad Sears '95,
Rebecca Topol '94, Ricardo Dopico '94,
Jennifer Feikin '93, Jeanne Sullivan '94,
Trina Hunn '94, Peter Zaldivar '94,
Christopher Stoll '94, Jaqueline Davis '94,
Tanya Herrera '94, Becca Winters '94
March 7, 1993

Glazer's Column Intelligent and Thoughtful

Homosexuality is not encouraged behavior among the vast majority of the United States public. Neil Glazer '93 wrote an intelligent, thoughtful column justifying this position in last week's RECORD. In response, two series of lewd posters directed at Neil Glazer personally were distributed throughout the law school campus this past week.

I believe it is fair to say the distrib-

uted posters are extremely derogatory and insulting to Neil Glazer personally. A fair inference being that the posters are designed to discourage and mock the expression of Neil Glazer's point of view.

This latest exchange is evidence of several things of which many of us at HLS are already aware. One, it is easier to tell someone to shut up than respond to him intelligently. Two, certain points of view

Liabilities

By Paul Taylor



GROMM IN HELL

By Chris Spagnoli



1-800-JUSTICE

By Steve Baughman

OKAY, OKAY--CALM DOWN, MS. DUMPTY!
FOR STARTERS, CAN YOU TELL ME
WHO OWNS THE WALL?



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OFFICES.

HOROSCOPES

By Rosie Cosentino

ARIES March 21 to April 20: The outcome of long awaited news finally comes. This is a week for opportunities in work and business. Clean out your closets. Make room for the new. A hobby started now will bring success and financial reward.

TAURUS April 21 to May 21: Money goes out on car repairs. Looking over old notes can help you on a test now. Communications are a little emotional, keep your cool and the outcome will be in your favor. Luck at work and an older friend gives good advice.

GEMINI May 22 to June 21: A week to finish up things around the house. Listen to soft music, write that letter or paper that is overdue, keep it simple. Time for yourself after the go-go pattern you have been in is necessary. Love at a distance or out of town this week.

CANCER June 22 to July 23: You'll spend money on a big event. All outcomes are in your favor: love, business, and school all present opportunities. Pay attention to details, as they will save you time and grades. A teacher will be a good reference for an unexpected interview. Don't be afraid to ask for help.

LEO July 24 to August 23: Plan for your summer vacation now. Overseas education is not out of the question. You can combine business and pleasure. Friendship can warm into love. Plan career goals first then think of your personal life. A gathering in your home brings a surprise guest.

VIRGO August 24 to September 23: A friend helps you get one of your hopes and wishes. Good news on a report. A moral decision arises, be careful of your answer. A short getaway this weekend would be good for you. A good week to be seen and noticed.

LIBRA September 24 to October 23: Let your personality shine. A week of rewards. Time to take a friend to lunch or dinner. Work is plentiful and will only get more hectic.

SCORPIO October 24 to November 22: An opportunity to do some writing. A new friend will help in business. Your values and judgments will be put to the test, hold your temper. Being right can cost you your position.

SAGITTARIUS November 23 to December 21: Speaking for a group or organization will show your talent. You'll receive a party invitation. Socializing will be fun and provide some needed advice. A speeding ticket or car problems will cause delays. Be true to yourself.

CAPRICORN December 22 to January 20: Keeping your mind on lessons and required things is hard now. Try some exercise. A friend needs your help, but not financially. Communication is difficult because of past mistakes. Just relax: next week will be better.

AQUARIUS January 21 to February 20: News of money coming. A friend needs legal advice and will help you discover something new and useful for your future. Do the research. A dress-up party invitation leads to enjoyment.

PISCES February 21 to March 20: Older friends will be jealous of a new acquaintance. Just use flattery. A change of position for you in work and school. Love is a little rocky—watch your words. Flowers make the difference.

For personal consultations contact:

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

Kodak Moments With the Faculty

By Alysse MacIntyre

RECORD Diva

ONE of the biggest beefs that students have with the faculty here is the lack of accessibility. You're more likely to talk to Elvis than a member of the HLS faculty.

