



Snow from the "storm of the century" covers cars in Somerville.

RECORD Photo / Kevin Werbach

Bickering Marks LSC Election

By Maria Politis

Despite verbal efforts to subdue the often bitter political feud among Law School Council members, the LSC president-elect will take office amid the ideological and often personal controversies that have characterized the Council this year.

Prominent in this week's campaign were allegations against candidate Raul Perez '94, current administrative vice president and chair of the Administrative Committee. John Bates '95 and Rich Wareing '93, both members of Perez's committee, alleged that Perez misrepresented his accomplishments in his position as chair of Administrative Committee. Bates ran for LSC treasurer on the same ticket as Perez' opponent Enu Mainigi '94, current executive vice president.

"We recognize the need for aggressive campaigning, and that people are trying to favorably represent their achievements, but they shouldn't sacrifice accuracy," said Bates, speaking for both himself and for Wareing. Bates and Wareing claim that Wareing authored the election reform guidelines and that Perez is trying to take the credit.

In response, Perez asserted he has been entirely accurate in his statements and on Tuesday

challenged Mainigi to a last-minute debate to "set the record straight." Holding up a floppy disk that he said holds the rough draft of the work he did on the

Allegations were not one-sided; Perez questioned Mainigi's commitment to faculty diversity. Referring to a diversity resolution Mainigi recently authored, he said, "I don't need to rely on a resolution two weeks before the election to prove my support for faculty diversity." As a woman of color, Mainigi said, she resents the implication that she does not strongly support faculty diversity.

Other allegations included inaccurate personal student endorsements of Perez and Mainigi's initial failure to debate Perez despite his repeat-

please see LSC, page 17



Enu Mainigi '94



Raul Perez '94

election reform guidelines, which are to be implemented in September, he invited students to examine his work and decide the issue for themselves.

CCR Upstages Law School Town Meeting

By Greg Stohr

Despite objections from Dean Robert Clark '72 and members of a student-faculty panel, students calling for diversity used an HLS town meeting last week to read a list of almost 200 women of color they said could be considered for the Law School faculty.

The students, members of the Coalition for Civil Rights (CCR), read the list before a gathering of approximately 125

people Friday, March 12 at meeting devoted to curriculum planning and reform.

The protest began during the question-and-answer part of the meeting when Julie Su '94 spoke about the need for greater diversity and then read the names of approximately ten women of color she said merited consideration for positions on the HLS faculty. A second student, Linda Dunn '94, then read additional names from the list.

At that point, Rima Hartzenbusch '94, a member of the Legal Education Committee and moderator of the town meeting, interrupted the students and said that the issue of diversity was not on the agenda for the town meeting.

"It's very much on the agenda," Su responded. "It's absolutely essential to the issue of the curriculum."

Clark and other members of the panel seconded Hartzenbusch's objection to the reading of the list, saying it would take too much time and prevent the panel from addressing other issues and responding to other questions from the audience. At one point, Hartzenbusch asked the members of the audience to

please see ADMITS, page 19

please see MEETING, page 16

Admitted Students Check Out HLS

By Tony Petrilla

Approximately 75 undergraduates from around the country braved the blizzard to attend Admitted Students Day last Monday, according to Director of Admissions Joyce Curll. Her office organized a full day of activities for the arriving "admits" with the hope of "giving them as clear an idea about the school as they can get in one day."

MacKinnon Fails to Receive Offer

Faculty Narrowly Rejects Tenure Bid

By Glennis Gill and
Lisa Zornberg

Catharine MacKinnon confirmed Wednesday that she was denied tenure by HLS. Although she could not confirm rumors that the faculty vote last Friday was 33-22 in her favor, she affirmed hearing that the vote was just short of the two-thirds necessary to secure her appointment.

MacKinnon, a tenured professor at the University of Michigan Law School, is possibly the only radical feminist legal scholar whose works have gained popularity with the general public.

In an exclusive RECORD interview she commented, "I think very well of Harvard as a result of the vote." She explained that "it's probably a surprise to many people that an overwhelming majority of the faculty, voting on a secret ballot, came up just shy of the two-

thirds needed to have me be there permanently."

MacKinnon was notified of the decision via "an official call" by "a faculty member who was assigned to communicate the result." She emphasized that she "was not involved" in the tenure decision process, as the Appointments Committee considers candidates on its own initiative.

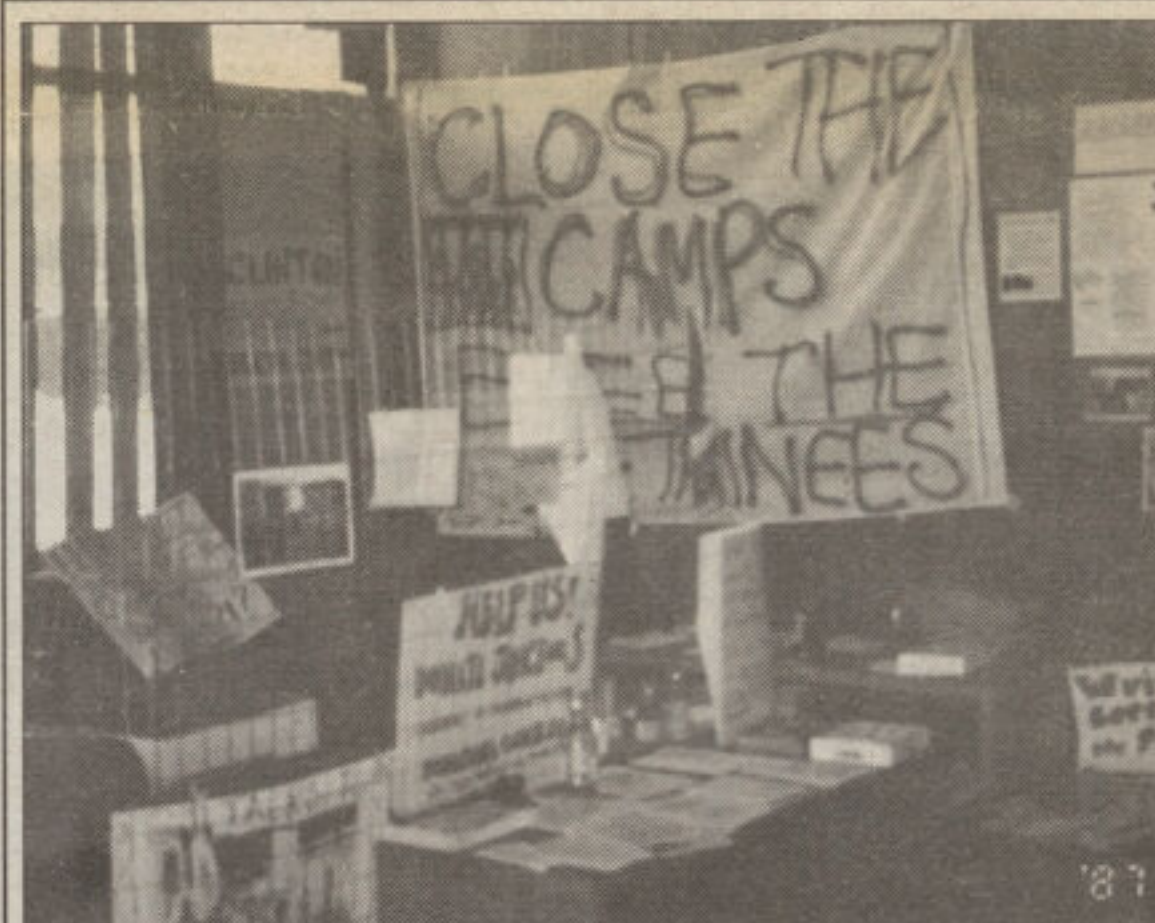
"I'm probably the least informed person you could speak to about this," she quipped.

Dean Clark '72 would not confirm that the faculty had voted on MacKinnon and refused to comment on any aspect of her candidacy for tenure.

"Here's what I have to say," he told the RECORD. "The faculty policy is that all discussion of appointments is confidential. The main reason is to protect the reputations of scholars elsewhere who are being discussed by us, many involuntarily."

Professor Paul Weiler LL.M.

please see OFFER, page 14



RECORD Photo / Josh Friedman

Fasting students erect "Cape Clinton" in the Hark.

Students Fast to Support Haitians

By Andrew Greenblatt

Nearly sixty Harvard students went on a hunger strike last week to call attention to the Haitian political refugees being held at Guantanamo Bay. The hunger strike ended at Harvard on Wednesday when the strike was passed on to students at Brown University.

The rolling hunger strike, dubbed "Operation Harriet Tubman" by its organizers at Yale Law School, is meant to call attention to the 264 people being held in captivity by the US government at Guantanamo. The Immigration and Naturalization Service has determined that each of the people has a "colorable claim" for asylum as a political

refugee. Therefore, they are not being sent back to Haiti with the other refugees since it may endanger their lives. However, each of the refugees has tested HIV positive and admitting them into the United States would contravene a Bush Administration bar on immigrants who carry the HIV virus.

The Haitian refugees began their own hunger strike on January 29 to protest their months of detention.

The idea for Operation Harriet Tubman arose from a group of law students at Yale who had been working with one of their professors, Harold Koh '80, on *Haitian Centers Council v. McNary*, a case that would force the United States

please see HUNGER, page 18

Federalist Society Holds Annual Symposium

By Jeff Bucholtz

The Law School played host to over 400 students, lawyers, and professors from across the nation last weekend for the Federalist Society's twelfth annual symposium on law and public policy. In five panels, judges and professors discussed "Judicial Decision Making: The Role of Text, Precedent, and the Rule of Law" in front of a packed Ames courtroom. The conference concluded with a banquet at the Charles Hotel, where students had the opportunity to meet the distinguished panelists.

Dean Clark opened the conference on Friday evening by stressing the increasing importance of judging in view of the fact that, if present trends continue, "by 2023, there will be more lawyers than people."

The symposium attracted such luminaries as Judges Frank Easterbrook, Alex Kozinski, and Douglas Ginsburg, and Professors Lino Graglia, Charles Fried, and Gary Lawson. Easterbrook, of the US Court of Appeals for the 7th Circuit, delivered a paper on statutory construction. Advocating judicial deference to the original intent of the legislature, Easterbrook outlined his "Seven Principles" and threatened to post them, Luthersque, on the door of the Supreme Court.

Saturday's panel on "Non-Legal Theory in Judicial Decision Making" provoked a spirited exchange between Kozinski, a strict constructionist appellate judge on the 9th Circuit, and Professor Linda Hirshman of Chicago-

Kent College of Law. Hirshman defended the introduction of extralegal elements into legal reasoning in order to obtain a just result, while Kozinski's contrary positivist view of the law won the approval of most of the audience.

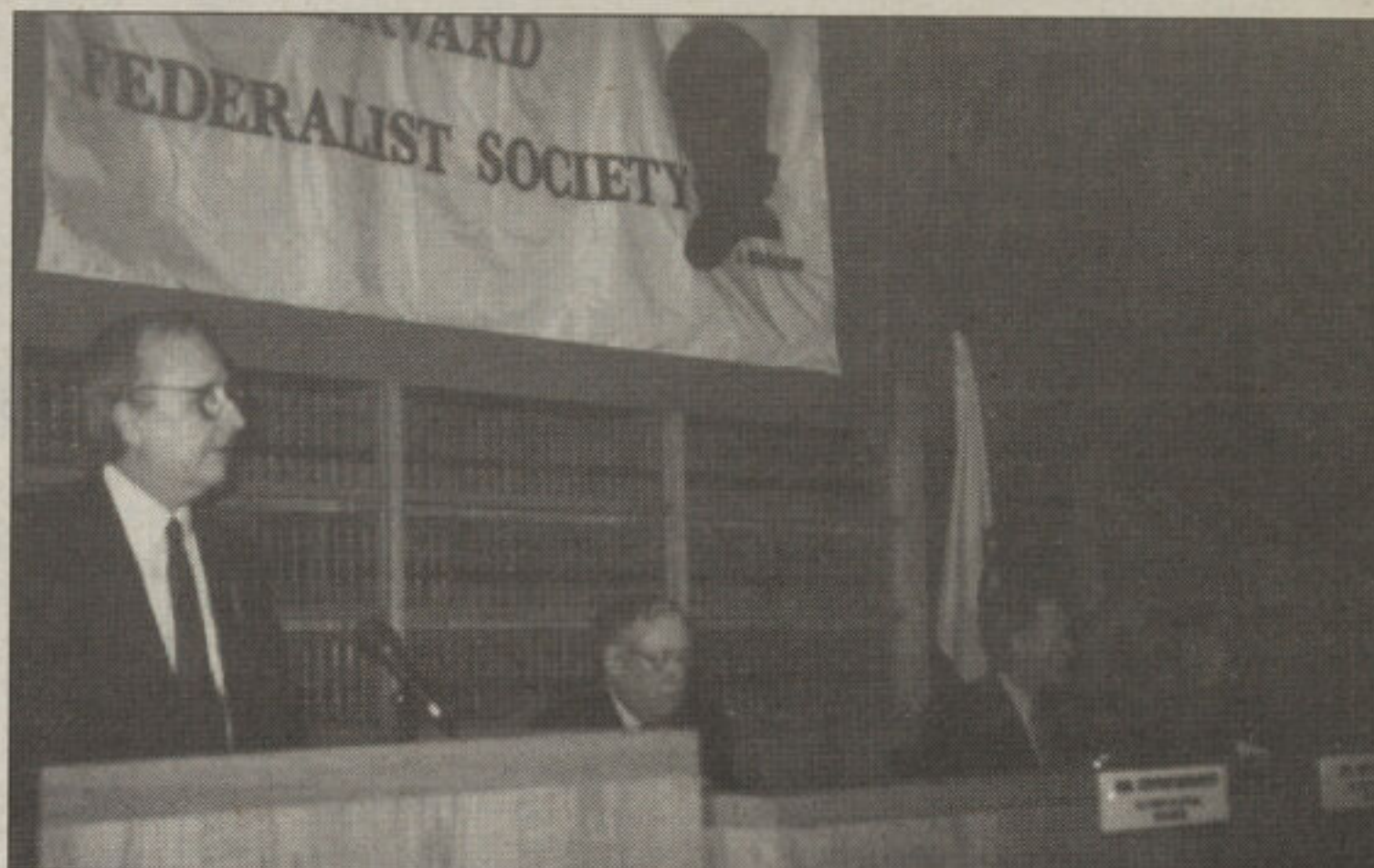
The most heated debate of the weekend pitted Lawson against Professor Akhil Amar of Yale on the subject of *stare decisis*. Arguing that the Constitution itself, rather than previous judicial interpretations of its provisions, is the supreme binding authority, Lawson advocated limiting reliance on precedent. Thus, Lawson concluded, "*stare decisis* is unconstitutional in constitutional cases." Amar, who received the Paul M. Bator Award at the close of the symposium, rejected Lawson's view as "utterly perverse."



Judge Stephen Reinhardt

The Federalist Society is an organization of conservatives and libertari-

ans committed to individual freedom and judicial restraint. Jason Levine '94, the Director of the Symposium Committee,



One of the Panels at the Federalist Society symposium at HLS.

Levine estimates that "at least 50 people from HLS were there for the whole symposium."

Levine emphasized that "the purpose of the symposium is to provoke debate, and in that regard, it was very successful." Kimberly Yahr '95, a member of the

lot of non-Federalists attended."

According to Levine, "the Federalists are dedicated to free and open debate, so no ideological restrictions were placed on the [Bator] award," which went to Amar, a self-described liberal.

Not all of the symposium was lofty discussions on constitutional law. After the banquet, Lawson performed a song that he had written to the tune of "American Pie," satirizing a liberal's lament of the Rehnquist Court. "With a chorus of 'Bye, bye, kiss the old days good-bye/ I quoted Brennan, Marx, and Lenin, but it just wouldn't fly,' it was a show-stopper," enthused Levine. In addition, many students joined in a poker game with Kozinski.

The proceedings will be chronicled in the Harvard Journal of Law and Public Policy in early 1994. The conference was also taped for broadcast on C-SPAN.

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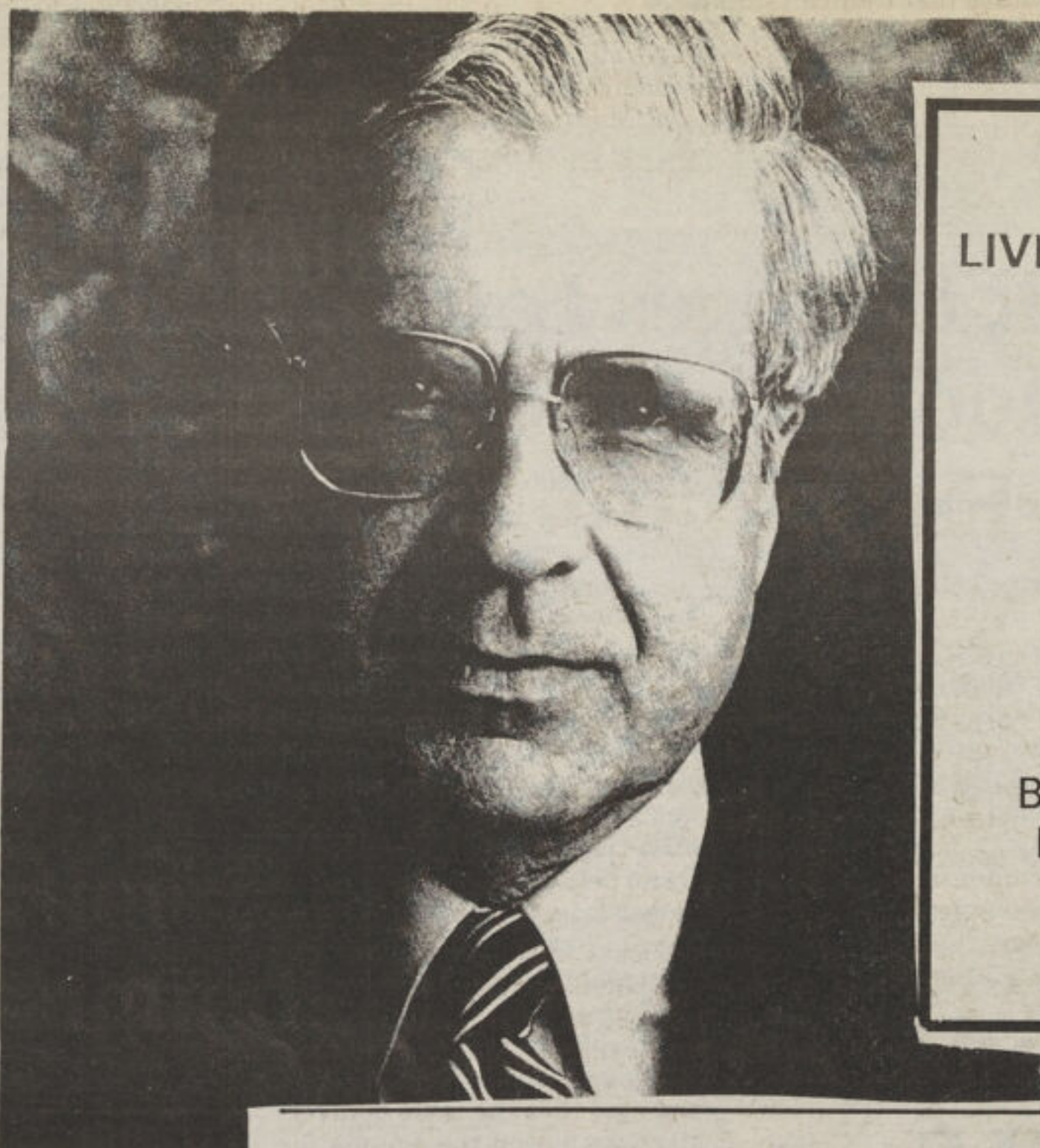
was extremely pleased with the conference. "We were worried that the 'storm of the century' would disrupt the proceedings, but everything ran perfectly."

symposium committee, was impressed with "the depth of discussion and the wide range of viewpoints expressed." Yahr also was "especially pleased that a

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New Group Caters to the Business Minded

By Steve Yarian

It began last spring as an attempt to publish a scholarly journal about the interaction of law and business. However, the Law School has issued a moratorium against the proliferation of journals, ostensibly quashing the desires of the 10 to 15 business minded students who had hoped to launch the project. All they wanted was a forum to discuss the nexus of law and business.

Being the entrepreneurial sort they are, they didn't let the bureaucracy of the institution stop them. They decided to pursue their desires by focusing their energy in another direction, by forming HLS's newest student organization, the Harvard Association for Law and Business (HALB).

"We noticed that there were a lot of students here who were interested in both business and law," said Terry McGuire '94, the young organization's President. "We would like to bridge the gaps between the two."

Treasurer Henry Hall '94 sees the organization as bringing together "a number of students with like interests." He says the students were probably first drawn together by a desire to find out information on non-law careers.

"A huge sector of the student population will go to a law firm after graduation and then move on to something business related. We want to skip this intermediate period," states Hall. The organization plans "to work in conjunction with the Placement Office in, at the very least, beefing up their reference materials," he continued.

The students noticed that although there are a lot of students who are interested in non-law careers, "there is not really an organization to fill the void." Now, hopefully, there is. They don't have any money yet, but they have received a warm reception from both the student body and the placement office.

HALB has an ambitious agenda. They plan to be both professionally and socially rewarding to their members.

In addition to providing members with information on non-legal careers, HALB plans to sponsor guest speakers and cocktails, among other things.

Their prospective speakers are people with law degrees who are either working in business or have a strong business component to their law practice. Prospective guests at their cocktails include HLS professors who teach subjects closely related to business like Phillip Areeda '54, Hal Scott, and Howell Jackson '82, who serves as the group's faculty adviser. As one can see, HALB has an active tentative schedule.

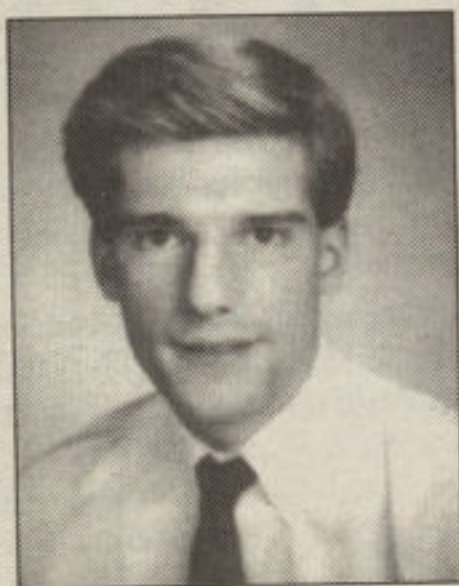
The organization has grown already to a core group of about 40 students. External Vice-President Ben Rozwood '94 handles communication with other schools and he hopes to develop an interchange with students of other graduate schools, such as the Business School and the Kennedy School.

McGuire says that many students have contributed in various ways to get the organization off the ground.

Many crass students might think that the organization is nothing more than a bunch of law students who chose the wrong school: business school wannabes. But McGuire says that the organization addresses a need that is more than ephemeral: "We'd like to institutionalize it so that future students who are interested can have a resource that they can turn to."

Board member Anna Kuzmick '94, who is developing an internal newsletter and working on contacting speakers, probably summed it up best. "It's about time and it's a terrific thing to do. . . . It'll be a lot of fun for people who are interested in business-related careers."

McGuire says that the organization is open to everyone and that anyone interested should "turn up to one" of their meetings or call him at 623-7194.



Terry McGuire '94



Hastings Hall, one of the on-campus dorms law students have to choose from.

Dorm Lottery: Rooms for Some, Ruin for Others

By Glennis Gill

Spring is almost here and the housing hunt for next fall has begun. Signs have started appearing — "Looking for convenient four bedroom apartment?" "Call Fred," etc. — and the dorm lottery results were posted Friday, March 12.

Those who sought the convenience and low price of on-campus housing (at least of the Gropius complex) entered the dorm lottery in February. HLS dorms house 680 students, over half of whom live in the Gropius Complex. According to Frank Lamentea, Director of Building Operations, returning students will choose about one-third of the 680 rooms next week, using a system first put into place last spring, which places no restrictions on the choice of returning students.

In previous years, most of the nicer dorm rooms were held for incoming students, making it impossible for rising second- and third-year students to select them. Now, an improved procedure has made more rooms available for current students by saving fewer rooms for incoming students. The increased availability of rooms and the greater choice afforded to second- and third-year students came primarily as a result of last year's addition of 134 rooms in North Hall to the Law School housing stock.

The other big change, instituted last year, is that a group of students can enter the lottery as a block, meaning that they

get one number and, therefore, can pick at the same time. In years past, it was very difficult for students to choose their floormates because, having different numbers, they could not choose at the same time, and the limited number of rooms on each floor would often be chosen by those students whose numbers fell in between.

One controversial aspect of the dorm lottery system which remains in place is the preferential treatment of DSAC representatives. If DSAC representatives meet certain standards, which were approved by Lamentea at the beginning of the year, including having worked 18 hours by the time of the lottery and 24 by the end of the year, they are allowed to choose before those in the regular lottery. This year DSAC representatives were awarded the first twenty-one lottery numbers, after the physically challenged students. DSAC president Ryan Downs '94, who managed to procure this year's first dorm pick, explains that "these people put in a substantial amount of time making life better for campus residents." He asserts that both the DSAC Board and the administration agree that "they have earned the preference."

Although HLS has increased the number of dorm rooms it offers, many returning students who entered the lottery will not receive one. Lamentea explains that "every year it seems that more and more students want to be on campus." This year 350 students applied, but only 230 will be allowed to pick rooms because approximately two-thirds of the rooms are reserved for incoming students. However, if the incoming students do not take all the remaining rooms after their lottery in April, Lamentea says that returning students on the waitlist will be called.

Lamentea is running the dorm selection process while Building Operations looks to hire a Dorm Operations Officer, a newly titled position that will be filled shortly. After Rocco Forgione left his position as Dorm Officer in November '91 to become Scheduling & Special Events Officer, HLS had an interim Dorm Officer who has since departed. Lamentea explains that the title has been changed from Dorm Officer to Dorm Operations Officer because in addition to booking rooms, the new officer will be an advocate for the physical upkeep and maintenance of the dorms.

Panel Probes Entertainment Careers

By April Rockstead

"Hip Hop Lawyer" Gary Jenkins rewarded an audience of about 50 students who braved the blizzard Saturday afternoon to attend the afternoon music panel of the "That's Entertainment Law" series with his version of a rap that inspired his career choice.

Jenkins, whose company, Meister Entertainment, Ltd. represents and develops such artists as Hard Knock and ShowBiz & A.G. and serves as legal counsel to Grand Puba and Nice & Smooth, received a hearty round of applause for his spirited kickoff of the panel.

"First, I want to talk about passion," Jenkins said. "Hip hop for me is a passion."

The panel was co-sponsored by the Committee on Sports & Entertainment Law and the Office of Student Life Counseling and also included Tim Collins, Manager of Aerosmith; Jay Cooper, Esq., of Cooper, Epstein & Hurewitz; and Owen Sloane, Esq., whose clients include Elton John and Kenny Rogers.

Combining his lifelong interest with his legal background has made for a better career, Jenkins said.

"When I get up in the morning, it's not boring," he said. "I would not trade being a lawyer for anything, because it taught me I can't be tricked. It's a wonderful tool."

In addition to passion, those planning careers in entertainment law should have a solid background in contract law, Sloane said.

"It's absolutely essential to have very carefully drafted contracts, because you could lose 50 to 60 percent of what you negotiate if there are gaping holes in the contract," he said.

Added Cooper: "It is vital that if anyone wants to go into this field, that they know, understand,

live and breathe the copyright law." But a good entertainment lawyer's versatility can't end there, the panelists said. A litigation background, preferably through two or three years of firm experience, is highly desirable for those who wish to enter the competitive field of entertainment law, the panelists agreed,

as is an understanding of the subtleties of negotiation.

"An attorney can do a very bad job for his client by overestimating or underestimating the negotiating power of his client," Cooper said, warning that the results of mistaken estimates can range from financial disadvantage to killing a client's deal and career.

Echoing Jenkins' "passion" requirement, Cooper added that entertainment law is a field that not only permits, but demands, an ability to find "creative solutions," in addition to merely understanding the governing bodies of law.

As an example, Cooper read from a contract that resolved a client's dispute with a record company over album artwork by providing that the art could be rejected "on the basis of artist's reasonable opinion and [the] opinion of two strangers selected at random by company and artist on Sunset Boulevard."

Perhaps because entertainment law is an exciting field, it is difficult for recent law graduates to break in, the panelists asserted.

"Trying to get a job right out of law school in entertainment law is virtually impossible," Sloane said. "They're laying people off."

But with preparation in a high-quality firm, a litigation background, and by mixing with entertainment lawyers, the diligent stand "a reasonable chance" of getting in, Cooper said.

"When I get up in the morning, it's not boring," Jenkins said. "I would not trade being a lawyer for anything."

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Shooting in Harvard Square

Pedestrians in Harvard Square hit the deck last Friday night as five to seven shots were fired, officials said. Seven youths were arrested at the scene by undercover and other police officers who responded within seconds to the situation. No one was injured.

Four persons were arraigned Monday on various charges, including assault with intent to murder, disorderly conduct, malicious destruction of property, and unlawful possession of a stun-gun. Two of the four were identified by police as Rosalyn Rosado of Dorchester and Jonathan Splaine of Cambridge. The other two are juveniles whose names are being held confidential. Three other suspects have been charged. The firearm involved in the incident, thought to be a .38 caliber pistol, has not been recovered.

Apparently, two groups of youths began a fight, which culminated in the shooting around 8:00PM. Police Detective Frank Pasquarello said he did not believe the incident was "gang-related." An investigation into the motive for the shooting is ongoing. While no one was injured by the gunfire, one bullet shattered a Bay Bank window; one hit a mailbox in front of the bank, and another hit a wall near the shattered window. "We're lucky no one was killed," Pasquarello noted.

—From the Harvard Crimson

Reno Confirmed as Attorney General

Janet Reno '63 last week became the first woman in American history to be confirmed as attorney general. By a vote of 98-0, the Senate confirmed Reno only one day after the Judiciary Committee approved her nomination, waiving the traditional three day waiting period for such votes. Reno replaces Bush administration holdover Stuart Gerson.

Reno's confirmation marks the end of a tumultuous search by Clinton to appoint a woman to the nation's top law enforcement post. In the wake of the failed nomination of Zoe Baird, and the withdrawal of Kimba Wood, he was "elated" that Reno was received with overwhelming endorsement and support.

Reno, a south Florida prosecutor, faces a number of challenges upon taking office. A number of Reno's immediate priorities have already been determined for her, including the standoff with federal agents in Texas, the bombing of the World Trade Center, and the investigation of FBI Director William Sessions.

Beyond immediate crises, Reno says she is interested in lending federal support to the investigation and prosecution surrounding the murder of Dr. David Gunn by an anti-abortion protester. Administrative policies on Haitian refugees, crime legislation and gun control will also require her participation and review.

Supporters of Reno predict that she will do an excellent job. Senator Joseph Biden of Delaware proclaimed, "President Clinton has hit a home run."

White, Blackmun to Retire?

Supreme Court Justices Byron White and Harry Blackmun have given signals they may step down from the Court soon.

Sources close to White say they believe he is weighing whether to retire this summer at the end of the current term. *The Washington Post* reported March 7, White has not yet hired law clerks for the next term.

Blackmun told a group at the New England School of Law on March 11, "I don't intend to stay there very much longer." Blackmun's speech contained numerous political and literary references to "the changing of the guard," according to a wire service report.

White's departure likely would have a far greater impact on the Court that would Blackmun's. White's retirement would present President Bill Clinton with an opportunity to check the conservative trend that has characterized the Court in recent years. White, seen as a moderate on the Court, has voted to overturn *Roe v. Wade*, which Blackmun authored. He has supported allowing prayer in public schools and has generally opposed homosexual rights and affirmative action. Court observers expect that any Clinton nominee will hold more liberal views on at least some of those issues.

HLS Professor Laurence Tribe '66 has long been rumored to be a potential Court nominee in a Democratic administration. He was out of town this week and not available for comment.

Both White and Blackmun are said to be in good health.

Tort Suit in the Making? Ice Hits Student

Boylston Hall proved dangerous for Harvard undergraduate Alexandra Molnar when, while she was walking home, an eight-inch piece of ice fell from the roof and struck her on the head. The ice gouged a three-inch cut into the back of her neck, requiring seven stitches at Mt. Auburn Hospital.

Harvard Police immediately sealed off the area and posted "Beware of Falling Ice" signs. Molnar said she and other students have complained about the ice several times in the past.

—From the Harvard Crimson

Model's Good Looks Get Her Good Deal

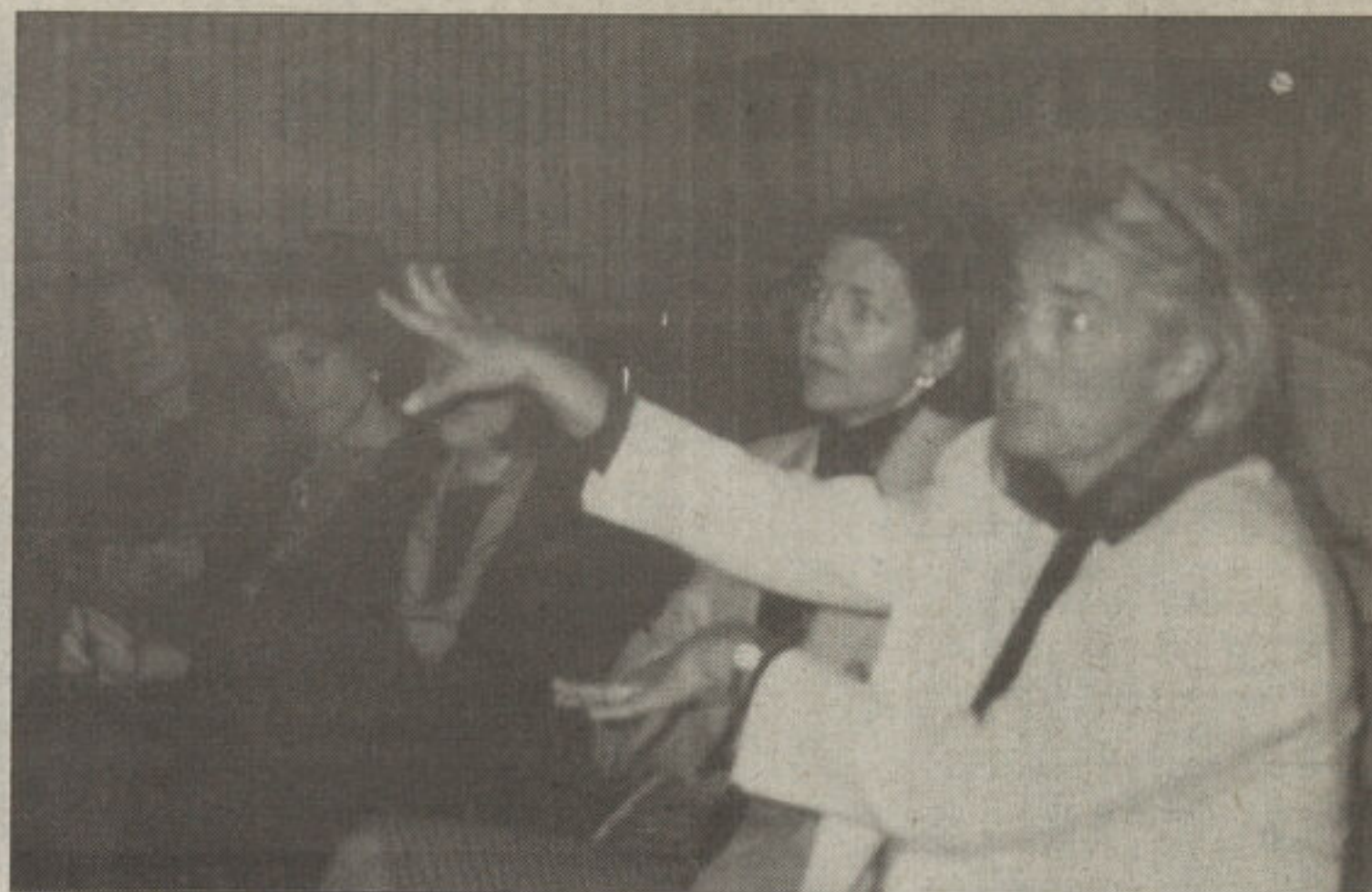
JONESTOWN, PA—A judge dismissed speeding charges against a model, saying her good looks convinced him she was telling the truth when she claimed she was being chased by four men, the Associated Press reported.

District Justice William E. Schadler said he would have doubted 30-year-old Vera Cox if she were "fat and ugly" or "an ugly broad."

Cox had been slapped with a \$328 ticket Nov. 17 for driving 122 mph. She did not deny speeding but told the judge that she had been followed from New Jersey by "four scruffy guys" and feared for her life.

In 1990, Schadler released without bail a 19-year-old woman charged with forgery, saying it would be a shame to see such a "pretty" woman in jail.

The judge then gave her a ride to her former employer's home, bought her dinner and paid for her hotel room.



Prof. Martha Field makes a point at the WLA panel of women faculty members.

Women Faculty Talk on the Ivory Tower

By April Rockstead

HLS women faculty members said last week that despite a current hiring bias favoring women, women aspiring to become law professors still face obstacles that do not beleaguer most male candidates.

"Places are looking for women now," Prof. Elizabeth Warren told a mostly-female audience of about 50 at the Women's Law Association-sponsored "Conversations with Women Faculty" Thursday in Pound Hall.

Professors Chris Desan, Martha Field, Carol Steiker '86, Kathleen Sullivan '81 and Elizabeth Warren spoke at the panel.

"Finally, their students have risen up with one voice," Warren added, "and lots of other constituents have said 'We're mad as hell and we're not going to put up with this anymore.'"

But women candidates are often scrutinized more carefully by hiring committees on aggressiveness and "drive" qualities and frequently face personal pressures to spread their energies between career and family concerns, she said.

"The number of roles that women have to fill is enormous," said Steiker.

"You know this feeling from being students — your parents are much more likely to call you than to call your brother."

"It takes an enormous amount of energy to be a mother, to be a wife, to be a daughter, to be a sister," she said, adding that traditionally men's roles outside their careers have been less time-demanding.

Gender differences can affect not only the ostensible quantity and quality of women's "paper credentials," but the way they see those credentials, said Sullivan.

"Women look at the B's and they say, 'That's it. It's over. I feel terrible,'" she said. "Men see the B's and say, 'That's outrageous. That stupid professor.'"

With proper "coaching" and rethinking test-taking and course selection, less-than-perfect grades can be overcome, Sullivan said.

"Your life is not over," she said. "Your career is not over. You can have a 'B' Harvard average and teach law in America — at a school you like."

But finding mentors to guide women law students seeking entry into academia also can be complicated by gender differences, the panelists conceded.

"I don't think it's that male professors don't want to mentor female students,"

please see **WOMEN**, page 14

HLS Still at Number 2

Once again, Harvard Law School shut out 23 other law schools in the race to be the number one law school in the country according to the March 22, 1993 issue of *US News and World Report*. Harvard Law outranked everyone — except Yale. The ranking is part of an annual *US News* issue that ranks America's top graduate schools.

Harvard Law scored an overall rank of 94.5, with Yale receiving a score of 100. Stanford came in third with 92.7 and Chicago fourth with 92.4. Columbia placed fifth with a score of 89.8.

The scores were determined by measuring five categories: student selectivity, placement success, faculty resources, and two measures of "institutional reputation." The scores in these areas were then combined, with the various components weighed as follows: student selectivity counted for 25 percent of the total score, placement success 20 percent, faculty resources 15 percent, and the two reputation scores 20 percent.

US News determined the final score by giving highest combined score an overall score of 100. Harvard ranked first in the reputation scores, second in student selectivity, fourth in faculty resources, and sixth in placement success rate. Of the top seven law schools, Harvard appears to be the best buy. Harvard's tuition, at \$16,725, was the only one of the top seven under \$17,000.

"I agree with all the practitioners and judges surveyed by the magazine," Dean Clark '72 said. "I think we are number one."

Clark said the ranking formula only measures those things that can be quantified, such as dollars spent per student. It does not measure the diversity and breadth of the curriculum. Harvard has a range of strengths across a spectrum of interests, from constitutional to international law. Thus, the ranking "slights our true overall strength," Clark said.

Yale Professor Harold Koh '80, who holds both a bachelor's and a law degree from Harvard, might disagree. "Yale students are much less likely to take the law and the system as a given," Koh told *US News*.

But when RECORD Publisher Kevin Werbach attempted to call the Yale Law School newspaper for a reaction, he discovered that Harvard is better than Yale in at least one respect. Yale has no law school newspaper.

Other Harvard graduate schools appearing in the issue included the Harvard Business School at number one, the School of Engineering at 29 and Harvard Medical School at number one.

Panelists Attack Ban on Gays in the Military

By Johanna Davis

The HLS Committee on Gay, Bisexual, and Lesbian Legal Issues hosted a spirited three-panelist discussion entitled, "Ending the Military Ban," in Ames Courtroom on Tuesday.

The panelists briefly introduced themselves to the sixty person crowd, and explained their experience with the issue of gays in the military.

Joe Steffan identified himself as someone who put "a face to the issue." He attended the Naval Academy in Annapolis, Maryland, where he served as a Midshipman. Steffan had been promoted to Battalion Commander, but was discharged from the Navy only six weeks before graduation for admitting to an officer that he was gay.

Steffan unsuccessfully sued to overturn his discharge on the basis of his sexual orientation. Steffan described how the case was heard before a 90 year-old judge named Oliver Gash who referred to the ex-cadet as a 'homo' three times in court, and then introduced his own evidence about AIDS because he felt that the government had not pursued the case vigorously enough. To add insult to injury, the DC Circuit Court dismissed a motion to remove Gash for bias. Steffan is currently a law student at the University of Connecticut.

Gunyon Gordon is an African-American female professor teaching a seminar on military justice at Boston University Law School. "Military justice is an oxymoron," she quipped. She is currently on leave from the law firm of Jenner and Block in Washington, DC. For several years she represented military clients who were subject to administrative discharge for their homosexual behavior or status.