But there are definitely things that you can do to improve your chances. I knew someone who had the misfortune of having Dershowitz as his paper adviser. He thought it would be great, but, of course, Dershowitz canceled their every meeting without notice. After months of trying, the day did arrive when Dersh kept an appointment. Why? A film crew was on campus and wanted some shots of Dersh with a student. The moral of the story is that you need a film crew to get Dersh's time.

For better or for worse, I've had more than my fair share of interactions with the faculty. I once drank beer with Charles Fried in a Union Square bar and actually found him to be pretty charming for a Reaganite. He said, "I don't think you've been in any of my classes." I said, "No, and I haven't sat-in at your office either."

Another time I went to a cocktail party at Larry Tribe's and met Barbara Boxer. When Senator Boxer praised Larry at length for his defense of the freedom of choice, Larry got an expression rarely seen on the face of an HLS professor: humility. He looked like he was tearing up. It was really touching.

And, of course, I also once retained the legal counsel of Terry Fisher, which was worth it if only because I got to try one of his incredible margaritas as a consequence. You've got to love any professor who stands up for moral causes, can actually teach, and tends bar with the best of them.

Yes, during my years here I've spent the night in

Bob Clark's office, hitched rides with Charlie Nesson, gossiped about boys with Elizabeth Warren, discussed haute couture with David Wilkins and even asked David Charny to not call me "Rita Moreno." And, of course, I am on as good of terms as anyone with all the women of color professors.

I've even had a couple of chance collisions with different profs. One was with Betsy Bartholet in a restaurant. I crashed right into her. It was entirely my fault for wearing high heels when I know I am a klutz. At the time I cherished the experience because I feared that it would turn out to be the only interaction I would ever have with a female professor at HLS.

Another time I almost got knocked down by Archie Cox coming out of his office up on Buzzard's Row in Langdell where Det Vagts and Frank Sanders also sit. While he apologized I stood there like a thirteen year-old gazing at Luke Perry. I couldn't speak. I might have even drooled. It's so rare in life that you actually meet the man you named a goldfish after when you were seven years old.

By far, however, my most embarrassing moment with an HLS faculty member came the night David Shapiro called me at home. It was late on a Sunday night and after asking several times who he was talking to, he just started speaking about how glad he was to reach me without identifying himself. Not having any idea who it was, I was considering hanging up when I asked, "Who is this?" He identified himself and what did I say? I said, "Oh, thank god. I thought this was going to be an obscene phone call." I thought I was going die with embarrassment. (My mother was right! I should think before I speak!) Much to my relief, Professor Shapiro laughed. He even laughed the next day while repeating the story to Dean Vorenburg right in front of me, so I got to relive the embarrassment all over again.

Yet there are still a lot of things I want to do with

the faculty before I graduate. Here are some of them.

I want to walk into Charles Fried's office and say, "Sir, mind if I sit on your floor and protest for a while?" and then run out when he gets all puffy and red in the face and starts yelling.

I want to buy David Kennedy a can of mousse for that amazing chest hair of his. Does he love showing it off, or what? David obviously knows that if you've got it, flaunt it. And, boy, does he got it.

I want to present Roger Fisher with a painting by Piet Mondrian, who, like Roger, also thought the whole world could be reordered by the viewing of grids.

I want to present Det Vagts with the complete works of Dostoevsky and tell him they're from David Charny. And I probably would do it, but I'd feel bad if Det started cowering in terror.

Because he's the Buddha of Con Law, I want to rub Larry Tribe's belly for good luck (Get your mind out of the gutter, Gentlereader).

I'd like to get Bob Clark drunk and get him a big tattoo that says "Hell's Administrators." Is it true that if there is another sit-in Bob will have to shave his head? Reason enough to give Mackinnon tenure, I say.

For all that he taught me about torts, I want to take David Rosenberg on a shopping spree at the Central Square Goodwill Bargain Basement. It warms my heart to imagine him running around squealing, "It's all crap!" while stocking up on polyester leisure suits with contrasting top stitching.

I'd like to get David Wilkins to sit Frank Michelman down for a little "professor to professor" chat about that pink sweater of Frank's. As for David, I'd get him a subscription to *GQ*, but — no big surprise — he already has one. (Am I the only one who occasionally finds themselves humming "Zoot Suit Boogie" when David comes in the room? I wonder if David can do the Lindy.)