Michelle Bennecke '92, a former

Army officer, is currently a member of the Campaign for Military Service, a political lobbying group dedicated to ending the ban on gays in the military. "Our goal is the complete repeal of the ban and all exclusionary policies like combat exclusion for bisexuals, gays, and lesbians," she said. The umbrella organization draws support from groups like the Gay, Lesbian, and Bisexual Veterans of America, NOW, and the ACLU.

Together, the panelists pieced together the confusing current state of the law

military dictatorship where "judges defer to the army because they could shoot the judges."

Opponents of lifting the ban, such as the religious right and Sam Nunn, often argue that gays would undermine discipline or morale. But these fears have been greatly exaggerated, the panelists maintained. "This is just about the elevation of individual prejudices into governmental policy," said Steffan.

Bennecke agreed, adding, "A glance from a gay man to a straight man is being

And, as I like to joke, it would be a relief to have a few men in the military who weren't hitting on us all day long."

But Gordon asserted that women are more susceptible to witch hunts, especially women in the Navy who have worked on ships for long periods of time. "They're more likely to say, before the administrative board, 'I'm not a lesbian, but I can name five people who are,'" said Gordon.

The panelists also addressed the AIDS epidemic, which figures prominently in the debate about lifting the ban on gays in the military. Steffan pointed out that the military's treatment of AIDS victims radically contrasts with their professed fear of the disease. "Shockingly, the military has a very forward looking policy regarding HIV. People who test positive aren't discharged, although their duties may be restricted. They are allowed to serve as long as they can, and they get full health benefits afterward."

Several questions from the audience focused on the analogy between the exclusion of gays in the military and the pre-WWII exclusion of African-Americans from the armed forces. Bennecke said, "People like the race analogy because it gives us a stronger civil rights claim. But African-Americans are hesitant to let us borrow the rhetoric associated with their cause . . . and it's overused in this context."

Steffan also distinguished the two groups' relationship with the military. "What makes our situation different is that gays and lesbians are already in the military at every level. There are gay Admirals, and probably already a gay Joint Chiefs of Staff — but nobody knew about it. We're already there. This debate is not about letting us in, but about recognizing that reality," said Steffan.

"There are gay Admirals, and probably already a gay Joint Chiefs of Staff — but nobody knew about it. We're already there. This debate is not about letting us in, but about recognizing that reality," said Steffan.

regarding gays in the military. Because of Clinton's six-month compromise with Congress, gays who admit to homosexual status are not discharged, but are placed on standby reserve. But gays who admit to homosexual conduct are still automatically discharged from the military. Gordon said that although it may be illogical, this "Act-Status" distinction was well-rooted elsewhere in Constitutional doctrine.

The military's status as a "society apart from the rest of us" and its unquestioned power to make war has led to federal courts according extraordinary deference to the military, Gordon asserted. She compared this to the situation in a

considered sexual harassment in Senator Nunn's report, and still there are delays in investigating the Tailhook Scandal."

Gays have been successfully integrated in foreign armies, but the US military has been unpersuaded by these examples, claimed the panelists. "The short response of the military is, 'Whose butt have they kicked lately?'" said Gordon, referring to the practice of maligning the masculinity of foreign forces.

Bennecke fielded numerous questions about lesbians in the military. "For the most part, this is a guy problem," conceded Bennecke. "But the women in the military would like to see this ban lifted because it causes them tangible harm

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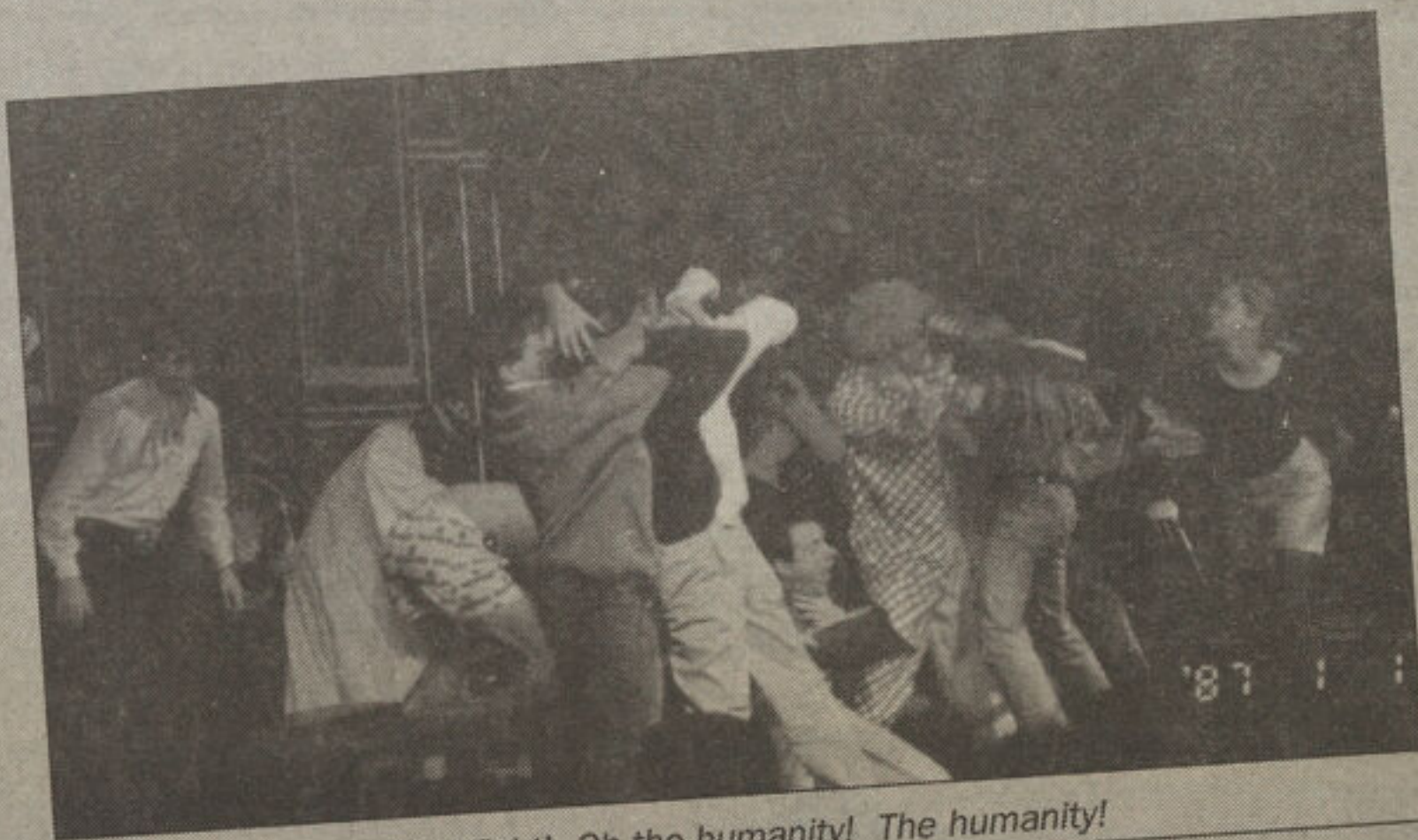
The Phantom of the Law School

Over its four night run, *The Phantom of The Law School* played to over 1,100 members of the HLS community, despite surviving the weekend blizzard. Perhaps more impressive, March 10th's faculty and staff performance attracted an unprecedented number of professors and administrators to a student social event.

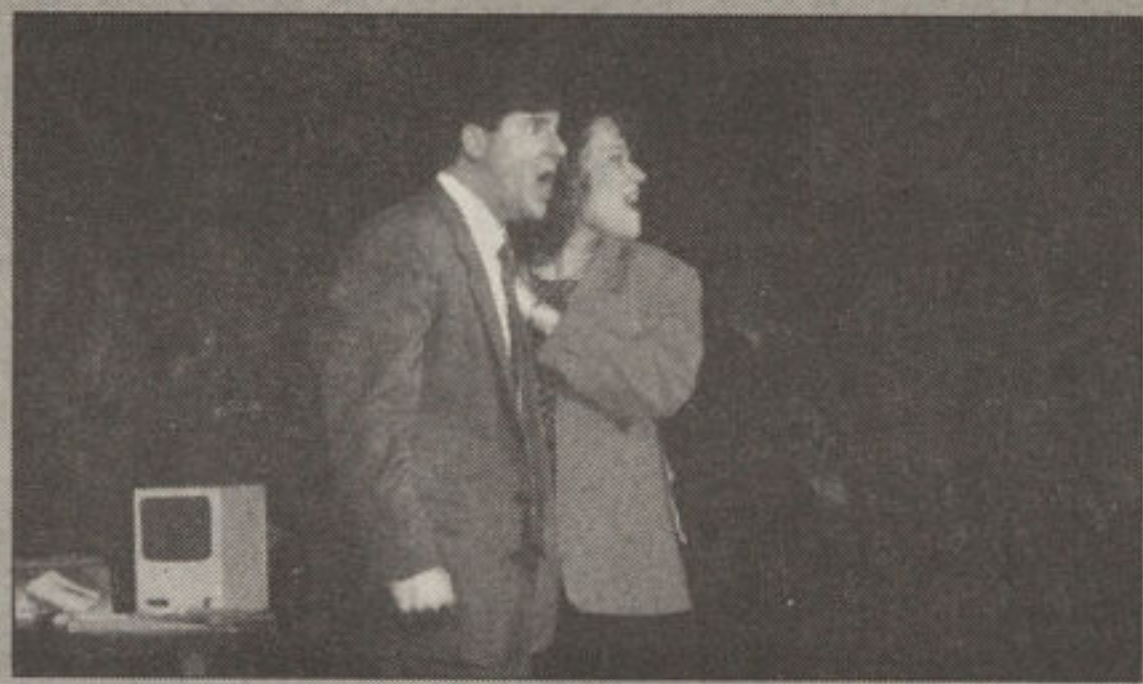
Said Producer/Writer Todd Hartman '93: "I knew when I saw [Professor] Charles Nesson clapping his hands above his head during the final number, we were witnessing something either very strange or very special. I haven't quite decided which." Cameo appearances by Lecturer Bruce Patton, Harvard Security, and the shocking unveiling of Dean Bob Clark as the Phantom added to the surprises. For those who missed the event, here are some memorable moments from *The Phantom of The Law School*.



That was in the days before the Phantom, when the sperm carriers still ruled the world!



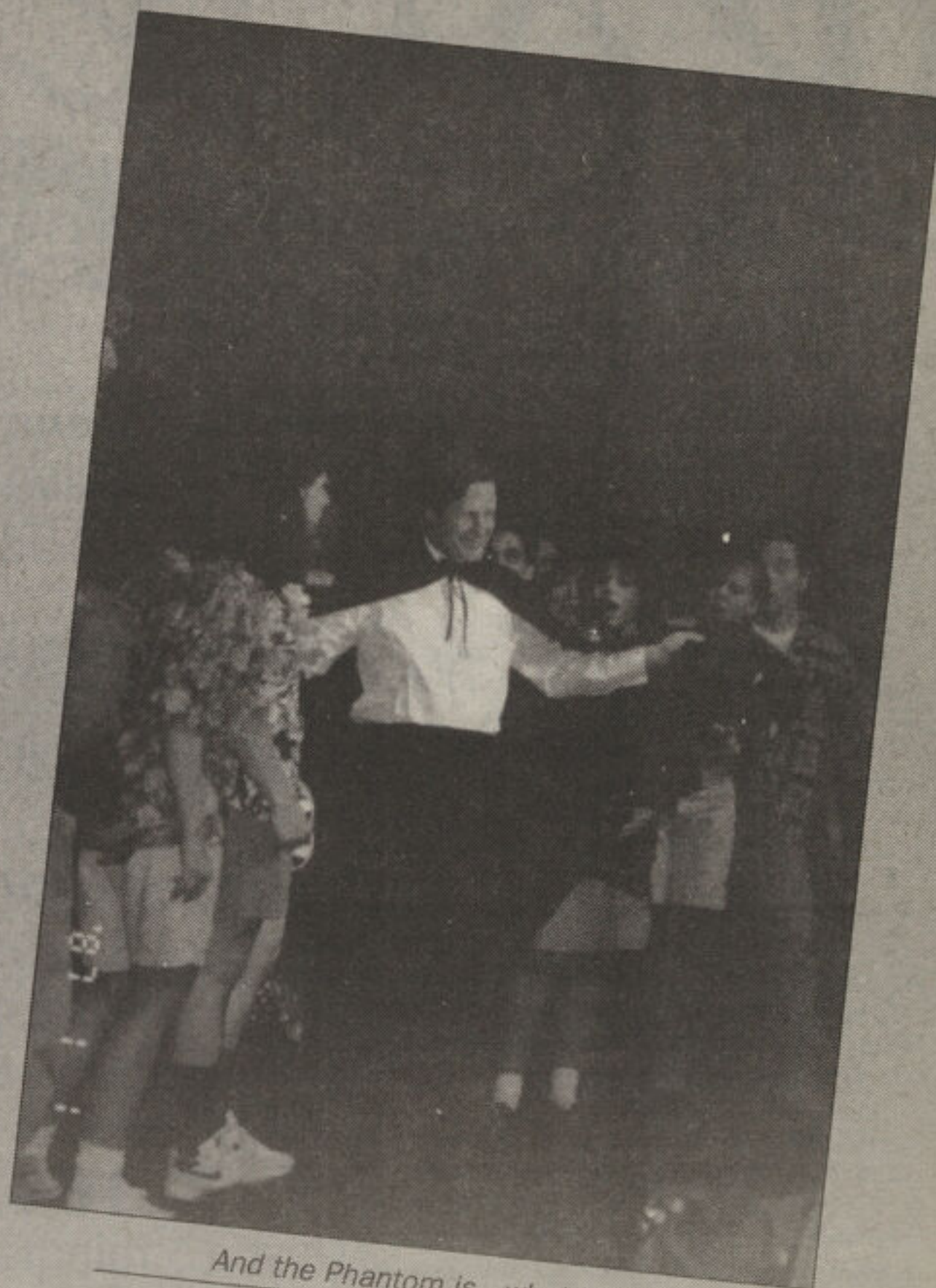
Bookfight! Oh the humanity! The humanity!



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And the Phantom is...what the hell?

The Harvard Legal Aid Bureau

The Forgotten Tenant of Gannett House

By Lisa Zornberg

LONG before there was a faculty diversity movement or a Harkness Commons, or an Alan Dershowitz at HLS, there was the Harvard Legal Aid Bureau. Founded in 1913 and chartered as a Massachusetts charitable corporation in 1914, it is one of the Law School's oldest institutions, as well as the oldest student-run legal services program in the country. But few law students think of the Bureau as emblematic of HLS tradition, or have more than a vague awareness of the Bureau's existence, its history, and its importance to the Harvard and Greater Boston communities.

Until the 1970s students had to grade onto the Bureau — a little known fact these days. The Bureau and Law Review cohabit Gannett House precisely because student participation in both organizations was restricted for many years to those 2Ls and 3Ls with the highest academic distinction; students with the highest grades went to the Law Review, and those with the second highest grades went to the Bureau.

Approximately twenty years ago, however, the Bureau decided to switch to a lottery system. Michael O'Connor '94, who became Bureau President in February, says this was a good move. "High grades are not indicative of what kind of job you can do here," he maintains. "If students come to the Bureau with enthusiastic attitudes, they can serve clients well."

Nor does O'Connor seem troubled by any loss in prestige that may have accompanied the switch. "Now students join the Bureau for reasons that will keep



Although the Bureau officially requires a 20 hour weekly commitment from its members, the exigencies of cases often demand more. It is no wonder students passing by Gannett House on a Saturday night usually see the lights on. It's not only the Law Review at work.

"Clients come first," affirms Steve Weinstein '94, a Bureau member. "Sometimes I have to blow off my life to help them."

Yet it is the very reality their clients' problems that inspires students to do the work, and to do it well. "I love it. It's the best," Weinstein says of the Bureau, adding, "Why do moot court when you can come here and do real court? In the Ames Competition, nothing for society is accomplished. At the Bureau, you can get the same skill-honing and help people."

Stefanie Balandis '93, former Bureau President, agrees. "I have an Appeals Court brief due in nine days and that's real. It's not Ames." The brief is for a case she has worked on for two years, and which she expects to reach the Massachusetts Supreme Court sometime this summer.

Allocating Scarce Resources

Often students encounter their greatest difficulties not in representing the clients assigned to them, but rather in deciding which clients to represent. Like all legal service agencies nationwide, the Bureau must allocate its scarce resources among a client base whose legal needs far transcend the services the Bureau can supply. "Much of the time we are forced to reject cases

just for reasons of resource allocation," says Carolyn Sprual '94, who, as the Bureau's Executive Director, participates in the intake process, and oversees case assignment.

Unlike most other student-run legal aid organizations, the Bureau adheres to an intake system that is entirely student driven. This means that students conduct intake interviews, determine which cases the Bureau will accept and reject, and prioritize which legal needs the Bureau will address at the necessary expense of others.

Balandis says that one priority in recent years has been to accept battered women cases. Ilene Seidman, one of the Bureau's supervising attorneys also currently advises the Battered Women's Advocacy Project (BWAP), and with her assistance the two organizations have arranged a cooperative relationship in dealing with these cases.

New AIDS Practice Group

In some ways the Bureau has hardly changed in its eighty years of existence — it continues to represent clients in traditional poverty law areas, such as housing and government benefits. But in an effort to meet the changing needs of the poor community, the Bureau developed this year the AIDS Practice Group. According to O'Connor it seeks

to provide a "holistic approach to dealing with the legal problems faced by HIV positive clients."

Andy Ward '94, the first coordinator of the new unit, and approximately nine other Bureau members strive to make the unit successful through expanded trainings and increased community outreach to attract HIV positive clients.

Although the legal problems these clients face may not be distinctive, the need for heightened confiden-

tiality partly explains the Bureau's desire to handle all matters under one umbrella. Furthermore, certain legal issues, such as estate planning, take on additional importance when they pertain to HIV positive clients, Ward says.

The AIDS Practice Group works closely with Cambridge Cares About AIDS, a local organization that addresses AIDS issues, in what Ward calls "an ongoing relationship of mutual admiration." The Bureau provides legal services for the organization's clients and conducts on-site intake at its headquarters every Wednesday.

Exposure Problem at HLS

Given the importance of its work and the opportunity it gives students to develop valuable lawyering skills, why has the Bureau fallen into relative obscurity among students? "It's disheartening to realize we're not as well known given the good we do for the outside Greater Boston community, and the benefits we provide for students within the Bureau as well," acknowledges Soni Mathani '94, Bureau Vice President.

Mathani compares waning student interest in the Bureau to "a spiral cork-screw going downward." Last year the number of applicants had fallen to the point where no lottery was required. All applications for membership were accepted. "We also lose a lot of people to the BSA [Board of Student Advisors] and Law Review over the summer," Mathani says.

Mathani believes that because the Bureau is a "quieter organization," focusing more on client needs than campus controversies, its profile suffers relative to other student groups. "The Law School Council gets attention due to its political strife, the Law Review gets attention for its controversies, and the BSA gets attention because they're in constant contact with 1Ls."

The Bureau is unable to compete for student attention, but it doesn't want too. O'Connor maintains that "there is not much reason for a higher profile. Our primary concern is our clients, not our exposure."

But at this point, most members agree that the Bureau has a visibility problem that needs to be addressed. Now in the midst of its annual membership drive, the Bureau is stepping up efforts to whet student interest.

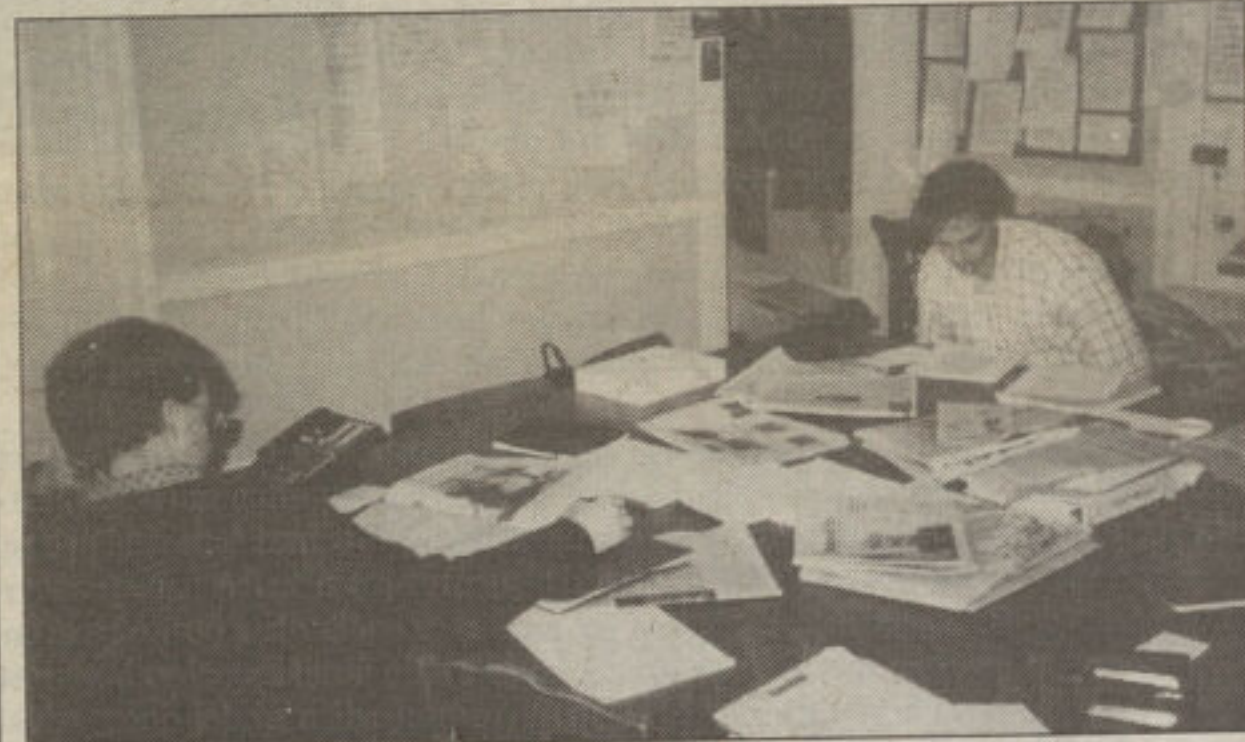
Mathani, overseer of the recruitment initiative, toured 1L lecture halls earlier this month to speak to students directly about considering the Bureau for their 2L and 3L years. She reports a promising turnout at the general information meeting held last week, and hopes to find a similarly good turnout at the upcoming meeting on April 7.

The Bureau will also host a brown bag lunch for interested students on April 8. Applications are due by April 12.

"One of the most important things about the Bureau," emphasizes Balandis, "is that, not only do we serve the community around us, but we are a community. For a lot of students the Bureau is a warm place for people who find HLS alienating or not speaking to their interests."

Weinstein, agrees. "The Bureau's groovy. It's got the coolest people — very shmoozy."

Forgotten? Perhaps by some. But frazzled? Definitely not. The Legal Aid Bureau is one tenant of Gannett House with no intention of moving any time soon.



them here," he says. Moreover, O'Connor asserts, the Bureau enjoys an excellent reputation for doing high quality legal work. He tells of one judge who, upon finding a Bureau member representing the plaintiff, turned to the defendant and declared, "You're dealing with a very expert lawyer. I recommend you go out and find yourself one immediately."

Designed to Serve the Poor

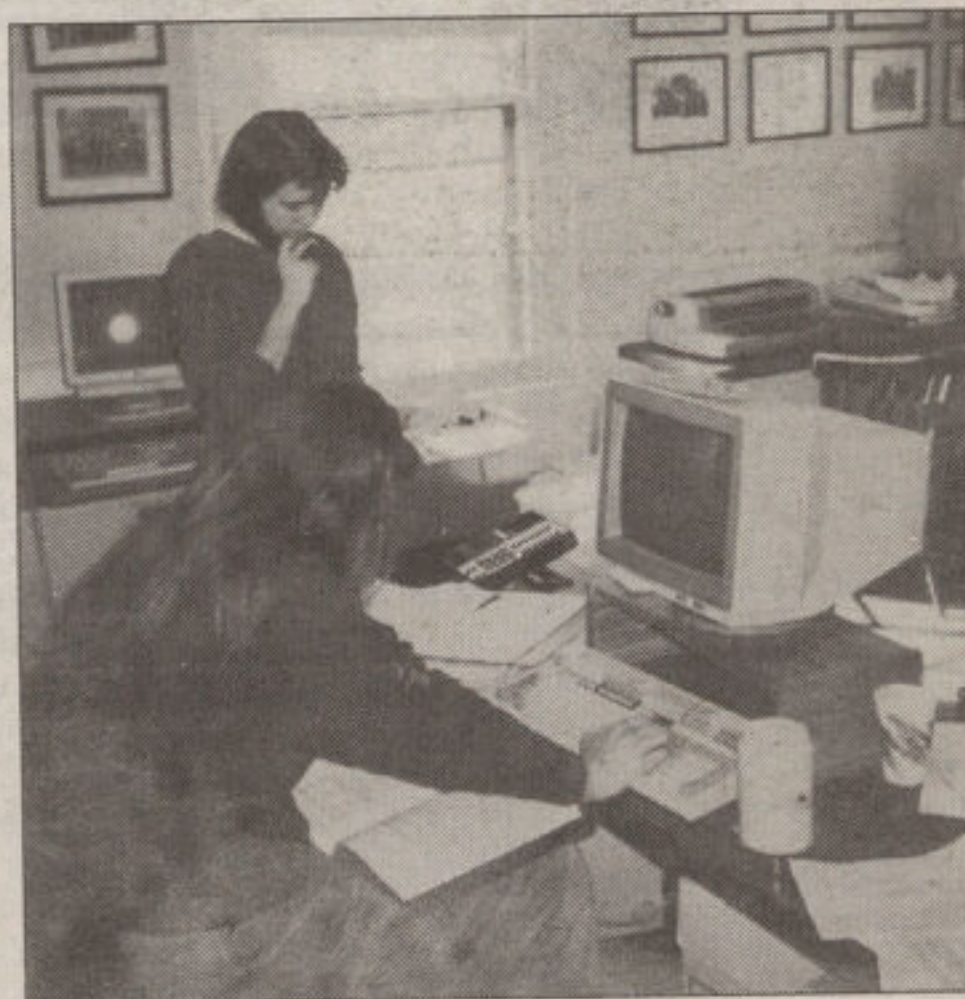
The Bureau represents poor clients who meet their eligibility requirements in four primary practice areas: housing, government benefits, family law, and, more recently, AIDS law. With the guidance of six supervising attorneys, approximately fifty student practitioners handle every aspect of their clients' cases — from filing documents, to negotiating case settlements, to appearing on their clients' behalf at administrative hearings, before administrative law judges, and not atypically, in superior and appeals courts.

The Bureau is a decentralized organization, which means that students handle legal matters in all areas, rather than specialize in one. They are trained to deal with cases from the initial telephone call to the final deposition, and to keep up the professional pace required. Each member carries from three to seven active cases.

But keeping pace may be no easy task. O'Connor describes that in a typical landlord/tenant case, a person might call the Bureau only five or six days before an answer is due in court. "The person doesn't know who to call or what the document says," O'Connor explains. "We try to get the client in here as quickly as possible, so we can get a look at the documents. Then the process rolls quickly — intake can be done within a day."



Legal Aid Bureau President
Michael O'Connor '94



The Law According to John Grisham

By Mike Fischer '95

Though legal spellbinder John Grisham's books never get more than a footnote from the pseudo-literati at the *New York Times Book Review*, his latest novel, *The Client*, will make its first appearance on the *Times Book Review's* best-seller list this week in the top slot. Grisham knows that turf well. His third novel, *The Pelican Brief*, sat there for months, only making way when it was published in paper. There, too, it immediately occupied the top position, with his other novels, *The Firm* (at No. 2) and *A Time to Kill* (at No. 4), nipping at its heels. With almost 20 million copies of his novels in print and sales certain to get an additional boost when the Hollywood version of *The Firm* (starring Tom Cruise) is released this summer, Grisham represents far more than the latest publishing phenom. Featured recently in magazines like *Newsweek* and talk shows like *Good Morning America*, the quiet and unassuming Grisham is becoming a cultural icon for the 1990s.

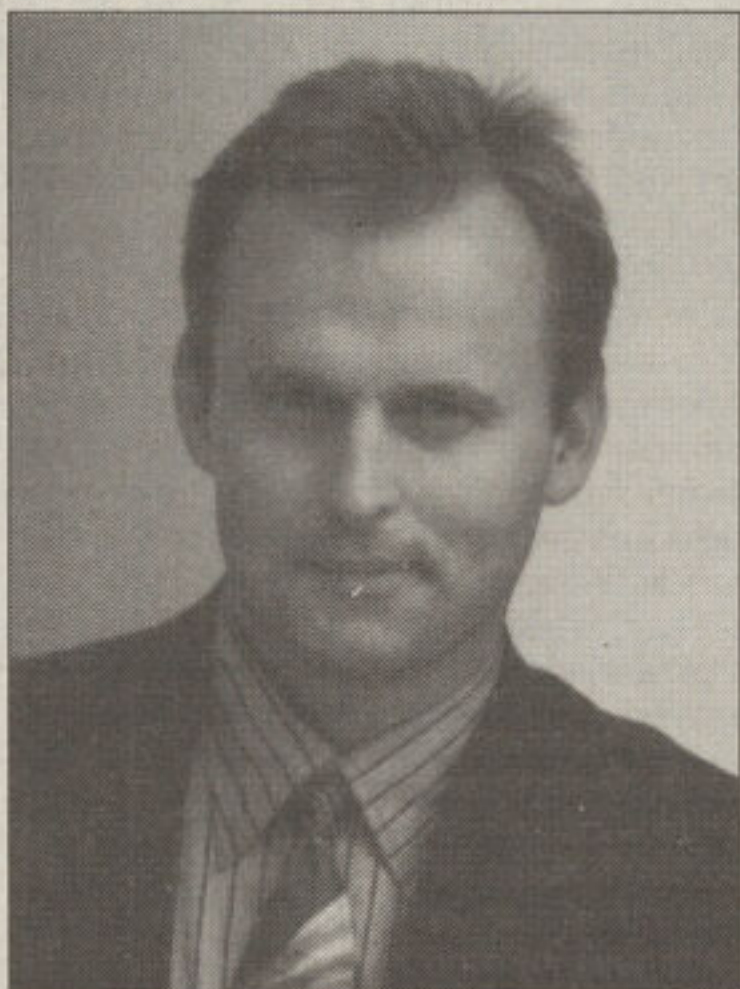
For those whom he designates as the "literary snots" passing themselves off as the country's apostles of the aesthetic, Grisham's success represents yet another occasion to proclaim the death of the novel and the demise of American culture. When reading sentences like "the front of his head was missing, and his brains rolled out like jelly covering his face" (*A Time to Kill*), it can be easy to agree. At moments like this — and there are many in Grisham's work — one is tempted to dismiss him as a hack, a creature of the masterminds plotting Doubleday's advertising strategy.

But why this hack as opposed to any number of others? And if Grisham really has no talent, why does his loyal, mesmerized readership persist in buying yet another dollop of drivel? Why — c'mon, you can admit it — couldn't you put *The Firm* down once you started it? No amount of patronizing jargon about false consciousness can explain away what is obvious to the initiates: Grisham's novels are good reads. They aren't candy for an unwashed mob of trash-reading dupes; they comprise a markedly populist, occasionally-compelling and always powerful indictment of the American legal system.

Subtle Grisham's indictment isn't. Corporate lawyers are routinely castigated as "pompous and arrogant jerks," his Harvard-bred lawyers are the biggest jerks of all. All of them overbill, most of them have no souls, and those that do are running for their lives or already dead. Grisham penetrates beneath the corporate firms' aura of respectability, which traps heroes like Mitch McDeere (*The Firm*). Too late, they discover that law firms are "factories," "sweatshops," and "prisons" where moral qualms are for the weak. Good lawyers, like the sinister senior partner Marty Velnamo in *The Pelican Brief*, feel "useless unless someone near . . . [is] bleeding."

Just in case the point gets lost, Grisham's "corporate tools" — to adopt a bit of HLS tunnel parlance — don't just serve banks, insurance companies, and tax cheats. They also work for the mob and cooperate in Oval Office cover-ups (complete with Watergate-era Committees to Reelect the President) that would make Nixon blush. Grisham's law is less a handmaiden of justice than a pliant tool for the coercive apparatus of the State.

But there are exceptions, like trial lawyer Jake Brigance (*A Time to Kill*), who represent "living, breathing human souls, most of whom had very little money." Though Jake is up against long odds — defending a black man who guns down his daughter's white rapists — Grisham gives him a chance. Jake has allies, ranging from rural Mississippi's black churches to a coterie of outspoken white liberals, who stand by him when the KKK guns down his National Guard escort, terrorizes his law clerk, and whips to death an informer who had saved his life. Even when the KKK torches Jake's house, Clanton, Mississippi remains his home.



Mitch McDeere and Darby Shaw, the protagonists of *The Firm* and *The Pelican Brief*, respectively, have no such luck; when they fight the law, the law always wins. They have few allies, and trust nobody. They're not just up against the local firm, but hundreds of firms and millions of dol-

lars — not to mention the White House, the FBI, the CIA, and the world's most proficient terrorist. While Jake uses the law to save a prisoner and deliver justice, Mitch and Darby run from a law which knows no justice and takes no prisoners. They forfeit their legal careers to uphold the truth because they cannot use those careers to pursue it. Not knowing what to do with them once they've done their good deeds in an evil world, Grisham casts them adrift in the Caribbean — refugees from history with no hope of return.

Written when he still practiced law, *A Time to Kill* is Grisham's first novel, and his best. Like its successors, it is unabashedly melodramatic. But that isn't necessarily a bad thing. Melodrama, after all, simply represents the theatrical impulse at full throttle: sharpening, heightening, and exaggerating the details of daily life in an exploration of what those details "really" mean. Exaggerate too much, however, and good theater becomes "theatrical" — replacing everyday life instead of placing it in relief.

A Time to Kill reflects an understanding of the thin line separating the two. As in its successors, good squares off against evil, and the reader never doubts which is which. But light and darkness coexist here in the same world — and in the same profession. Lawyers can be good, bad, and — in the wonderfully realized character of Lucien Willbanks, at once a cynical opportunist and an impassioned idealist — both. Characters are given room to make choices rather than running from choices that are made for them.

In novels such as this, and especially in developing characters such as Lucien, Grisham demonstrates genuine promise as a writer. Currently, however, he remains locked into a grueling production schedule — *The Pelican Brief* was written in 100 days, *The Client* in six months — that leaves him little time to cultivate that promise, despite an avowed wish to return to the rural Mississippi world of Ford County that he had imagined in *A Time to Kill*. Only three years into his career, he confronts a choice much like that facing his characters: Will he continue to sell his talent to the highest bidder at the biggest factory with the tightest schedule, or will he use his new-found fortune to develop his unrealized potential? Watching Grisham answer that question could be as spell-binding as the passages which initially provoke it.

DAN 'N' ERIK'S FOOD GRADER

Hasty Dining

By Dan Drosman '93 and Erik Marks '93



This week Dan n' Erik braved the snow, slush, mid-western tourists and bums of Harvard Square to dine in the relaxed clubby-collegiate atmosphere of **Upstairs At The Pudding** (10 Holyoke St., Cambridge — 864-1933). We must admit to experiencing brief guilt pangs (Dan's Jewish) eating at such an opulent establishment when there are so many hunger strikers at the Law School. We also must admit to forgetting all about these hungry limousine-liberal activists after our first gulp of wine and mouthful of soup.

The restaurant is run by two local gastronomes, Mary-Catherine Deibel and Deborah Hughes, who look after every detail during your evening of dining. The comfortably spaced tables are laid with signature pink tablecloths, candles and fresh flowers. Prints advertising Hasty Pudding productions of years past hang on the forest green walls, and pewter chandeliers descend from high vaulted ceilings. Dine in the lush rooftop herb garden during the spring to escape the Law School protesters.

You must not miss the superb Roasted Sweet Red Pepper soup (\$8.00), which resounds in a powerful blend of sweet, bitter, smoke, and hot pepper flavors. For an imprimatur of authority, it should be said that Julia Child included this soup in her most recent book. The menu describes Panzanella (\$8.00) as mere bread and tomato salad, but the actual dish proved to be much more: marinated toasted chunks of bread are tossed in balanced proportion with tomatoes, cucumbers, onion, radicchio, watercress, and fresh basil in an olive oil dressing.

Upstairs is esteemed for its handrolled and handcut pastas. True to its reputation, the delicately flavored Chevre and Sun-Dried Tomato Filled Ravioli (\$12.00) was fabulous, topped with a roughly ground pesto. But the St. Andre sauce overpowered the subtle flavors of Tagliatelle with Asparagus and Walnuts (\$10.00).

Although Mary may have lost her little lamb, the Pan-Fried Baby Lamb Chops (\$20.00) were tender, juicy and flavorful, accompanied by a host of superb grilled vegetables. The Bouillabaisse (\$23.00) invigorated our Hark-deadened palates. Lobster, shrimp, scallops, and crab overflowed a huge bowl, and were surrounded by mussels and clams; the seafood morsels soaked in a fennel broth (a refreshing change from the traditional tomato base Bouillabaisse sauce). While most of the fixings were top-drawer, the crab and scallops were a tad dry and bland.

The dessert list is long and tempting. We were intrigued by the strawberries topped with orange zabaglione (\$6.00), a difficult combination of flavors which made a refreshing end to the meal. A richly flavored Espresso Creme Angelaise awakens the dense and mouthwatering Chocolate Truffle Tort (\$7.00). If you are a coffee fan, you must order the cappuccino, which is one of the best in the area.

The menu changes often, includes a variety of options, and is posted outside the restaurant daily. Dress is semi-formal: we recommend coat and tie for the men and shaved legs for the ladies. Upstairs at the Pudding regularly hosts large private parties in its downstairs dining room, and some reservations are still available for graduation (groups of five or more). They serve lunch during the week and a brunch on Sundays. The lunch menu is much easier on the debt-soaked student, even offering a gourmet soup and sandwich combination for \$7.00. An extra bonus: diners at Upstairs may have the good fortune of bumping into a chomping Phil Areeda, Paul Weiler, or Al Warren.

Grade: **B+**

Out of Town

By Michael Tenenbaum

Should your spring break or ordinary weekend travel bring you to New York anytime soon, ideally before May 2nd, the exhibit of Honoré Daumier drawings and watercolor sketches at the Metropolitan Museum of Art undeniably deserves a two-hour tour.

Daumier (1808-1879), to those unfamiliar, was simply the most clever caricaturist of his day, ridiculing the French nobility and bourgeoisie with equal efficacy and ease. The Met intersperses these two thematic elements among several other Daumier dabbings, particularly insightful portrayals of fugitives, travelers, and sideshow scenes. Much of this replicates an outstanding 1991 exhibit at the Armand Hammer Museum in Los Angeles, though only several of the artist's brilliant bronzes have made it to the Met.

Daumier's often derisive depiction of lawyers alone justifies the brush with capacity Sunday crowds in the museum's Galleries for Drawings, Prints, and Photographs. Focusing on the profession through the eyes of the common man, as he did in virtually all of his works, Daumier captures judges, lawyers, and clients in timeless courtroom vignettes. "The Verdict" is quintessential Daumier, clueing the viewer to the title with a departing jury, a contemplative counsel, and an unconscious defendant, hanging in the arms of a perfunctory bailiff. Another features opposing counsel as the only skeptical listener in the courtroom, the jury hinged on the wild exhortations of the pleading attorney. The artist is dramatically succinct.

"The Connoisseur" remains the subject of ironic revelation. Daumier simultaneously mocked Greek and Roman classics while inescapably submitting to their influence, if even by including them as objects in his own studies. Two Friday lectures and a day-long colloquium promise more substantial analysis: "Lines Drawn: Honoré Daumier and French Caricature, 1830-1848" (March 26th at 6:00), "Honoré Daumier: Drawing for Modern Times" (April 2nd at 6:00), and "Daumier Drawings in Context" (April 16th at 10:00). Call (212) 570-3710 for more information and enjoy the exhibition.

That Blue-Collar Soul is Gone

By David Lopez '93

It's been another rough week, so keep that in mind; it tends to color my perception of the movies I see. It wasn't a really bad-bad week, just bad. I was out with my little brother Anthony and I find out he's starting to act like me. "I know why you haven't gotten a job yet, Dave," he says. "Why?" I ask. He gets a mischievous grin on his face and says, "Because nobody likes you." A cynical law student, twelve years old. "But I like you," he adds, so at least I haven't totally corrupted him. Then I call a bunch of firms for a job and everyone is out of town until Friday. Finally, I call the dorm people

Charlie Brown, running for the football, only to have it pulled away from me at the last minute. Aaaaargh!

Saturday night during the storm, all the guys in the hall snuck into Reg the RA's room to watch *Scarface*, with Al Pacino. There is a defined way of acting in western culture and it's cataloged by the movies. Arnold Schwarzenegger, of course, is the man. He's not a man, he's THE man. Al Pacino in *Scarface* comes really close, kind of like a Latino Ed Ducayet, and he seems to have a special appeal for law school men. It may be because of the diversity issue. Pacino plays a Latino man. Tony Mesa and Orlando DoCampo were there representing the Cubans, and Felipe Nuñez and I were representing the Colombians. We needed to know what is proper, how should a Latino man act when faced with certain situations. And of course, there were plenty of other sensi-

tive guys there, happy to have a Latino professor at last.

Pacino plays a man with Tourette's Syndrome; he couldn't get through two sentences without a few choice words. "Hey, this is the part where they cut the guy's arm off with the chainsaw," said Felipe. "Shut-up you skeezer, some of us haven't seen it yet," said Paul Wilson. "Hey, Lopez, are you going to put me in your movie review?" said Matt Beckerman. Then all of us sensitive men begin to imitate Pacino, even getting the heavy Cuban accent down perfectly. Adam and Felipe thought that maybe they could fit Pacino's style into their Ames arguments. "Your honor, my co-counsel and I have Tourette's syndrome, I hope you will bear with us."

We all loved one of the last lines of the movie. Pacino has become a powerful drug lord but has wallowed in '80s style excesses, bringing an army of Bolivian assassins to his door. He pulls out a grenade launcher and shoots it at the door. I thought he said "meet my little friend" as he blew the door apart, but Chris "Gromm" Spagnoli, a consummate perfectionist, said no, actually it was "say hello to my little friend." When I asked Ed Ducayet about it later, he knew the correct words as well, as any real man would have. A real, real man would know what kind of grenade launcher it was. I used to know, but that's what Harvard does to you, it sucks your blue-collar soul.