Finally, I want to thank all the faculty who in the past week posed for me for photos to be used in *The Phantom of the Law School*. And I want to share with everyone a little secret I learned about Duncan Kennedy in the process. Trying to get him to strike certain poses, he was entirely resistant until I told him that I thought he looked a little like Karl Marx. "Talk to me!" he said, and then became putty in my hands. If only the same worked on my third year paper advisor.



Fenno stood dutifully with forty others outside the faculty appointments meeting on a Friday afternoon. "No justice, no piece of ass!" he shouted, enthusiastically. A nubile One L whispered hoarsely, "Shut up, you fool! This is a silent vigil!" Damn! It was so hard to pick up women without using his tongue.

Sadly, Fenno walked home. Another empty ruse foiled. On the way home he watched two small children fighting a pit bull terrier for a piece of rotting meat. As he watched the malnourished waifs get eaten themselves by the vicious cur, he suddenly remembered that he'd better bone up for the MPRE exam.

Ethics schmethics... how hard could this test be? Fenno leafed through his nine-page MPRE pamphlet on the toilet while he pinched off a loaf.

1. Would you rather cheat on a) a law school exam, b) your taxes, c) your poker buddies, or d) your girlfriend? Fenno circled D twice, for good measure.

2. Attorney is the general counsel for Catco, Inc., a manufacturer of Hark food. Catco's CEO, the attorney's lover, enjoys dressing up like a leopard and whipping him with a giant tail. Is the attorney subject to discipline?

3. After an excellent night of Kahlua and Karaoke, Judge and Attorney go home together and begin to have unsafe sex. Judge says, "Don't worry, I use the rhythm method." Should Attorney withdraw as counsel in this case?

A week passed, and Fenno woke up bright and early at 11:45 on Friday morning. On the way to the exam, Fenno noticed a nervous, lanky man with dyed spiky hair leaning conspicuously against a tree outside of Austin Hall. Then the hair walked away.

The man whispered, in a conspiratorial tone, "Psst. Pal. Come over here. Got somethin' for ya."

Fenno was cautious. "Is it doobage?"

"Look, man, if you want to become a lawyer, I got just the thing you need."

"Great! It is doobage!" Fenno gleefully took out a thick wad of ones.

"No, you schmuck. I have here in my oversized trenchcoat the complete answers to the MPRE. Yours for the low, low price of only \$15."

Fenno looked through his one dollar bills, and considered the price. "Can I put it on my termbill?"

"Cash only. I don't trust lawyers."

Fenno pondered the ethical ramifications of the opportunity before him. Should he pay \$15 for the answers and surely pass the Professional Responsibility exam, or refuse the temptation, and pass a more cosmic ethical test. Aw, screw it. He forked over the money he'd stolen from the two dead kids' bodies.

"Ah-ha!" With a dramatic flourish, the man peeled off his facial skin like a lizard in V. "Don't you know who I am?"

"Peabo Bryson?"

"No! I'm Alan Kay, the Chairman of the Multistate Professional Responsibility Committee! And you, my friend, have failed the exam before even entering the testing room."

Fenno fumed. "This is entrapment. And I'm not your friend, damnit. But we can still be bud buddies?"

Responding favorably, Alan pulled out a Chia Pet bong, and they shared a bowl together in peace and ethical harmony. The End.

Quote of the Week

"One can do worse than be a swinger of birches
Or a faculty member
engaged in researches."

—Dean Clark, in a poem
honoring faculty authors

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We Shall Not Be Moved! Part II

By Rich Wareing '93

RECORD Columnist



"If you give people the facts, they can smell the truth" — Mario Cuomo

I'm going to indulge myself with a few observations about Lucy Koh's '93 and Julie Su's '94 letter on my last column.

First, the assertion that ideological diversity is acceptable, but only from straight white men is malarkey. Of the African-American professors on the faculty, Professors Brewer and Kennedy could, I suppose, be considered "traditionalists" in terms of their scholarship, but I doubt either would feel comfortable at a Young Americans for Freedom meeting. As for the others, Professor Ogletree has been active on behalf of many death row defendants, Professor Edley was an advisor to the Dukakis campaign, served in the Carter Administration, and will soon be going to work for President Clinton, and Professor Wilkins can in no way be confused with Clarence Thomas.