Arnold Schwarzenegger, of course, is the man. He's not a man, he's THE man.

Geez, and I thought guys kept their feelings inside. The first few dates I had were miserable. There always came a time when the girl I was out with, after babbling all night, would suddenly become quiet. She would look at me like I was supposed to do something, and then she'd get mad. And I would sit there and think, "If she wants me to kiss her, she'll ask." Now that I'm older, I still think they should ask. "I want to be kissed, please." I don't see how that can be any more difficult than hoping the guys guess right.

So we start watching the movie, and right away Catherine Deneuve, who plays an aristocratic landowner, is kissed by a young sailor whom she is tending for a nosebleed. Marie-Louise leans over and says, "See, she didn't ask." I said, "Would you like to be in charge of something and have a guy grab the back of your neck and kiss you?" I think I won that point.

Indochine itself was a great movie. Two-and-a-half hours long, but it's very well told. I myself hated the last half-hour because it was a tragic love story, but then, it didn't pretend to be anything else. I only like happy love stories; sad ones are commonplace. It was so well done that I admire the movie like I would admire a torturer's work. It was brutally exquisite; you feel all the pain. Bring a hanky for your nose, your eyes, and the people next to you. During the movie, I started thinking, yes, the lovers are going to make it, they are going to survive against all odds. And they did, again and again. Little did I know that I was a



Is There a Method to the NCAA's March Madness?

By Bill O'Dowd '94

Like every hoop junkie across the nation, I waited last Sunday with baited breath for the NCAA to select the 64 teams who would compete for the college basketball championship. And, like everyone else who knows the SEC as something other than a stock regulatory agency, I was left scratching my head.

First, a gripe about the selection of teams. Hey, where is UNLV? The 21-7 Runnin' Rebels were 16th in the polls before the tournament selections were made. Has there ever been another Top 20 team not invited since the field expanded to 64? UNLV lost to Long Beach State twice this year (once in the Big West tourney), but is this reason for banishment to the NIT? Long Beach, remember, won at Kansas to knock the Jayhawks from Number One, and went on to win the Big West tournament.

What other schools received at-large bids that should have been behind UNLV? For starters, try all three from the Atlantic Ten. George Washington (19-8), Rhode Island (18-10), and Temple (17-12). To my knowledge, none of these teams cracked the polls at any point in the season, let alone the magical twenty-win plateau (I also need explained to me how Temple got a 7th seed). Who did these teams beat out-of-conference that merited vaulting past the 16th ranked team and into the NCAA's?

The second most puzzling aspect to the field of 64 is UMass as a 3rd seed in the East. Does the tournament selection committee double as the Committee for the Legalization of Cannabis? How can UMass be a 3rd seed? Presumably, with four regions in the tourney, all 3rd seeds should be in the top twelve teams in the country. No offense to John Calipari and the boys from the Cage but UMass is not a top twelve team. Heck, the Minutemen didn't elbow into the Top 25 until well into the second half of the season. Even then, the poll before the selections placed them at No. 21.

What's worse, they're the 3rd seed in the East with North Carolina. Now North Carolina obviously got the Number One seed for the entire tournament. (East Carolina, their first-round opponent, is the only team with a losing record in the tournament). So I can understand placing Cincinnati in the East as a 2nd seed because the Bearcats are arguably the 8th best team in the

nation. But that means the 3rd seed in the East should have been the 9th best team in the nation. UMass?!? The other 3rd seeds are Duke (defending champs ranked 8th before selections), Vanderbilt (regular season SEC champs ranked 6th before selections) and Florida State (regular season ACC runners-up to North Carolina and ranked 11th before selections). Which 3rd seed doesn't belong?

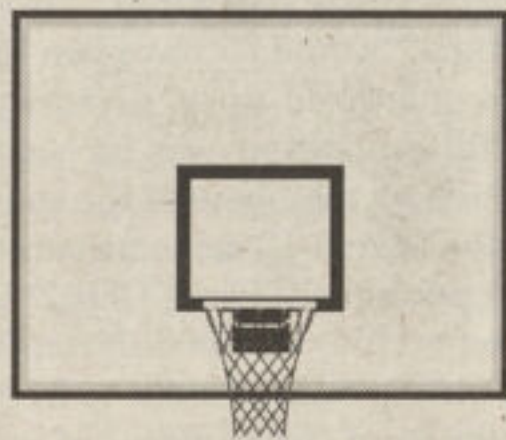
That UMass is overmatched wasn't lost on the subconscious of the national media, either. In Monday's *Boston Globe*, reporter Mark Blaudschun discussed each regional and named upset "Teams to Watch." For example, in the Southeast he cited Tulane, Iowa, and Memphis State. None of those teams is seeded higher than 6th. Yet, his "Teams to Watch" in the East were Cincinnati and UMass! The fact that the 2nd and 3rd seeds are considered such underdogs does not speak well of the job performed by the tournament selection committee in balancing the regionals.

Now that I've griped about the selection of teams and whined about the seedings, there's only one topic left to be touched before I may be annointed as a full-fledged sportswriter. That is, my predictions for this year's NCAA's:

National Champs: Indiana Hoosiers. Bobby's boys win again in New Orleans just like they did in '87.

Final Four: North Carolina, Indiana, Seton Hall, and Vanderbilt. For the last five years, no more than two Number One seeds in any given tournament have made the Final Four. Not one to challenge history, I selected only two. North Carolina has the easiest road (see above) and Indiana is my pick to win it all. Seton Hall is the best team in the Southeast (sorry Kentucky fans). I can't explain my pick in the West with any logical arguments. Michigan is just too inconsistent and never controls the tempo of a game. Who's going to beat them? I don't know. I just chose Vanderbilt because Coach Eddie Fogler is a really nice guy who once shook my hand at an awards banquet.

First-Round Upset Specials: After extensive statistical computations and analysis, I have chosen Tulane (my cousin's law school) over Kansas State in the Southeast, Long Beach State (Coach Greenberg recruited me out of high school to the University of Miami) over Illinois in the West, Manhattan (Granny's alma mater) over Virginia in the East, and Marquette (tea leaves) over Oklahoma State in the Midwest.



HLS Intramural Basketball Standings

as of Sunday, March 14

Team Name	Won-Lost		
"A" LEAGUE			
3. Two-L-Men-Ators	10-1	4. Wacky Ducks	4-7
5. One-L	9-2	12. Children of the Corn	4-7
6. Black Panthers I	8-3	7. Hair Club for Men	3-8
2. Gimme the Rock, Baby!	6-5	1. The ChaChis	0-11
"B" LEAGUE			
9. The Varks	5-1	16. Tungal Tunkl	4-2
15. Mo Knows	5-1	20. The Rest of the World	4-2
19. Harlan's Globetrotters	5-1	11. Full Tort Press	3-2
27. Stolen Legacy (B.P. II)	5-1	18. 2 Wright Crew	3-3
21. Call Me Ismael	4-1	22. The J-Men	3-3
24. Bildad & the Shoe-Hites	4-1	23. Below the Rim	2-3
29. The Chicano Bulls	4-1	25. Death Squad	2-4
		13. Joey Buttafuoco	2-4
		26. Ted's a Liberal	2-4
		28. Mrs. Hammer	1-4
		8. The Grizzlers	0-6
		14. Ballbusters	0-6



Compiled by Kirby Lewis

Harvard Law RECORD

Founded in 1946

Lisa R. Zornberg
Editor-In-Chief

Kevin D. Werbach
Publisher

Speaking On the Record

I dreamed the other night that I was caught in a First Amendment hypothetical. Hate speech, slander, obscenity, fighting-words all whirled about me in maddening confusion. Then the chanting started: "Come out, Neil Glazer . . . Debate, Enu . . . Resign, Dean Clark . . ." I tried to escape, to wake up. But then I realized I wasn't dreaming — it was just business as usual at HLS.

This place is a study in freedom of expression. From the LSC election campaign slurs to the Drama Society's spring parody of campus figures, to the Sojourner Truth Squad graffiti, we are asked to consider daily, both as individuals and as a community, what forms of expression we are willing to encourage and tolerate, where we want to draw the boundary lines. As the new Editor-in-Chief of the RECORD, I feel it is important to tell you where I stand.

I can state my position briefly. First, the answer to controversial speech is more speech. Second, speech without accountability results in abuse.

Take, for instance, the recent controversy sparked by Neil Glazer's March 5th column on homosexuality. Following its publication, one member of the HLS community telephoned to express his disapproval that I had run such an offensive opinion piece in the RECORD. "If the column had been anti-Semitic or racist," he asked, "would [I] have run that too?" "Yes," I told him.

On a campus that is energized by its diversity of opinion, the stifling of expression — even hurtful expression — is far more dangerous than its articulation in a forum in which all members of the community are invited to participate. (Incidentally, the March 12 issue featured a full-page Op-Ed spread of responses to Glazer's column.) The RECORD is the *single* forum at HLS that can and does give equal play to the different voices of students, faculty, and alumni, making its strong commitment to free speech absolutely crucial. The RECORD must never be in the business of censorship.

But openness requires integrity. The fairness of any forum is severely debilitated when people are not accountable for what they write. There is a legitimate place for pointing fingers in the ideological and emotional frays of HLS — so long as individuals stand by their assertions in name as well as in spirit. I generally won't print an anonymous letter or column. Only in the rarest of circumstances would the RECORD run a piece absent author signature, and even then, only if the author identified himself or herself to me and could justify anonymity.

So if you think the RECORD prints columns that are too leftist or ludicrous, too racy or right-wing, I say this: Write in and your voice too will be heard. Just be sure to leave me your name along with the love and kisses.

— Zornberg

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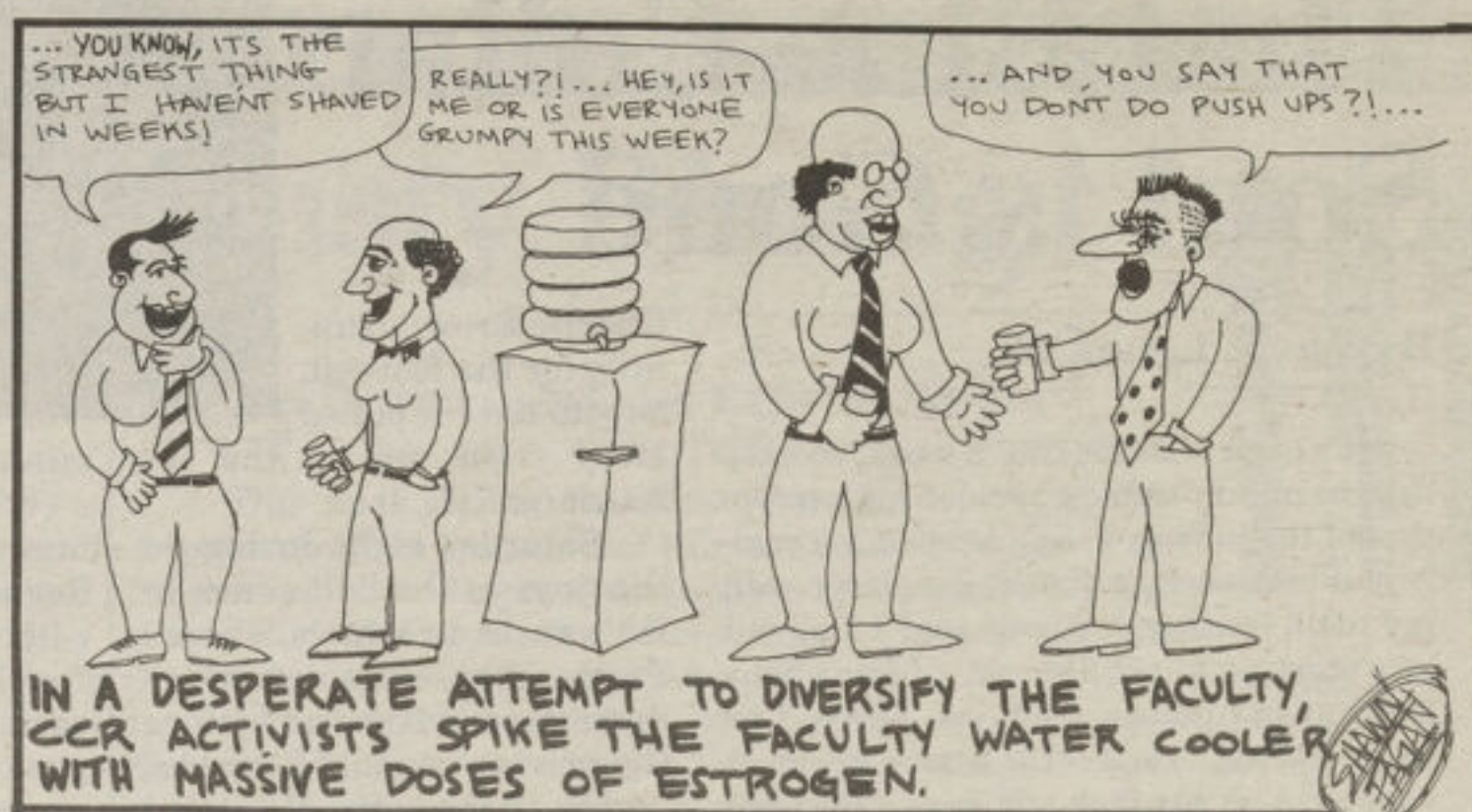
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"Congress shall make no law...abridging the freedom of speech, or of the press;..."

—First Amendment, US Constitution



• Letters •

Town Meeting Shows Totalitarian Impulse

A very revealing episode unfolded at the so-called town meeting on curriculum reform last Wednesday. The term "town meeting" requires qualification because the HLS version resembles an exercise in Jeffersonian participatory democracy about as much as a pigeon resembles a swan. The HLS town meetings do not give students a chance to deliberate as a group and share some small modicum of power with the administration, but rather are meant to allow the venting of steam that might otherwise generate protest and genuine progress.

At any rate, a group of students (myself included, I should add) decided to read to the assembled crowd a list of women of color who are currently teaching at law schools nationwide. Our point was a modest and inoffensive one, namely, that there is a connection between curriculum reform and diversity. It is a matter of common sense that one of the most profound ways of changing the way the law is taught at HLS would be to open up the faculty to women of color and others whose perspectives and experiences have been largely excluded from academic legal discourse since the law school racket first began.

During a question and answer period, Julie Su spoke eloquently of her own experiences here, and then read some names of women of color law professors. Other students added some more names, but then — before one could utter "naked repression" three times — members of the panel running the meeting erupted in rage.

We were told that our reading of names was disruptive and inappropriate. A student member of the panel suggested that we were

addressing the wrong committee, as if the meeting we wanted were being held next door. Mention was made of a fixed "agenda," implying that the question and answer period had to conform to some rigid, prearranged scheme.

Most interesting of all was Dean Clark's reaction. Visibly enraged, he managed only a stream of incoherent mumbling. Clark was later heard after the meeting to state that many of the women on the list teach at second-rate schools and hence are not worthy of consideration for a position at HLS. This is a bit like saying that African-Americans denied membership to a racist country club have only themselves to blame because after being spurned by the club they join the lowly YMCA, thus demonstrating their unfitness to join the club.

There was a certain poignancy to Clark's sputtering paroxysms. It is well-known that Clark has been reined in this year by Roger Fisher or President Rudenstine or some other expert at cooptation. As a result, at least until the current fundraising drive comes to an end and Clark can be put out to pasture, he is forced continually to keep an unhealthy lid on his simmering anger over student challenges to his authority. Fundraising activity may not serve adequately to sublimate that anger, but this is a matter for Clark to take up with Health Services.

The panel also resorted to that old chestnut, concern for others (for a textbook case of this strategy, see Clark's attempt last spring, thankfully unsuccessful, to portray the Griswold Nine's sit-in as nothing more than an assault on his office staff). Apparently, we were using up too much of

other students' time. Finally, cooler heads prevailed. The reading was permitted to pick up where it had left off, and it became obvious that absent the outburst of righteous indignation from the panel, the reading would have taken up very little time at all, no more than had some of the lengthy questions/remarks offered by other students.

The entire episode needs to be put into clearer perspective. On the one hand, there is Harvard Law School, an institution that has elevated to the level of an art form the systematic exclusion of women of color from the faculty. On the other hand, there are many students upset about this invidious discrimination. Now, who at HLS is the guilty party, the one who commits injustice or the one who speaks out against such injustice? Only one guess is necessary.

I don't wish to be misunderstood. I don't mean to say that a genuinely disruptive act at an occasion such as the one in question would be inappropriate. On the contrary, if Harvard Law School were shut down entirely tomorrow, the world would be immeasurably better off. What is fascinating, though, is how an act that could only be considered disruptive by a vast stretch of the imagination — a simple reading of names — sufficed so quickly to evoke the totalitarian impulses of the functionaries running the meeting.

It is somewhat gratifying, of course, to uncloak repression. It would be a lot more gratifying if Harvard Law School were to hire a woman of color.

William Anspach '93
March 15, 1993

Ramsdale to Dean Clark: I Resign

Dear Dean Clark,

I am writing to inform you of my resignation from both the Faculty-Student Appointments Advisory Committee and the Project on Community in protest of your actions with regard to the Catharine MacKinnon tenure decision. I am furthermore calling upon all student members of these groups to join in my decision. It was brought to my attention tonight that you led the faculty opposition to Professor MacKinnon, a fact that I find deplorable given the numerous conversations I have had with you this past year on the subject of faculty hiring. As recently as last fall you told me and the other students present at a meeting of the Faculty Appointments Advisory Committee that hiring a woman to teach feminist jurisprudence was a priority for this Law School. Furthermore, all of us famil-

iar with the faculty appointments controversy are aware of your desire, and that of the faculty, to hire the "best" person in a given field. Those of us familiar with feminist jurisprudence know that Catharine MacKinnon stands head and shoulders above other scholars in this area of the law. If you truly cared about Harvard Law School, you would not let an internationally-renowned scholar and litigator like MacKinnon slip through our grasp.

I have made every effort this year to work with the administration to address issues I considered of common concern, but particularly with regard to faculty hiring. Under my leadership, the Law School Council co-sponsored town meetings designed to bring the community together. I have worked with the Project on Community. Further, I participated actively in the Faculty Appoint-

ments Advisory Committee, despite the fact that few members of the Faculty bothered to show up for the meetings, and despite the fact that only one meeting of the Committee has been called this spring.

Cooperation is a two way street. I have tried to work with your administration, but I find your duplicity deplorable. You have proven a point skeptics made to me months ago, that on the issue of faculty diversity your commitment is only when politically expedient. I am saddened to have reaffirmed that our Dean is the Dean of the *Wall Street Journal* and the *Clare Dalton '73* furors, not the "kinder gentler Dean" of town meeting fame.

Marie-Louise Ramsdale '93
President
Law School Council
March 16, 1993

Bigots on the Bench

By Prof. Alan M. Dershowitz

Law students are rarely exposed to the ugly underside of our judiciary. Yet when they begin to practice, they will meet few Brandeises, Holmeses or Brennans. More likely, they will appear before mediocre, lazy, and small-minded judges. Occasionally, they will encounter true bigots — overt racists, sexists, anti-Semites and the like. Although these disgraces to the bench may be as rare as the true judicial giants, they are a sad reality of legal practice, and our students must be prepared for them. Two recent cases are on point.

An acting justice of the New York Supreme Court was recently censured for directing anti-Arab remarks at an attorney of Syrian ancestry. According to the findings of the Commission on Judicial Conduct, Justice Stewart L. Ain — who is Jewish — asked the attorney to spell his name. When Paul Saqqal did, Justice Ain asked, "You're not an Arab, are you?" When Saqqal said that he was of Arab ancestry, Justice Ain shot back, "You're

Fitzsimmons, Jr. who admitted using "anti-Semitic terms describing or referring to certain attorneys of the Jewish faith."

The bigoted judge had no choice but to admit these allegations since — according to the findings of the Commission on Judicial Conduct — "various court personnel" heard him say "It's time to warm up the ovens," when he was advised "that an attorney of the Jewish faith was waiting in his courtroom to argue" a case. Nor were these quoted remarks isolated instances of insensitivity in an otherwise distinguished judicial career.

So pervasive were Judge Fitzsimmons' anti-Jewish feelings that he and his brother — a crony who hung around the courthouse with the judge, "convey[ing] the impression that [he was] in a special position to influence [the judge]" — actually devised "a form of double-talk or verbal code" to disguise their references to Jewish lawyers in front of witnesses. The judge admitted that he used the code so "that they won't know that we are talking about them."

working at their school maintenance jobs, resulted in indictments.

Despite these and other violations of the judicial office — there were eight serious charges in all leveled by the

should be wearing a robe, but it should be a white one with a hood, rather than a black one with the power to enforce his bigoted conception of the law.

Nor do bigots like Stewart L. Ain belong on the bench. Yet Ain continues to sit, having suffered only a mild censure for his misconduct.

As a Massachusetts attorney, I will refuse to appear in Judge Fitzsimmons' courtroom, even if I am assigned a case there. I will not appear before a bigot in robes who regards me as a "kike." Nor would I appear in Judge Ain's courtroom if I were a New York lawyer. I will take the consequences of this act of



Commission, each of which had numerous examples — Judge Fitzsimmons was not removed from the bench. He was merely fined and suspended for six months. Thus, in July of this year, an anti-Semitic and sexist bigot will again put on his robe and administer "justice" in Massachusetts. Perhaps his language will change, at least in front of witnesses, since he knows that the Commission will be observing him — at least for a while. But his attitudes will not change, especially since he received a slap on the wrist for his outrageous misbehavior. B. Joseph Fitzsimmons, Jr. simply does not belong on the bench. He belongs in prison, for taking a full salary from the taxpayers while depriving them of a full day's work. He belongs in the Ku Klux Klan or the Nazi Party, where the views he expressed are commonplace. He

civil disobedience, rather than recognize the authority of these bigots as judges. And I urge all other lawyers of good will, regardless of religion or ethnicity, to boycott bigoted judges of this ilk. If the judiciary cannot or will not clean its own house, then the lawyers, who are also sworn to administer justice, must do something to assure that bigoted bums like B. Joseph Fitzsimmons and racists like Judge Ain do not pervert our system of justice.

To his credit, Governor William Weld is now trying to get Judge Fitzsimmons removed from the bench. The New York authorities should make similar efforts in regard to Judge Ain. And students must be prepared to do something about this kind of bigotry when they begin to practice law.

I will not appear before a bigot in robes who regards me as a "kike." I will take the consequences of this act of civil disobedience, rather than recognize the authority of these bigots as judges.

our sworn enemies." Mr. Saqqal, who was representing a client and did not want to endanger his case, attempted to mollify the judge by assuring him that he was of "Christian Arab ancestry," rather than of Islamic Arab ancestry. But Justice Ain was not mollified. Demonstrating that he is an equal opportunity bigot who does not discriminate between Christians and Moslems — so long as they are Arabs — Justice Ain replied: "You're still our enemies." Then, as if in a schoolyard or a barnyard, Justice Ain turned to the lawyer, and saying "here's what I have to say to you," extended his middle finger at Mr. Saqqal.

Just to make sure the lawyer got his point, Justice Ain shouted "What the f..k do you people want anyway?" He then gave the lawyer the finger again, saying, "You know what this is don't you?"

The justice then turned to the opposing lawyer and asked whether he was Jewish. When that lawyer replied in the affirmative, Justice Ain inquired whether he had ever met General Ariel Sharon. Justice Ain then spoke of his admiration for General Sharon's "hawkish views toward Arabs."

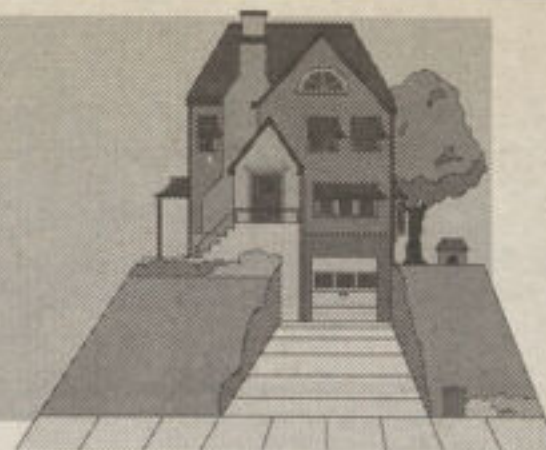
Justice Ain's defense to this outrageous misconduct is that he was trying to be funny. Saqqal did not appreciate his humor: "I didn't take it for a joke, not for a second." The Commission rejected Justice Ain's explanation, finding that it "lacks credibility" — legalese for "Justice Ain is not only a bigot, he's a liar as well."

The second case involved a local Massachusetts judge named B. Joseph

Nor was Judge Fitzsimmons' bigotry limited to Jews. He made numerous sexist remarks as well, insulting women, especially women who were unable to obtain employment. He told them to "get a job," without inquiring as to whether they were able to obtain employment.

In addition to these crass manifestations of bigotry, Judge Fitzsimmons repeatedly failed to put in a full day's work for a full day's pay. Although he was obliged to work from 9AM to 4PM., with an hour off for lunch, he repeatedly arrived at work late and then spent the entire afternoon playing golf. During the few hours he spent in the courtroom each day, "Judge Fitzsimmons spent substantial periods of time in his lobby occupied with paying personal bills, attending to personal correspondence, and making personal phone calls." He simply refused to conduct extended trials, because they would take too much time out of his golfing afternoons. As the Commission put it: "During his first ten years on the bench, from 1980 until [the investigation began], Judge Fitzsimmons sought to avoid the trial of contested matters that came before him, particularly those that were lengthy or complicated." Put simply, the lazy bum in robes simply refused to work. Yet he received full pay. Public employees are prosecuted for such theft of payment for services not rendered, when it is as overt and sustained as it was in Judge Fitzsimmons' case. Recently, an expose on "Sixty Minutes" of New York School employees who worked on their boats and played golf instead of

Housing Listings



APARTMENTS FOR RENT

Beautiful, sunny, huge kitchen, back porch, h/w floors, washer/dryer, 1 blk. from Star Mkt. in Porter Sq. 3BR. Rent: \$1215/mo., 15 month lease, with huge discount for 1st 3 months of lease. 318 Beacon Street #2, Somerville. Call Susan Horowitz, 354-0873.

SUBLETS

1BR, beautiful eat-in kitchen, wood floors, d/w, bright, sunny, spacious, fully furnished. Minutes to Harvard Square T, blocks to HLS. Rent: \$700/mo., 6/1 - 8/15 (negotiable). 1 person or couple desired. 16 Chauncy Street #15. Call Pamela Coukos, 547-5038.

4BR, large living room and eat-in kitchen, wood floors, washer/dryer, fireplace, scenic loft, two porches. Walking distance to Harvard and Central Square, next door to grocery store. Rent: \$1685/mo., 6/1 - 8/31. 19 Buckingham Street #3, Somerville. Call Terry McGuire or Joe Witalc, 623-7194.

2BR, 1BA, mostly furnished. CHEAP!! Rent: \$700/mo. + utilities (total), 6/1 - 8/31 (flexible). 2 people desired. 49 Harrison Street #1, Somerville. Call Greg Stohr or Scott Auby, 776-0093.

APARTMENTS SOUGHT

Location Desired: Walking distance from HLS and Holiday at the Porter Exchange.

Features Desired: 2BR, parking for one car (no permit)

Lease desired: 9 months (school year)

Number of people: 2

Call Melissa Bernstein, 493-9882

Location Desired: Within 15 minute walk from Law School.

Features Desired: 2BR.

Number of people: 2

Call Tony Barkow (493-9581) or Raj Date (493-9318).

• Letters (Continued) •

Defilement Not Directed at Residents

This is just a note to put in context some remarks I am quoted as having made at the recent meeting on the defacement of the Gropius Bathrooms. ("Gropius Bathrooms Defiled," March 12, 1993) In saying that the person responsible was not merely "sitting back and gloating," I wish to emphasize that their behavior was

directed not by plain malice but by a more serious personality disintegration, and that at some level they could not be happy with this means of displaying their anger. The gist of my statements was that although hostility is involved, the behavior may not be specifically directed at residents. Of course, from the residents'

point of view, the distinction doesn't alleviate their difficult conditions, but I hoped they would understand that the perpetrator is someone whose life is nearly intolerable.

Mark L. Byers, Ph.D.
Director, Office of Student
Life Counseling
March 15, 1993

Liabilities

By Paul Taylor



GROMM IN HELL

By Chris Spagnoli



HAVE A GREAT SPRING BREAK!



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HOROSCOPES

By Rosie Cosentino

ARIES March 21 to April 20: An enemy turns into a friend. Let love be your guide. Watch for damage in your home. A slight cold will hold things up. Some yoga exercises might make you feel better.

TAURUS April 21 to May 21: Outside influences will guide you wrong. Use your own judgment. A telephone call from an old friend. Opportunity for a new position. Watch your words and your emotions on the 18th and 19th.

GEMINI May 22 to June 21: Money spent on a new outfit. This is a week for completion. Tie up loose ends and bring your hobbies to a halt. Take time at the end of the week for you. A change of position for a friend can bring you good fortune.

CANCER June 22 to July 23: Get ready for a new beginning. It is out with the old and on with the new. Your mind is ready for the challenge. Being competitive is to your advantage in business and personal matters. Your outcomes will be pleasurable for sure.

LEO July 24 to August 23: Look before you leap! Love and friendship are there. Don't give up a sure thing for a little fun. Take the time to enjoy the challenge, and rewards are yours for good. An enemy is in the wings. Keep your opinions to yourself.

VIRGO August 24 to September 23: Use psychology to help a friend. Time to clean up a little. Unexpected visitors from a distance drop in. A value judgment pays off. Accept a long-overdue apology gracefully.

LIBRA September 24 to October 23: Let the good times roll! It is a week for pleasure and excitement. Plans for the future can be made now. Take time to fix a healthy schedule. Give the family a call. They are worried about you.

SCORPIO October 24 to November 23: Hum a happy song! Like the cat who swallowed the bird you have inside news of your future and it is great. Keep it under your hat and just enjoy. A past love gives you a call. Money needs will all be met and surpassed this month.

SAGITTARIUS November 23 to December 21: Tell yourself to be tough. Let go of yesterday and let the child in you have fun. Prepare for a move or get ready to paint — the change of view will be good for you. Let a friend by your dinner. It will make them feel good and give you someone to tell stories to.

CAPRICORN December 22 to January 20: Someone is dreaming about you. Give them a chance. All work and no play is no fun. Studying with a friend can bring new insights. Recognition for work well done. Politics pays off. The right group can always open doors.

AQUARIUS January 21 to February 21: Make a job change. More money and less work are offered. A young friend needs some guidance in a romantic affair. They are trying to be like you. Someone from a distance sends you a gift. You must watch your knees and ankles this week.

PISCES February 22 to March 20: Romance is yours for the asking. Don't let your emotions stand in the way. "Get a pair of new shoes," your feet are telling you. Your can't stand the situation, so change it and let your feet be happy. Money to take a short trip. Have fun.

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

To All the Boys I've Loved Before

By Alysse MacIntyre

RECORD Homechick

The Writer wishes you to know that no dates were hurt or injured in writing this column.

I believe in being mature and responsible, especially in the area of romantic relationships. OK, OK — so I don't always practice what I preach. But I do believe in it wholeheartedly.

For instance, I never get into bed without the AIDS and condoms discussion. Sure, it kills the mood. But so what. The mood always has a way of coming right back. You just watch another 15 minutes of the video you rented with no intention of watching anyway while you're waiting.

Likewise, I never go out on a date without revealing my true identity. Of course, *GQ* has taken care of that for me these days, but not long ago it was still a necessity. I figured that a guy had the right to know what he was getting into.

So I was talking to this guy on the phone about an hour before he was supposed to pick me up, and I said, "I have to tell you something. I'm Alysse MacIntyre." He thought it was great. He told me how he loves my columns, how it's the first thing he reads in the paper, how he even sent one of them to his sister. No problem.

An hour later he arrived at my door. I hardly recognized him. He was pale, sweaty, shaking. I made him lie down on my couch, I was so concerned. "What happened to you?" I asked.

"When I was talking to you, I thought that it was great that you're Alysse, but then I hung up and started to get scared. You won't put me in a column will you?"

"Heavens, No!" I said. Don't worry, gentlereader. I had my fingers crossed behind my back when I said it. And, of course, I never promised him that I wouldn't write about the time a friend and I tried to tie him to

Todd Hartman's bed.

"You do realize that I'm only 5'8", don't you?" he asked. I had never noticed, I told him.

"And that I weigh 150 lbs?" he asked.

"Look, you're bigger than Rob Rader. That's all that counts," I said.

"Really? I have to tell you that my ex-girlfriend says I snore," he said. I told him not to worry, that I'd started keeping ear plugs with my condoms.

I think all my dating problems come from the fact that by necessity I only date guys who are not afraid to be in my columns. Thus I found this

guy's fear quite a good sign.

Having no fear of what I might say about you in the pages of the RECORD has got to be a sure sign of some sort of personality defect, be it foolish bravery or just plain narcissism.

I put a ten-foot pole between myself and any guy who comes out of the gate wanting to be in my column. For example, I was at a party last fall when this guy on Law Review asked me, "So when am I going to be in your column, babe?" I informed him that most men fear being in my column. I told him the stories I'd heard from housemates of men I had dated, how they're up all night with insomnia the night before an issue of the RECORD is due to come out, worrying that I'll review them or something. Can you imagine opening up the paper to my column and reading, "Slow in the beginning, but an amazing performance in the final stretch" or "Whatever you do, don't get him started talking on his college honors thesis. One and a half stars?" Now, I ask you, would I ever do a thing like that?

So my Law Review buddy leaned in close and said at the top of his lungs, "Hey, Alysse, I have no fear of being your column." Suddenly you could have heard a pin drop. I started to choke on his cologne.

So I leaned back for a breath of air and yelled, "So what's this I hear that you really wrote the *Revue* and let poor Craig Coben and Ken Fenyo take the fall for you?" All is fair in love and anonymity. He hasn't had a date outside of Wellesley since.

One thing I have to say about men I've dated. They are all alike in one way. Well, in one other way in addition to yelling "Oh God," at certain key moments. They all start out saying that they don't want to be in my column. Then once I get use to having them around they all change their minds.

One even went so far as to have a little tantrum when I didn't put him in a column. This guy was perfectly well behaved when one Friday night he started acting moody. When I asked him what was wrong, he denied that something was bothering him. Finally he said, "your column wasn't very good today."

"My column was great today! Three men I have dated refused to say 'hi' to me today, it was so good," I responded. I'll admit, my standards of quality may be a bit skewed.

"I happened to notice they were in your column..." he started.

"Is this what this is about?" I exclaimed. "You said you didn't want to be in my column. You begged not to be in my column. I thought when a boy says no it means no! Now you want to change the rules..."

"You were supposed to know

that I didn't mean it..." he said.

What's a columnist to do? I am going to have to ask Lopez and Wareing for advice on this.

One thing I have to say about men I've dated. They are all alike in one way. Well, in one other way in addition to yelling "Oh God," at certain key moments.

Fenno

The gig was up. As he stood shaking his naked pelvis in the face of a yellow-helmeted construction worker, Fenno felt the cold steel of cuffs being slapped around his wrists. And it wasn't Alysse playing her favorite bedtime game, either.

"You're coming. I mean with me," asserted Frank DeMentia, Erector of Building Operations.

"We-we-well, I thought turnabout was fair p-p-play," stammered a stunned Fenno, as he mooned several other burly workers for good measure.

Cupping his hands over his snowballs, Fenno followed Frank to the University police station on Garden Street, where two policemen booked him. As he fingerprinted Fenno, one of the officers recited, "You have the right to remain silent. Anything you say or do or think can be used against you in a court of law."

"Could I get a French manicure with that?" asked Fenno.

"If you do not have funds to retain an attorney, one will be provided for you."

Fenno flushed with embarrassment. "Actually, I'm kind of short on cash. My savings and loan went out of business. I should have known they were in trouble when I tried to make a withdrawal and my banker had to scrounge around in the sofa to find some loose change."

Fenno used his one phone call to dial 1-900-EAT-THEM, and then waited in a holding cell, filing his nails grimly against the stone walls.

When he awoke the next morning, a policeman led in his court-appointed attorney. It was his friend, Bob, fresh from the ITA criminal section.

"Great," said Fenno. "You flunked Ames. And you're going to defend me?"

But Fenno had little time to grouse — the trial was scheduled in fifteen min-

utes. "I'm going to plea," said Bob. "With any luck you can get off with only two consecutive life sentences."

"Hey, I don't need a life sentence to get off. I've done pretty well in this cell for just one night. How do you think I stuck up all these posters?"

They led Fenno into the courtroom.

"Your honor, I wish to expose the truth of the matter. The naked facts are these: My client was innocently walking from a Professional Responsibility seminar. He was warm. I rest my case." Bob flashed "V" for victory, and sat down triumphant.

The DA stood, and adjusted his red power-tie. "Your honor, what can I say? Public indecency is the scourge of our society. This man cavorted naked between three buildings at Harvard Law School. Prison is too good for such a heinous criminal."

Bob winked theatrically at Fenno. "And now, for my closing argument, ladies and gentlemen of the jury, I'd like to present Exhibit B: Twelve chocolate donuts. Please, everyone, help yourselves."

The jury munched away happily, and acquitted Fenno in 17.9 seconds. The motto of this story? What goes around comes around, that's what people say. All the things that you have done will come back to you someday.

Quote of the Week

"Interpretation is not the art of constructing but the art of constructing."

—Stanley Fish

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THE RECORD

Inside the Ivory Tower

By Rich Wareing '93

RECORD Columnist



THE other morning, as I was coming into school, I saw two paramedics and a fireman stuffing someone into a body bag under a pine tree in the Cambridge Common. At first, I hoped it wasn't a person, but rather a dog that had stupidly lost its way and frozen to death. But, of course, I quickly came to my senses; they don't send the fire department and paramedics after dead dogs.

Around the three men and the body bag silently stood a couple of cops and a few more firemen, who seemed to be paralyzed by what they were witnessing. It was an eerie sight; a small group of strangers silently gathered around the frozen corpse of one who had died absolutely alone in the middle of the city. As I passed by, I thought to myself that this was probably the only funeral that the poor slob in the body bag was going to get.

Crossing Mass. Ave., it struck me that we lead very sheltered lives here. The attitude is one of entitlement and expectation. Not that people here are lazy, because they're not. Rather, they think that justice requires that they not only should have an opportunity to pursue success but also that success ought to be bestowed upon them by some sort of divine right. In fact, if you spend much time here you seem to develop an attitude that if you do not make at least \$75,000 when you graduate, or land a job at the Justice Department, or at the NAACP Legal Defense Fund, you've somehow been cheated out of your just desserts.

Someone once told me that this arrogance is what makes Harvard lawyers so good — they work very hard in the belief that they are somehow anointed such

People here think that justice requires that they not only should have an opportunity to pursue success but also that success ought to be bestowed upon them by some sort of divine right.

that their efforts will automatically be rewarded. Maybe this attitude makes great lawyers, but it also makes lousy human beings. All too often around here, anytime people are dealt even the slightest setback, they act as if the FBI should investigate to find out who is at fault. In reality, of course, the deprivation is usually quite minor in comparison to what most people manage to endure every day without complaint. There is absolutely no sense of perspective as to how the world really works.

I do not consider myself immune from disease. When I was interviewing in Washington last fall, I stayed with a buddy of mine from college, who goes to law school at George Washington. We went out to dinner, and had the obligatory, "so what are you going to do this summer?" conversation. After complaining that I only had six or seven callbacks, my friend, who graduated with close to an A-average from college, broke 40 on the LSAT, and worked twice as hard as a 2L as I did as a 1L, told me he was scrambling to get a part-time job in a three-man firm in rural upstate New York. I said very little the rest of the evening.

My only consolation that night was that about 75% of my classmates complained at least as much as I did about job prospects, and that unlike the guy who wrote *Broken Contract*, I didn't have the gall to publicly lament that a B/B+ average "only" got me a job at Ropes & Gray.

When I was home over Christmas, I had dinner with one of my best friends from when I was a kid. He's been married now for about eighteen months, and his wife is expecting this August. He works construction, so business hasn't exactly been booming lately, and he's scrambling around trying to figure out how he's ever going to get the down payment for a house together.

At one point he asked me how I was doing, and I sat there eating my dinner, trying to figure out what I was going to say, what I could say. The very idea that I wear \$500 suits and \$50 ties like he wears bluejeans and a hard hat, or that I make twice as much a week as he and his wife combined, simply would have been beyond his frame of reference. Indeed, at one time, it would have been beyond mine as well. This place, however, has changed me, and I now find myself sometimes thinking it is perfectly reasonable for a 25 year old kid with no particular skills or experience to be making about twice as much as my friend and his wife.

MacKinnon Denied HLS Tenure Offer

continued from OFFER, page 1

'65, who heads the Appointments Committee, also would not comment.

Asked about rumors that Dean Clark led the opposition against her appointment, MacKinnon responded, "That was my sense, but I've never discussed it with him directly." She added that she would not be surprised if the rumors were true.

MacKinnon said she received no explanation for the bid's failure, but noted, "That is how these things are. You get told what the story is, but short of a social science study, there is no 'explanation.' There's just my analysis, and other people's analyses."

Although MacKinnon said the vote "shows strong support" for her work, she also asserted that it shows "that HLS has yet to resolve its problems."

"Harvard has major diversity problems," MacKinnon said, "and this is one more example of that problem in action."

Harvard's got to hire some women of color. It's an abomination, particularly given the spectacular scholarship of any number of women of color."

Despite the shortcomings she sees at HLS, MacKinnon said, "[This vote] came within an eyelash of being a new step toward a solution to that problem, and I think that's extremely encouraging for Harvard."

Although several faculty, notably Prof. Alan Dershowitz, vocally opposed MacKinnon's appointment, the vote revealed that a majority of HLS professors supported her.

MacKinnon expressed personal "amazement" to find "so much support" for her work. Although she would not

release their names, MacKinnon said that numerous professors contacted her after the vote to express their "anger, despair and dismay."

"I want to thank all those who voted for me for their support and encouragement," MacKinnon said. She added that these professors apparently saw the result in a different light than she; they saw it as a glass one-third empty, while she saw it as a glass nearly two-thirds full.