Of the female professors on the faculty, only Professor Glendon can be considered conservative in any real sense. Professors Minow, Field, and Sullivan, on the other hand, are well known for taking liberal positions on issues such as Due Process, affirmative action, the First Amendment, reproductive rights, and child and family law issues. And while Professor Warren concentrates in the area of Commercial Law, anyone even remotely familiar with her work can tell you she's hardly "right of center."

The claim that when it comes to women and minorities, only conservatives need apply, comes from extremist politics and not from any basis in fact.

Their claim about HLS's intransigence on the question of faculty diversity is artful historical revisionism. Of 27 offers of tenure track positions made in the last ten years, 14 went to persons from underrepresented groups. Of the 23 who accepted, 11 came from underrepresented groups. Of the 27 departures in that time, 22 were white males, with three more to follow this year. When you cut through the foot-stomping, things have changed.

Indeed, HLS would be even more diverse had two black males, one Latino, and one woman, not declined tenured or tenure-track offers, and had Susan Estrich not left. Of course, to this list of rejections we may soon be able to add Carol Rose, a woman of color, currently at Yale, who is rumored to have turned us down. One wonders how many of these people would now be at Harvard were it not for the "hostile atmosphere" that radical posturing and numerous sit-ins and strikes have helped create.

I agree more needs to be done to diversify the faculty, but the answer is not slogans and office and classroom takeovers which divide and alienate, but rather dialogue and collective effort. Indeed, had Ms. Koh and Ms. Su bothered to do any fact-checking about my track record, they would have found that I am a co-author of five separate Law School Council resolutions on the subject of faculty diversity, including one to expand the Charles Hamilton Houston Fellowship for minority scholars.

Indeed, had they bothered to examine the record of this year's Council, they would have found that I have spent many hours working on a number of projects with Council President Marie-Louise Ramsdale '93 aimed at bringing students of different ideologies and backgrounds together.

Unlike Ms. Koh and Ms. Su, I try to direct my efforts towards activities which build bridges and make progress possible, rather than towards those which do little but divide students, create strife, and grab headlines.

As to my "sneering," at "good faith efforts" and "frustration," I think that the graffiti and so-called frustration we have seen are hardly a coincidence. Rather, they, along with the annual round of strikes, pickets, and sit-ins which will soon follow, represent the conscious political choices of a relatively small group of activists who seek to foist their radical agenda upon this campus through disruption and intimidation.

I will concede that Ms. Koh and Ms. Su are correct to point out that I erred by including Jon Hanson among the "Four White Men." That was a mistake on my part, for which there is no excuse other than sloppiness, which, of course, is no excuse at all. They are, however, confused as to claims of linkage between the Sojourner Truth Squad and the Law School Council elections. Adam Alfert '94 made that point in a letter to the RECORD which appeared on page eight of last week's paper. I merely pointed out that most of the graffiti was too long and not very clever.

Finally, I am not a "cigar toting" columnist, as I rarely, if ever, carry cigars. I do admit, however, that I am occasionally a cigar smoking columnist.

• Letters (Continued) •

"Inclusion" in the Law School Council

I write to express elation and disappointment over two separate issues addressed at the March 3 meeting of the Law School Council. My elation emanates from the crafting of a diversity resolution, the product of the hard work of Enu Mainigi '94 and Camille Holmes '93 committee, that successfully encompassed the concerns of all members of the Law School community about the importance of heterogeneity at Harvard. At a time when the outside world's glorification of the "factionalism" at our Law School has been reaching new heights,

the resolution's emphasis on inclusion deserves notice by us all.

Inclusion, however, was not the victor in the debate over Hank Fincher's '94 motion to place voting ballots in every student's Hark box on the morning of the election in an attempt to encourage student voting. Hank's motion failed to pass with the required number of votes. Cries of "waste of paper" and "too much trouble" seemed, paradoxically, to be the allies of exclusion. Administrative arguments, in my mind, have no place in the debate about inclusion at Harvard. It

seems ridiculous to place "R.M. Rock's Winter Show" ahead of voting ballots in the competition for space in our admittedly small boxes.