MacKinnon's works include *Sexual Harassment of Working Women*, *Feminism Unmodified*, *Pornography and Civil Rights: a New Day for Women's Equality* (co-authored with Andrea Dworkin) and *Towards a Feminist Theory of the State*. MacKinnon has taught at the University of Minnesota, Osgood Hall, and Yale. She was a guest lecturer for several semesters at HLS and delivered the Holmes Lecture in 1987.

MacKinnon told the RECORD that she continues "to do a lot of work on the interface between equality and

speech, and an increasing amount in international arenas." She is currently representing the non-Serbian women who have been raped and victimized by Serbian aggression in the Balkan conflict. She recently filed suit on behalf of a Croatian woman and her two children, one of whom was killed by Serbs.

MacKinnon also continues her well-known efforts with Dworkin "to try to get real remedies for those hurt by pornography."

MacKinnon will be on leave next year from Michigan to visit at the Wissenschaftskolleg in Berlin, an institute that each year invites a few scholars from various fields of expertise to conduct advanced study.

Although MacKinnon said the vote "shows strong support" for her work, she also asserted that it shows "that HLS has yet to resolve its problems."

Women Faculty Panel

continued from WOMEN, page 4

Steiker said. "It's very hard for mentoring to cross gender roles, but it can be done."

In addition, women aspiring to become law professors should endeavor to get work published in law journals and polish personal "presentation" in ways women may traditionally tend to avoid, the panelists said.

"Sometimes particular women candidates who are seen coming through don't seem to tell everyone how wonderful they are, and sometimes [hiring committees] seem to hold it against them," said Field. "Practice for a few days telling everyone

how wonderful you are."

But once inside academia, women may face less outright sexism than their counterparts in practice, Steiker said, drawing on her own experience.

"There are judges out there who are much less socialized than my colleagues," she said, "who would call me 'missy,' or say, 'Little girl, you don't know what you're talking about.'"

Women professors who also fill traditional family roles may find there are compensations that can provide respite from academic stresses, Field said.

"If you have a bad day, there's nothing better than going home and hugging your two year-old," she said.

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The Offer that Wasn't: Reflections on Catharine MacKinnon

COMMENTARY

Students Deserve to Get the Answers

By Greg Stohr

Since 11:30PM Monday, when a fellow student told me he had heard the Faculty Appointments Committee had voted not to extend tenure to Catharine MacKinnon, life at the RECORD has been an exercise in frustration. No doubt it has been similarly frustrating for those students who worked so hard to promote MacKinnon's candidacy.

Once the faculty voted against MacKinnon last Friday, it was inevitable the news would reach the student body. The only question was how. The administration could have issued a statement. It could have been frank with the students. Instead, the dean's office and the Appointments Committee refused to comment. Individual members of the faculty politely expressed their sympathy with our state of ignorance and declined to provide any information on whether the vote had occurred. The Law School's spokesman Michael Chmura cited the dean's policy not to discuss the status of people under consideration for faculty positions.

That policy makes sense—to a point. Individuals seeking positions at HLS have a right to a certain level of privacy. To reveal that a person sought and was denied a position could damage that person's professional reputation. When someone is simply under consideration and when that person has not publicly stated that he or she is seeking a position at the Law School, HLS has a duty to preserve confidentiality.

But in the case of Professor MacKinnon, she herself publicly told RECORD Editor-in-Chief Lisa Zornberg in an interview published in last week's issue that she understood she was "under consideration." For weeks, students had rallied both for and against MacKinnon's candidacy. It had become a public controversy. Students have a right to know how it ended.

Instead, interested students spent the first part of this week trying to confirm rumors. Eventually, the RECORD was able to reach Professor MacKinnon, who confirmed that her bid had been denied. Others learned of the news when a Boston Globe reporter called student leaders in an attempt to confirm rumors she had heard. Some may be learning it for the first time today.

HLS students deserve better. Dean Clark and the Appointments Committee need to establish a policy for informing students when public candidates for faculty positions are voted down. The administration's secretive attitude only fuels the atmosphere of mistrust that pervades the school on the subject of faculty appointments.

Students who call on the Law School to take certain actions might not get the answer they seek. But at the very least, they deserve an answer.

COMMENTARY

The HLS Faculty: The Ultimate Fraternity

By Elizabeth Moreno

There are two possible conclusions to be drawn from the rejection of Catharine MacKinnon by the faculty. The first is that she is not qualified. I suppose it's always a possibility, but then you first must concede that the faculty at Michigan who gave her tenure are unable to judge who is qualified to teach law at a top ten school. In the immortal words of Wayne & Garth, I have one response to that: "Yeah, and maybe monkeys will fly out of my butt."

The second explanation is that her rejection was motivated by factors that are irrelevant as to the question of her qualifications to teach at Harvard. I am referring to her ideology, her politics, her personality and, of course, her sex.

I am no great MacKinnon fan, but I can't help but notice that most of these objections could also be raised against plenty of the white men who currently teach here. Funny, it didn't effect them, and yet when it's a woman or minority candidate these factors are suddenly an issue. Ideology didn't keep a host of white men, both liberal and conservative, off of the faculty. Just consider Charles Fried, David Shapiro '57, Duncan Kennedy '80 and Roberto Unger LL.M. '70, for starters.

And if we began eliminating professors based on "personality issues" we'd probably have about four members of the faculty left. Personality certainly didn't effect Arthur Miller '58, David Rosenberg or Alan Dershowitz. And these few notables are certainly not alone in being — how should I put it? — *difficult*. When it comes to "difficult personalities," not only did the faculty not learn everything they needed to know in kindergarten, but they also didn't learn much at all. Every indication shows that we need to send them all back for intensive lessons on how to play nicely with their neighbors.

Of course, no one will admit that these are the factors that kept MacKinnon off the faculty. Criticism of MacKinnon has been couched entirely in terms of traditional criteria like scholarship and teaching. Nothing could be a bigger joke because, again, I don't doubt the judgment of the faculty at Michigan. And as MacKinnon herself has said, "It's a standard ploy to attack my scholarship." Moreover, like issues of personality and ideology, poor scholarship and poor teaching has not kept many a white man off of this faculty. Again, these issues only seem to matter when the candidate is a woman or ethnic minority.

For example, weak scholarship wasn't an issue with Dershowitz, one of

MacKinnon's chief opposers. In fact, no one laughed harder than me when Dershowitz claimed to oppose MacKinnon because of the quality of her legal scholarship. I can assure you, no one has ever praised the legal scholarship of Alan Dershowitz.

And poor teaching didn't stop any of last spring's controversial Four White Men from getting offers. Two of those professors have been described as the "worst teachers ever" by large numbers of their students. It really is amazing where a lack of melanin and an XY chromosome combo can get you in life.

In losing MacKinnon, we've lost a lot. We've lost the opportunity to be home to a vanguard school of legal thought, the way that Chicago is home to the Law & Econ School. And we've lost the opportunity to witness and partake personally in the vigorous and challenging debate that her presence would bring.

The rejection of MacKinnon symbolizes for me the unwillingness of the faculty to engage in such a debate, especially when the opponent is a woman. It's much easier to keep someone off of the faculty than have to defend your views. Thus I was not surprised when I heard from a confidential source that Bob Clark '72 was one of MacKinnon's chief opponents. Bob Clark — once a cowardly weenie, always a cowardly weenie, no matter how many charm lessons he gets from Roger Fisher '48.

For the same reason, I also find it ironic that Dershowitz opposed MacKinnon. MacKinnon supports curbing certain First Amendment liberties, while Dershowitz is a nationally known defender of the First Amendment. And yet there was Dershowitz attempting to keep a qualified opponent off of the faculty, thus stifling the debate before it could even begin.

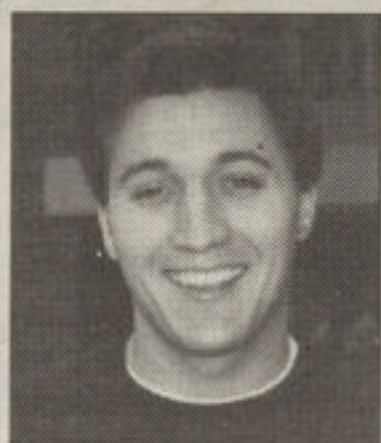
Learning — supposedly what we are all here for — depends on civil disagreement. Personally, my political thinking never achieved any degree of sophistication until I left Berkeley and came to Harvard Law where I met outspoken, intelligent conservatives. Through debates and discussions with them, I have learned a lot more than I did during my days at Berkeley where we similarly minded liberals all sat around and agreed with each other. It was fun, but it didn't provide for a lot of intellectual growth.

Likewise, we all lose when the Dean and professors vote against a qualified female candidate because they are afraid of a woman (let alone anyone) who may disagree with them. When that happens all we get is a fraternity.

Talking Black and White

By Andrew Tulumello '95

RECORD Columnist



SOMETIMES I have trouble talking about race. And looking around lately, I've noticed that I'm not the only one.

I've noticed that some white students will speak in a normal tone until they get to the word "black" or "African-American," and then they'll whisper, and maybe look around to see if there's a person of color in the room, suddenly becoming awkward if there is. Other white students stammer when talking race with black students, and end up saying things like, "I agree with bl-bla-bla...African-Americans." Or they'll be unsure whether to call it the L.A. "riot," or "disturbance," or "multi-racial uprising." And the description-thing still happens. If a white student describes a black friend to somebody (white or black, it doesn't matter) it sometimes goes like this: Well, he's six feet tall, he wears nice sweaters, has glasses, he lives off campus, and... he's black.

I tend to talk around race, especially with someone who is black. I fear saying the wrong thing, partly because I don't want to offend the person I'm speaking with, but also because I don't want to come off looking offensive or not hip. There

There can be a tension between speaking my mind and trying to be sensitive.

can be a tension between speaking my mind and trying to be sensitive. Play it too much to one side and I come off like a whiny, sorry white guy who thinks talking about race is so stressful that he can't even complete full sentences. Play it too much on the other and, if our opinions differ substantially, I risk alienating my black friends. So, I tend to avoid race discussions altogether.

Obviously, that's a problem. Important issues don't get discussed among friends. Without conversations in the easy parts of our lives, the only significant debate on race occurs in more formal environments, like class, where relaxed communication is difficult. People either censor themselves in front of a scrutinizing audience, or they hype things up in order to get attention. Either way, effective communication in front of 135 people is impossible. A cycle emerges in which polarized debate (or silence) reinforces stereotypes for everyone, race conversations become even more tense, and people close down even more than before. The conversations among friends in the Hark, in between classes, and at Hemenway should be the most important discussions we have.

I'm not saying that just because you're black and I'm white means we need to talk about race. Feeling compelled to talk race seems just as formal and forced as classroom discussion. It's artificial. And I don't like the idea that just because we're different colors race must automatically be a part of our relationship, or that it has to drive our friendship. I'm saying only that race shouldn't be avoided because people are uncomfortable talking about it.

A friend told me that white students might feel more comfortable discussing race if they tried "reciprocity." While white students usually have a few black friends in their social group, they shouldn't hesitate to put themselves in social situations where they're the minority. That way, when framing and vocabulary are important, maybe they'll have a better sense of what's appropriate. But this is hard. Sometimes my interests are misperceived, or I'm accused of pretending to be someone I'm not. I've been laughed at for trying to be "Mr. Boyz in the Hood" because I watch *Martin* and listen to Jodeci. And while it's okay to use slang when I'm playing ball at Hemenway, outside of the gym, other students (black and white) might wonder if I'm trying to be, say, Marky Mark. It's also important to remember that communication is a two-way street, and it's not as if black students don't have problems talking about race too.

While reciprocity might help, the bottom line is that friends must create a comfort zone for each other within which mistakes are allowed to be made. There's too much diversity of thought, and too much rigidity, for people to do the right thing every time. Conversations, and maybe even friendships, go nowhere if two people worry over every word they use. And I suppose even more important than a comfort zone is a willingness to try: an acknowledgment that, even though we all know who we want to be, we're not there just yet.

Protest at Town Meeting

continued from MEETING, page 1

vote on whether the students should be allowed to continue.

"I really think it's quite unfair to do this," Clark said of the list reading.

"Do you really think you're making a contribution?" shouted Professor Bernard Wolfman, who was on the panel.

Su said she had attempted to write the committee, but had received no response. "Written media don't always work at this school," she said.

Eventually more than a dozen students read a total of about 197 of the 217 names on the list, Su said. The entire episode took about ten minutes, but by the end, a number of other students had left the meeting. Several students criticized the tactics used by CCR. One first-year student, who asked not to be identified, said that because of the protest, he was unable to hear the panel address the issue in which he was most interested, pedagogy. He said he had to leave the meeting to attend class.

"They (the protesting students) succeeded in making me very frustrated," he said. "They did nothing to persuade me to adopt any of their views, and I'm a person who favors diversity."

"What they wanted was what we wanted," Su responded, "which was an audience with the faculty. If there were more effective means of communication with the faculty, we wouldn't be competing for the same little bit of time."

One of the protesters, Law School Council President Mary-Louise Ramsdale, left the town meeting immedi-

ately after the CCR members had finished reading the list of names, although a number of the protesters stayed until the end of the forum. Ramsdale said she left to attend class.

Earlier in the meeting, the second in a series, Prof. Todd Rakoff '75 said the Legal Education Committee was focusing primarily on the issues of program coherence, improved skills training, and teaching methodology.

Prof. Howell Jackson '82 said he was hopeful that a new handbook for HLS

students would provide better guidance for students attempting to organize a coherent program in a particular area.

Lecturer

Virginia Wise said a strong consensus exists that basic skills instruction should be expanded and improved.

"In the first month of law school students are trying to figure out where the bathrooms are and where they photo-

copiers are," she said. "It's not a good time to get attention about basic lawyering skills."

Clark, in response to a student question concerning the seeming lack of correlation between class attendance and grades, defended the current single-exam system and noted that professors have the power to penalize student who do not attend class.

"The question is: Do you know more if you go to class?" Clark said. "I think the answer is yes."

The first town meeting, held in December, focused on the Project on Community.

Eventually more than a dozen students read a total of about 197 of the 217 names on the list, Su said.

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LSC Elections Heat Up

continued from LSC, page 1

ed invitations.

Students have described these personal attacks as amusing but counterproductive to student concerns. "The candidates need to place less emphasis on personal agendas and look at the election for the good of the Law School community," said Renee Honigberg '95. This could include, she added, candidate willingness to compromise some special-interest goals for the sake of unity.

"All you need to do is look at this race and see that the candidates have their own personal agendas and an inflated sense of self-importance," said William Growney, Jr. '95, who said he is a member of the "Monster Truck Coalition," which will sponsor candidates for next week's election of section and at-large representatives. Growney said the Coalition's platform includes a "monster truck pull on Mass. Ave." and a requirement that all student organizations serve beer at every function in order to receive HLS funds.

Despite its somewhat volatile nature, Tuesday's debate, which ended with

Wareing screaming at Perez and being held back by friends, was seen by some as a step in the right direction. The debate's format included addressing questions from the audience.

"On a general level, [debates are] a good thing," said Alfredo Barrios '94, one of the roughly 100 students who attended. "Shooting flyers doesn't let you know what the candidates are all about. Any time you can get the student body involved helps." His only complaint was that too few students attended, but he attributed the low attendance to the impromptu nature of the debate.

One student said the LSC is suffering from a respect problem. "How do you plan to get more legitimacy?" she asked.

Both candidates responded first by acknowledging that improvements have been made in the past year. Mainigi also said legitimacy would come first through supplying student services.

Candidates for other positions were Bob Schwiebert '95 and Chantal Thomas '95 for vice president and Bates, Steve Kern '95, Andrea Robinson '94, and Lisa Stephenson '94 for treasurer.

The Column of Laughter and Forgetting

By Christa Foster '94

Guest Columnist



"Humor can only exist when people are still capable of recognizing some border between the important and the unimportant. And nowadays this border has become unrecognizable."

— Milan Kundera, *The Joke*

WHEN I first read these words of my favorite novelist I did not know how profound they would prove to be. Knowing the positive correlation between intelligence and sense of humor, I naively assumed that Harvard would be a place of laughter. From the moment of my first O-group meeting, I have continually realized that I was seriously wrong. Since I knew the problem wasn't that people here were too stupid to get the joke, I wondered what was the gulf separating the Harvard specimen from the humor that is inherent in the ins and outs of life.

In case you didn't know, there's a lot of funny stuff here at Harvard Law School. I'm not just talking about David Lopez's stream of conscious, rambling movie reviews-slash-essays on life, or Alysse's raunchy exposés on the evils of men. I'm talking, there is plenty of raw material in the INSTITUTION of HLS to laugh at. Was it just me, or did anyone else think that *One-L* by Scott Turow was hysterically funny? Even though I was warned not to, I read it before coming here. Instead of being scared away, I laughed at how seriously this twit 1L took everything, and I realized that I might actually enjoy it here if I maintained a sense of humor and, therefore, a sense of perspective between the things that are important and not important. After I had been here a year I read *One-L* again and found it even funnier. This time I inserted the faces of my classmates who imitated Turow's frenzied scurrying through the tunnels, frantically heading for the library during Legal Methods, and contrasted them with the face of my partner Carroll Pfeffer, who casually popped open the second six-pack of Bud longnecks as we wrote our brief from Emanuel's, and excerpted opening statements from Perry Mason about the long arm of the law. One of the funniest moments I've had in law school was seeing the look on the judges' faces as we gave our oral argument. But nothing was as funny as the realization that both my more harried classmates and I got the same Pass grade.

Now, the absence of humor at HLS goes far past the intensity about grades. In fact, that same intensity permeates every aspect of life here. (Alysse, maybe the reason you don't get guys is that you don't know how to smile. Very few of us

In case you didn't know, there's a lot of funny stuff here at Harvard Law School.

look good with the corners of our mouths turned down.) But the area that most concerns me, because it imposes others' malhumor on me, is the immense gulf separating our understanding of what is important and unimportant in the "political" spectrum. Like the penumbra of privacy, the outer limits of the areas we call sacred and important and unlaughable have slowly crept out to encompass things that are just downright funny, even if they are uncomfortable. But by not laughing at them, we avoid the uncomfortable, and by avoiding the uncomfortable, we avoid analyzing what we believe and why, and if we continue to do that we fail to be what we have come here to become: better advocates for our causes.

If I may quote a conservative humorist, P.J. O'Rourke:

People who worry themselves sick over sexism in language and think the government sneaks into their houses at night and puts toxic waste in the kitchen disposal cannot be expected to have a sense of humor. And they don't. Radicals and liberals and such want all jokes to have a 'meaning,' to 'make a point.' But laughter is involuntary and points are not. A conservative may tell you that you shouldn't make fun of something. 'You shouldn't make fun of cripples,' he may say. And he may be right. But a liberal will tell you 'You can't make fun of cripples.' And he's wrong — as anyone who has heard the one about Helen Keller falling into a well and breaking three fingers calling out for help can tell you.

We need to redefine the border between the important and the unimportant. We need to return to gut-level laughter. I think the posters in response to Neil Glazer's article are hysterical. Actually, I think the actual language used is crude, but the sentiment behind them is exactly what this school needs more of. I also applaud DBC and the Griswold Nine alike, for having the good humor to allow themselves to be parodied in the Spring Musical without protest. Like my friend Fat Peter says: "We need to have a sense of humor about ourselves, and be able to laugh at ourselves, not just our adversaries." It looks like we have gotten off to a good start.

We need to continue to discuss the real issues. We need to listen to the other sides, critique our own side, and evaluate what we believe. (As it was once said by some dead white guy named Thomas — I forget which one: "He who knows only his own side of the story knows little at all.") I'm not saying we can or should change each others' minds, but when we've listened and evaluated and decided to disagree, a little two-way, light-hearted laughter will make our time here a lot more bearable.

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The Name Game

By Debra Dickerson '95

RECORD Columnist



THE first two sentences of the "How to be a Humor Writer" column in the latest Writer's Digest read as follows: "Realize that the most bizarre satirical piece you'll write will be taken literally by many readers. Have a terrific sense of humor about that, just as you do when you remember that the 'artist' who created the smiley face and the inventor of Pet Rocks made more money than you ever will." Given the reaction to my last column, this little piece of advice could not be more apropos.

The guys I made fun of have been inundated with outraged, sympathetic, and/or mystified classmates wanting to know why I busted on them like that. Even people who know me and know them have asked me if I was serious. As well, the RECORD received calls and letters of protest; unsurprisingly, I suppose, these complaints helpfully recommended that both I and the RECORD be sued for libel. Many, many people now think I'm amazingly harsh, to use a euphemism.

The interesting thing is that those guys I parodied are 4 of my 5 favorite people at HLS and I was joking. Ironically, I wrote that column in a Rolling Rock-enhanced moment of exuberance the day after exams; my judgment is so warped that I actually thought it was lighthearted, silly. The piece was intended as an

I said, "Look, E-ah, E-ah, Bo-beah, BaNaNa NaNa Fo-Feah, Fee Fi Fo-Meah, Leah Huggengeimer, as Zoe Baird is my witness, I'll never name names again."

affectionate punch on the shoulder between friends who are all too cool to actually punch each other on the shoulder. (Silly me, I even intended it as a fond shot at the pros. I guess they think I'm insane now, too. I must admit, Prof. Rosenberg has grounds.) They knew about it beforehand and were miffed that it turned out to be just two paragraphs — they thought the whole thing was going to be about them. Just goes to show that nothing is too innocuous to be misunderstood in the HLS free-fire zone.