As members of the Law School Council, we have the privilege of representing our fellow students. I cannot help but think that we took one step forward and another step backward along the route of disproving the national press and proving our worth to our fellow students by affirming a simple ideal: inclusion.

George Gonzalez '94
March 5, 1993

CCR Debunks Wareing's Myths

As two students "of Griswold Nine fame" and other "appropriate leftist credentials," we are writing to debunk the myths that were articulated in Rich Wareing's RECORD commentary, Friday, March 5, 1993. The first myth is that the Coalition for Civil Rights (CCR) did not support the offer of tenure to Professor Elizabeth Warren. This is flat out false. CCR held a Silent Vigil outside the faculty meeting on Friday, February 5, 1993 specifically in support of Professor Warren, whom we knew was being voted on that day. Prior to that, many members of CCR had met individually with professors during office hours to encourage them to vote for Professor Warren. Unfortunately, Mr. Wareing's memory is quite selective, and he unjustifiably dismisses or glosses over facts which do not support his argument, such as our statement to the Harvard Crimson (the same article from which Mr. Wareing apparently quoted our other statements in his column) that "Everyone at CCR is totally elated that Professor Warren received tenure."

CCR did everything possible to demonstrate our ardent support for Professor Warren and definitely hopes that Professor Warren will accept her tenure offer. Of course, since a certain cigar-toting Harvard Law RECORD columnist was not a participant in any of the efforts to facilitate Professor Warren's offer, he would not be aware of them.

The second myth is that CCR is monolithic. This could not be further from the truth. CCR is made up of a multitude of individuals whose ideas, tactics, motivations and goals run the gamut. The belief that Harvard Law School faculty hiring is discriminatory and the desire to change that are the only common threads which unite us all. Why Mr.

Wareing assumes that the Sojourner Truth Squad is connected to the Law School Council and its elections is completely baffling. Why Mr. Wareing sneers at concerned students' good faith efforts to work with the Faculty Appointments Advisory Committee and the Project on Community and their subsequent frustration and disillusionment with these committees is equally baffling. Then again, Mr. Wareing seems to prefer critical, uninformed pontificating over constructive action.

The third myth is that CCR is an insatiable monster: that nothing the faculty or administration could do would satisfy us. On the contrary, we recognize that individuals will differ legitimately on what minimum level of diversity they find acceptable. People within CCR disagree. However, we stress: 1) discrimination in faculty hiring is unacceptable; 2) no matter what picture we have of the 'ultimate end' of diversity, it is far from realized by the present faculty composition; 3) while we affirm the importance of remedying the extreme underrepresentation of women on the HLS faculty, the 'diversity problem' will not be 'solved' solely by adding white women to the faculty. Our statements in the Crimson express concern for and dismay with the fact that, as to faculty appointments, ideological diversity is acceptable but only from straight white men, and that gender diversity is acceptable but only from straight white women. This limited definition of "diversity" will not satiate us. (Note: contrary to Wareing's contention, Jon Hanson is not of "Four White Men" fame. The four were Singer, Weiler, Mnookin and Hansmann.)

The fact that Professor Warren has been offered tenure does not mean the struggle to end discrimination in the hiring processes of Harvard Law School has

been won. We must note that even if Professor Warren accepts her tenure offer, the net change in the number of women faculty since 1989 will still be negative. More obviously, there will still be no women of color, Asian-American, Latino or openly gay and lesbian professors on this faculty. Diversity means more than none. Finally, our fight is not just about numbers and quotas — it is about long-standing, pervasive institutional bias.

In 1979, Dr. Walter Leonard, Assistant to the University President of Harvard University, discussed Harvard's hiring practices in the following terms: "The painful and plain fact is that present hiring and promoting do not proceed along the line of equality and merit... I submit that anyone who cannot see that white males, of all ethnic and religious backgrounds, have received preferential treatment for the past many years... is either insensitive to reality or ignorant of history's pages." In 1982, Professor Duncan Kennedy wrote, "It is not an exaggeration to say that Harvard is a case study in the working of institutional racism." When institutions discriminate, even if — no especially if — it is Harvard Law School, they must be held accountable.

We believe in the potential for greatness at this institution. This is why we have committed ourselves to changing it. We will no longer need to protest and shout when our voices, the voices of women of color, of people who care about this school and recognize its position of power in the world and who deplore the message that discrimination is OK among the elite and educated, can be heard on the faculty.

Lucy Koh '93
Julie Su '94
March 9, 1993

Dean of Students Selection

continued from DEAN, page 1

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

Wald resigned to take a newly created position as special assistant to two University vice-presidents, John Shattuck and Sally Zeckhauser. During her five years at HLS, Wald developed a unique rapport with both students and faculty. As Prof. Daniel Meltzer, who as associate dean worked frequently with Wald commented when she resigned, "Dean Wald has done a splendid job, especially because she is perceived as fair. She clearly has the respect of the faculty,

and she has a wonderful capacity to deal with the hard issues around her and to generate consensus."

In an October 15, 1992 good-bye letter to all HLS students, Dean Wald thanked everyone for their "insights and support" and wrote that "throughout my five years here, I have been awed by your talent, your intelligence, your passion for justice, your resourcefulness, and your dedication to making both HLS and the world better."

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NO MSG!

One Hour Will Do It

By Tony Petrilla '95

RECORD Columnist



THE Legal Education Committee will soon distribute a curriculum handbook to assist students in planning coursework related to their career objectives. The committee intends to encourage students to develop a meaningful and integrated approach to the curriculum. Because the second and third years are almost entirely elective, students often puzzle about what courses to take and in what order to take them. But a mere curriculum handbook falls short of the mark. An effective solution can only result from instituting a structured system of faculty advisors assigned to individual students.

Such a proposal seems grandiose and, at first, unnecessary. After all, each "O Group" has its own faculty advisor, and any student can make an appointment to see any professor. Why opt for a structured and time-intensive program to connect the faculty to the student body?

The problem stems from the fact that students are intimidated by the faculty. Students can certainly make appointments with professors, but would they actually do so with faculty members whose classes they had not taken? Probably not. In fact, many students hesitate to talk with their professors unless the topic is related to the subject matter of the class — chatting is taboo.

"O Group" faculty advisors are hardly a better solution. The group dynamics of each particular "O Group" dilutes and undermines genuine student interaction with faculty advisors. While some groups' advisors become helpful, many others end up being just another unapproachable figure. In reality, asking faculty to serve as "O Group" advisors squanders resources that could be used for a more individualized advising system.

The system I propose would match 1Ls with faculty advisors in a desired area, such as international law, corporate law, or poverty law. Each student would meet with his or her advisor several times per semester for about thirty minutes on each occasion. While emphasis would be placed on helping 1Ls choose courses for the second year, students would be encouraged to get to know their advisors personally. Whether the advising relationship would continue into the students' second and third years would depend on the individuals involved.

Creating such a system of advisors would benefit everyone. The alienation that quickly strikes students in the spring semester of their first year results primarily from 1Ls' overall lack of contact with the faculty. For me, it is difficult to feel that one is part of a community when many professors don't know our names and appear not to care about us personally. But it's almost hard to envision the situation otherwise. Classes are simply too large for there to be much individual attention. Students understand reality and tend to blame the institutional setting. Regardless of the reasons for the alienation produced by not knowing one's professors, the situation can be addressed and perhaps ameliorated.

The faculty, too, would profit from a system of advisors. With fewer disenfranchised students, professors would enjoy more enthusiastic classroom discussions. Student attitudes would be more positive and would create a healthier atmosphere. From the Dean's perspective, future endowments may reflect the gratitude of alumni who will have left here with those kinds of positive attitudes. After all, alienated graduates do not donate.

Obstacles do stand in the way of instituting an advisor system, but they are not insurmountable. Obviously, if the faculty do not vote to approve the program, it is dead in the water. Like most people, the faculty are wary of taking on new burdens. But one should not assume that advising duties would be unwieldy. Logistically speaking, if the entire class of 1Ls were divided among approximately fifty-five professors (a conservative estimate), each professor would have ten advisees. With each advisee taking perhaps ninety minutes each semester, professors would be spending fifteen hours per semester — or one hour per week — advising these particular students. The time commitment would not be extraordinary, but would require professors to make some sort of trade-off with their other duties. To convince them to do so, the student body must make a strong show of support for the program.