"Funny" and "affectionate" really are in the eye of the beholder, I guess. Redd Foxx used to say that if you follow an ugly person home another ugly person will open the door. Translation: If you think I'm harsh, you should dine at Chez Dickerson sometime. We don't say "I love you" and have family sing-a-longs. We hug twice, exactly twice, at the airport and then point out how ugly each other's boyfriends are. In front of the boyfriends. If they don't laugh, their days are surely numbered. Once, when I manipulatively threatened to run away from home, Mom said coolly, "You don't have to run." She once told my brother that his report card grades were so low she'd had to kneel to read them. When I was accepted here, my brother smiled his big, goofy smile and said in reference to my family reputation for daydreaming, "Well, Deb, you've always been smart as hell but you couldn't find a 60-foot neon sign in the backyard with a flashlight." I knew that meant he was proud of me.

The only thing we considered mean was taking shots at people you didn't know or actually didn't like. That was poor form. And shots had to be outrageous and clearly exaggerated — unmistakably intended as a joke. Who actually thinks Aaron Panner is like Andrew Dice Clay? I don't. You know what I think is offensive? Guffawing when the pros trip over the furniture while engrossed in teaching us. Making them pound on the desk for quiet to begin class and then drowning them out for the last few moments while making lunch plans and fussing with binders and backpacks. We've all got our standards it seems.

But, hey, what do I know? Obviously I have a warped sense of humor. Since it's unlikely that it will ever normalize, I have a plan.

As some of you know, I was an Air Force officer prior to law school. I spent five years in the cryptologic field unscrambling intercepted messages and scrambling ours, stuff like that. So here's the deal: Whenever my high standards of journalistic integrity require the use of actual names, I'll use my military intelligence background to cloak their identities and prevent any harm to their reputations. Or my future earnings. Think of it as journalistic blue dots over the faces of defenseless libel victims. Hopefully, this will prevent any future problems and stop y'all from reviewing your Civ Pro Class Action notes.

The foregoing notwithstanding, I still feared that my skills might have atrophied. So, I enlisted the aid of a fellow former officer here. I would publicly thank him, but I now understand the value of his privacy and realize that the best thanks would be safeguarding his anonymity. So anyway, Eade-Ray Iffen-Gray, former Marine intelligence officer, combed this column for tell-tale clues as to identities and assured me that it was clean. In fact, he told me that he wouldn't have recognized his own name herein had he not been a highly trained government operative. Semper fi, Eade-Ray, and thanks ever so. No wonder we won the Gulf War with super spies like him in the Sandbox. (Y'all know how to kill a Marine? Throw sand on a wall and tell him to hit the beach.) He was confident that there was no way anyone could be offended by this column.

Now all I needed was the input of a non-harsh woman since my own judgment was clearly suspect. So, I looked through the Face Book. I realized as I did so that the list of people who still thought me sane had grown dangerously short. Now I understand what Rousseau meant about forcing people to be free; for my sake, I hope the Revolution doesn't come until after graduation. I made a lot of calls before a woman agreed, for the good of the section, to censor, er, review my column to Ensure Conformity With Community Standards. I promised to guard her identity with my life. I said, "Look, E-ah, E-ah, Bo-beah, BaNaNa NaNa Fo-Feah, Fee Fi Fo-Meah, Leah Huggengeimer, as Zoe Baird is my witness, I'll never name names again." We sealed the pledge by sacrificing a Ken doll while kneeling in front of a picture of Catharine MacKinnon. Then we compiled a list of all the men who had been rolling their eyes during our Crim class rape discussions and forwarded it to the Sojourner Truth Squad. Ah, sisterhood.

(Please send all death threats directly to the RECORD. My request for an unlisted Hark box has just been approved.)

Hunger Strike

continued from HAITIANS, page 1

to admit the refugees. These students refer to themselves as "Team Haiti." When the case was remanded by the Supreme Court for a full trial the students felt a need to pierce what one of them called, "a virtual media blackout" of the Haitians' plight.

"We are still idealistic enough to think that if people in this country knew that their government was running a concentration camp they would be outraged enough to do something about it," explained Monte Givhan, a member of Team Haiti.

The hunger strike came to Harvard on March 10 when nearly 60 students, predominantly from the Law School, stopped eating. By the time the strike moved on to Brown nearly 40 students had fasted an entire week.

"My body is tired, but my soul and spirit are strong knowing that I'm working on a worthwhile cause," said Juny Francois '94, after five days without food. Francois described the issue as "personal"

"My body is tired, but my soul and spirit are strong knowing that I'm working on a worthwhile cause," said Juny Francois '94

since much of her family remains in Haiti and she may even have some relatives being held at Guantanamo. She described the internment as "immoral and illegal."

One of the original members of Team Haiti, Cathy Powell, graduated from Yale Law School last year and is currently at HLS as a Ford Fellow in Public International Law. After five days without food Powell said, "Though I feel low on

energy physically, I feel I have a lot of energy on another level." She talked about the feelings of being part of the hunger strike: "I never thought I could

Please see HAITIANS, page 19

Fasting to Feed the Moral Soul of the Country

By the Harvard Coalition to Free the Guantanamo Haitians

We are a coalition of Harvard University students who have joined Operation Harriet Tubman, the national student movement to protest the unjust detention of over 200 Haitian refugees at a United States military installation at Guantanamo Bay, Cuba. Fifty of us fasted for all or part of this past week, as part of a chain of hunger strikes currently being carried out across the country. We are depriving our bodies of food to feed the moral soul of this country. Two hundred Harvard students have written President Clinton and Attorney General Janet Reno individual letters as part of a larger coalition on campus that is expressing support for the Guantanamo Haitians who have endured a year-long internment in US custody. We have erected in the Harkness Commons "Camp Clinton" — a "prison camp" made of fencing and barbed wire — as a visible symbol of solidarity with the detained Haitians.

This country's national honor is compromised each day that it holds innocent human beings who have been neither charged with a crime nor given a right to consult with a lawyer. These Haitian children, women, and men are detained in a primitive camp where families are crowded into barrack-style housing partitioned only with bed sheets for privacy; where their sleeping quarters are infested with rats and scorpions; and where they take turns using outdoor latrines and showers.

To protest their imprisonment on Guantanamo, the detained Haitians themselves started a hunger strike on January 29 of this year. Many of them are entering stages of extreme starvation and illness, and have lost consciousness. Last month, Rev. Jesse Jackson visited Guantanamo, where he began a ten-day fast in solidarity with their struggle for freedom, before passing the fast on to a national clergy group. On Wednesday, March 10, thirty students from President Clinton's alma mater, Yale Law School, ended a week-long hunger strike by passing the torch to Harvard students. This past Wednesday, March 17, students at Brown University assumed the next leg

of the hunger strike. Students at university campuses across the country have expressed their eagerness to join the movement. Activities connected with Operation Harriet Tubman will continue at Harvard to help further raise public awareness and place pressure on the Clinton Administration.

We hope this growing student movement will highlight the need to respond immediately to the desperate plight of the Guantanamo Haitians. This crisis cannot wait for a broader review of policies relating to restoring democracy in Haiti, interdiction on the high seas, and HIV exclusion. With the stroke of a pen, the Attorney General can grant humanitarian parole to the Guantanamo Haitians so that they can be brought to the US to apply for asylum. The Immigration and Naturalization Service has already determined that they have at least a "credible fear" of political persecution upon return to Haiti.

Pledging the full support of the Archdiocese of New York, John Cardinal O'Connor has said that the Catholic Church would provide the refugees with health care and help them find jobs and housing. In fact, the cost of maintaining an HIV camp for 264 Haitians on Guantanamo is an exponentially greater tax burden than the cost of admitting them into the United States under Cardinal O'Connor's care.

Last summer when President Clinton accepted the Democratic Party's nomination, he ended his speech by telling us that he still believed "in a place called Hope." The Guantanamo Haitians believed in this country as a place of Hope and as a refuge from political persecution. And, young people and students in this country believed in the President's promise of restoring hope and idealism to the nation. But we view the policy toward the Haitian refugees on Guantanamo as an unprincipled surrender to the callous cynicism that brought down the Bush administration.

Frankly, this isn't Bush's policy anymore, and the Clinton administration will be responsible for the tragic deaths that will surely come in the weeks that follow. We urge the President to abandon Bush's bankrupt policy toward Guantanamo now and return to the principled positions he took during his campaign.



Prospective HLS students enjoy reception on Admitted Students Day.

Admitted Students Day

continued from ADMIT, page 1

talked to, and so I wanted to return the favor," said Heather White '95, a tour guide. She and approximately 15 other tour guides helped to escort prospective students to the various activities planned by the Admissions Office.

The day's events began with an address on the curriculum by Professor Todd Rakoff '75, chairman of the Legal Education Committee, and Professor Christine Desan. The two professors explained their goal was not to convince students to accept their offers with HLS, but to help students make the best decision possible. Rakoff urged the students to answer the question "Do you want to go to law school?" and not to come expecting a "liberal arts graduate school."

Students returned to Ropes-Gray to listen to a brief speech by Dean Clark '72, in which he touted the Law School's history and counseled admitted students to think over their offers carefully.

Tour guides then escorted the program's participants to various classes, including those of Professors Alan Dershowitz, Daniel Meltzer '75, and

David Wilkins '80. Other admits were taken on tours of the campus and shown dorm rooms in Gropius, Wyeth, and Hastings.

Following lunch, admits listened to a panel discussion of international programs at HLS led by Vice-Dean David Smith '61. Students from the Human Rights Program, the East Asian Legal Studies Program, the International Law Society, the International Law Journal, and the Program on Negotiation also participated. According to Curll, the purpose of the discussion was to showcase one "piece" of the Law School's many specialties.

Prospective students were treated to a "mock" class taught by Professor Charles Ogletree '78. Students received copies of *State v. Williams*, a criminal law case about the death of a young child attributed to neglect. Ogletree introduced admits to the Socratic method and attempted to demonstrate the dynamics of legal analysis.

Finally, the day of activities ended with an informal reception during which admits talked with the student leaders of HLS organizations.

Fast for Haitian Refugees

Continued from HAITIANS, page 18

fast for one day, much less a week. But each day I have gathered strength from the other fasters as well as from knowing that what we are doing is right."

Powell and other members of Team Haiti visited Guantanamo two weeks after the refugees began their hunger strike. "There was 100 percent participation in the hunger strike when we arrived," she said. "Everyone on that island is willing to die." Before they left, the members of Team Haiti tried to convince the pregnant women and people

with low T-cell counts (an effect of the HIV virus) to begin eating again.

Powell is convinced the hunger strike "will turn into a national movement." She cites the broad appeal the issue has to various ethnic groups within the country: Jews remember the turning away of Holocaust refugees who were later killed by the Nazis, Asians remember the American internment of Japanese-Americans during World War II, and Latinos see this as another unfair American immigration policy reminiscent of the struggle many of their families had when coming to the United States.

The hunger strikers at Harvard have been busy spreading the news and lobbying for change. On Monday a delegation of hunger strikers met with John Shattuck, vice president of government, community, and public affairs at the University. Shattuck is the Clinton nominee for the position of assistant secretary of state for democracy, human rights, and labor. Powell said Shattuck was "very sympathetic," but he spoke only as a private citizen since he has yet to be confirmed by the Senate. Still, Shattuck did promise to make the strikers' concerns known to Secretary of State Warren Christopher. "We did feel pretty happy with the meeting," said Powell.

Offers to aid the refugees have come from many corners, including John Cardinal O'Connor, who has guaranteed the refugees will be provided with housing and medical care if they are allowed to enter the country.

Worker Arraigned

By April Rockstead

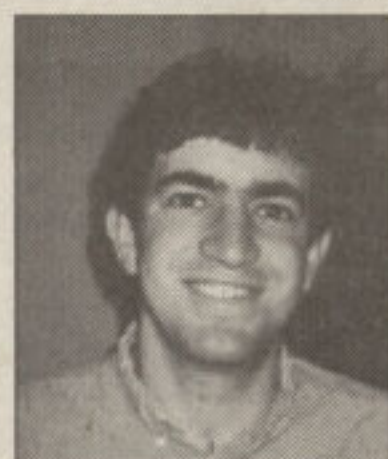
The Holmes Field Building construction worker fired last month for exposing himself will be arraigned today. According to Harvard police, the worker, who was identified by two female HLS students as the man who exposed himself and masturbated in front of them, will be arraigned in Middlesex County Court, Cambridge District on a misdemeanor charge of indecent exposure.

Chief Paul Johnson said the man was "released on his own personal recognizance" after his initial appearance before a clerk magistrate last week.

Their Nationalism, And Ours

By David Weinstein '94

RECORD Columnist



IN the brave new world that has followed the collapse of the Soviet bloc, it has become increasingly clear how thin an ideological veneer liberal democracy provides for the lurking danger of nationalism. Given the chance to reconstruct themselves from scratch, the new nations of East and Central Europe are case studies in the power of ethnic parochialism and nativist hatred as mobilizing forces. The Serbs and Croats may not hold strong opinions on socialism, capitalism or democracy, but they seem pretty clear on the fact that they don't like each other, and that they will fight to the death.

Among the older nations of Europe, the new nationalism has found an easy target in the refugee populations who have committed the sin of fleeing persecution and seeking a better life for themselves in a land other than that of their birth. For this desire they are met at best with closing borders and at worst with firebombs from the vigilant guardians of the national birthright. And now, in the wake of the World Trade Center bombing, the same restrictionist sentiment is again sweeping our own shores, where most opinion polls show it is all too welcome.

At issue currently are our procedures for political asylum which allow those fearing persecution to apply for entry through what was once proudly called the "Golden Door." It has now attracted the notice of the terrorism "experts" and anti-immigrant fetishists that asylum may provide various no-goodniks with a loophole for temporary admittance into the US while their asylum claim is being determined. As their chief exhibit, they put forward Egyptian Cleric Sheikh Abdul Rahman, the oft-reputed-but-never-proven instigator of the Trade Center bombing, who remains in the US while his asylum claim is adjudicated.

This argument was unfurled in its full xenophobic glory by Lesley Stahl in last Sunday's "Sixty Minutes." In a piece of yellow journalism which would have pleased Hearst himself, Stahl showed horrifying scenes of foreigners (yes, *foreigners*) walking freely through the gates of JFK Airport, admitted to pursue their asylum claims. Stahl, who did not bother to conceal her disdain, mused aloud about what violent thugs we may have just allowed into our pristine land.

For background expertise, Stahl relied continually, and solely, on the talents of Dan Stein, anti-immigration provocateur extraordinaire. She neglected to mention that Stein's group, FAIR, is in favor of stopping *all* net immigration into the United States, or that Stein himself had recently questioned the propriety of the great early Twentieth century immigration through which many of our ancestors (not to mention Stein's) entered the country. Yet Stahl easily and unquestioningly quoted Stein's assertion that only 1-2% of asylum applicants had legitimate claims, and that once having entered, they would be here "forever."

Stahl is not alone in her argument; attacks on the asylum system have proliferated since the bombing, with one columnist denouncing the admission of people who are "dangerous, suspicious or just plain strange," and an editorialist christening the process as the "Terrorist Loophole." Nowhere do these screeds reveal that when these claims are actually adjudicated, a hefty amount of the applicants (38% last year) are found to have shown sufficient fear of persecution to allow their admission. The lives saved are not even included in Stahl's moral calculus.

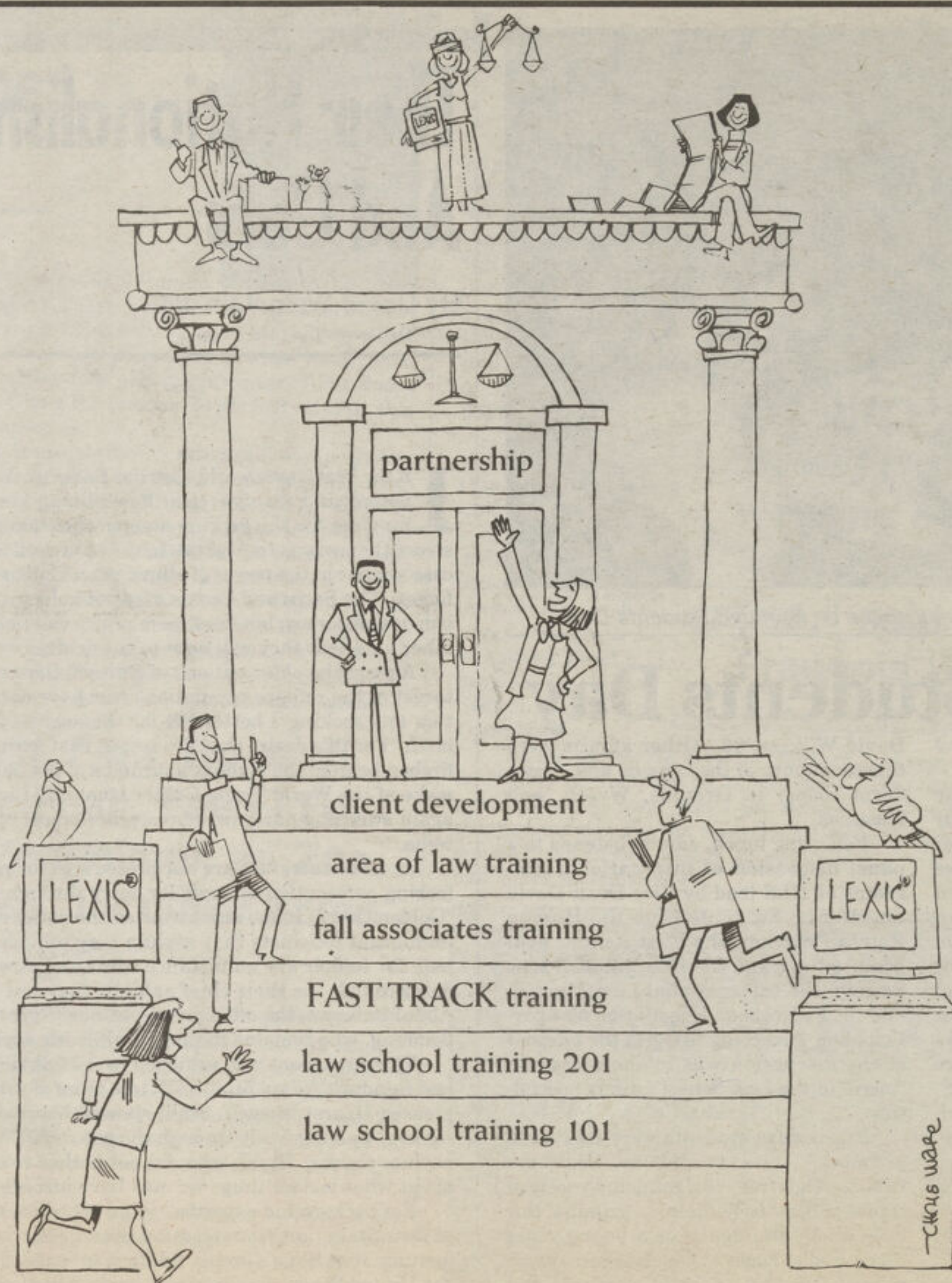
We could undoubtedly prevent some crimes by locking out asylum seekers, just as we could by random arrests of American citizens. But it is not clear that the solution would be any less draconian or any more effective. That is, there is no evidence that asylum seekers as a whole are any more dangerous or burdensome to our society than America's own citizens. After all, if the Trade Center bombers had just emptied automatic weapons into a post office or McDonald's, they would have been well within the tradition of decent American psychopaths. Condemning asylum because it is taken advantage of is like denouncing the First Amendment because it allows the Klan to march.

I would wager a fair amount that when all the statistics are tallied, history will record that the refugees now entering our country had the same effect as all other previous waves of immigration; that is, a positive one. Take for example the horror stories that were told in the 1980s about the illegal immigration from Mexico, undoubtedly the inspiration for more than a few editorials of the sort that now grace our papers. Now a California study has found that Mexican families have greater family cohesion, higher workforce participation and lower rates of welfare dependence than other American citizens. Such studies show that anti-immigrant fervor has little to do with the deeds of the arrivals and a whole lot to do with age-old nativist fears and scapegoat-finding for our many unsolvable ills.

If we truly wished to keep out would-be bombers, a database could be kept on hand at airports for screening out those wanted for or suspected of violent activity. Those who came without identification could be detained until their records were checked. In her report, Stahl made much of the fact that there is little space in our detention facilities. Yet our largest immigration lockups are now filled, not with the potentially dangerous, but with Haitian and Central American asylum applicants who are kept in these paupers' prisons because they cannot afford to make bond. That the INS does far more to keep out the poor and desperate than it does to halt the violent is a dirty little secret of our immigration policy.

Behind all this is a strain of the same virus that has wreaked so much havoc in Eastern Europe: nationalism. It is at heart a conviction that one's first concerns lie with some well-delineated group, be it delineated by race, ethnicity, nation or religion, and that the interests of that group must be paramount. Yet as I watched the frightened Pakistanis and Tamils walking bewildered out of Kennedy Airport while Stahl spun her restrictionist fantasies, I was at a loss as to why they should be any less the object of my concern than those whom fortune placed within our borders at birth.

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