There, one runs into the other great obstacle at HLS: student apathy. A first glance at this ambitious program reveals that some students will never see the attraction and will ignore it. But we should not allow such reactions to torpedo the idea. Others will value the program highly and use it to its fullest potential. While this situation will mean that the faculty's burden will actually be lighter than ten students per professor, it will make it more difficult to convince the administration of the program's worth.

The crux of the matter is to persuade faculty members that an hour a week spent conquering student apathy and alienation is an invaluable use of their time. Any such campaign to do this would require a bit of time and probably would not come to fruition in our stays here at the Law School. But in terms of a legacy to leave HLS, I think we could do no better than to campaign for a reform which would certainly improve the quality of future students' lives.

Plywood Principles

By Greg Stohr '95

RECORD Columnist



TECHNICALLY, Frank Lamentea has a point. The Random House definition of a wall is "a solid, upright structure, as of brick or wood, used for support or to enclose an area."

So when Mr. Lamentea, the HLS director of building operations, defended his order twice to paint over the graffiti left in the tunnel by the "Sojourner Truth Squad," his explanation of "I don't want them junking up our walls" was a feasible rationale. The graffiti, though for the most part neatly written and properly punctuated, was no Renaissance mural. And the seven pieces of plywood upon which the graffiti was written did indeed, technically, constitute a "wall." On principle, he has a case.

Somehow, though, when one puts aside the technicalities and questions of principle, Mr. Lamentea seems to be missing the real point. The "wall" in question was and for the most part still is a protruding, unfinished, temporary eyesore. Keeping it free from markings is not and should not be the urgent priority it has been over the past two weeks.

Let's face it. The Law School hasn't exactly been a "junk-free" zone this school year. When a school decides to build a new structure in the middle of its campus, it makes a decision that aesthetics will be a low priority for the year or two during construction. So we deal with dump trucks backing up and making that God-awful "beep, beep, beep" noise. We accept that we will inevitably track mud into the Hark. And we go with the flow when workers erect seven pieces of plywood in the tunnel where we used to have a concrete wall.

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So Lamentea is less than convincing when he cites a "general policy to keep things as neat as possible" as a rationale for painting over the graffiti. If aesthetics were the guiding force, would anyone have possibly chosen the purplish-mauve color for the paint job? The graffiti at least didn't make me cringe whenever I walked past it. OK, so maybe I bumped into a few people who were standing in the middle of the hallway with their necks crooned as they attempted to read the lines written diagonally. But the graffiti hardly detracted from the overall appearance of the campus. It was no vandalism.

Mr. Lamentea might be able to point to the principle of discouraging graffiti. Again, on pure principle, he has a point, and if this were the New York subway, I'd be cheering him on. But the danger of student-inflicted graffiti becoming commonplace on the permanent structures of HLS is pretty darn well near zero. Permitting graffiti on a temporary plywood wall surely would not have spurred an outbreak of graffiti on the doors of Langdell.

What is truly troubling, though, is not that Mr. Lamentea thought it proper to paint over the graffiti. What is troubling is that, in the middle of a construction project that will dominate the Law School campus for more than half the time I will be enrolled here, in the middle of building the additional classroom and office space this campus so desperately needs, he made covering up the graffiti such a pressing priority. He rushed to paint over the graffiti, and, when it reappeared, rushed to paint over it again. Presumably, he would have repainted it as many times as was necessary to win his battle.

That the HLS administration deemed us students to be so prone to *real* vandalism that it dropped everything to deal with the graffiti is insulting. Unlike Mr. Lamentea, I have confidence that my fellow students recognize the difference between spray-painting pieces of plywood and defacing a building or a classroom.

If we must focus on principles, I recommend the principle of not wasting my tuition dollars fighting a minor holy war. Every construction worker hour spent painting plywood in the tunnel is a construction worker hour that would have been better spent laying bricks in Holmes. The principle of frugality is at least as important as the principle of tidiness.

Like last week's letter-writer who equated the plywood prank with a full-scale defacement of the Langdell reading room, Mr. Lamentea has made the graffiti incident into something larger than it should have been. The graffiti gave us all something to talk about last week and nothing more. It was a harmless joke. I wish it had stayed around long enough for someone to spray-paint a response on the next plank.

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