



Students Test Job Market

By Jeff Bucholtz

From government work to judicial clerkships to far-flung firms throughout the world to start-up practices to the more traditional big-city American law firms, HLS students have for the most part succeeded in finding jobs, both for the summer and after graduation.

June Thompson, director of the Office of Career Services, knows of only six 3Ls and nine 2Ls without jobs. "Those numbers are much lower than in recent years," she observed. Thompson credits the improving economy, noting that "except maybe for the West Coast, the firms seem more confident about taking people on."

While their upperclass colleagues may be faring better, members of the class of 1995 have endured a more difficult job search. Fifty-six 1Ls are currently registered with Career Services as still looking for summer jobs, a number Thompson describes as "comparable to the last few years."

"There simply aren't enough firm jobs to accommodate all the 1Ls who want them," said Thompson. Still, she estimates that nearly 70 percent of 1Ls have found positions with law firms, with about 20 percent opting for public interest work.

Stacy DeBroff, director of the Office of Public Interest Advising, is enthusiastic about the popularity of public service among current students. "The number of HLS students and graduates in public interest positions has more than doubled in five years," she said. "It's a dramatic trend that no other top law school comes close to matching."

Last year, 63 students pur-

please see **JOBS**, page 14

Graduate Students Hold International Business Conference

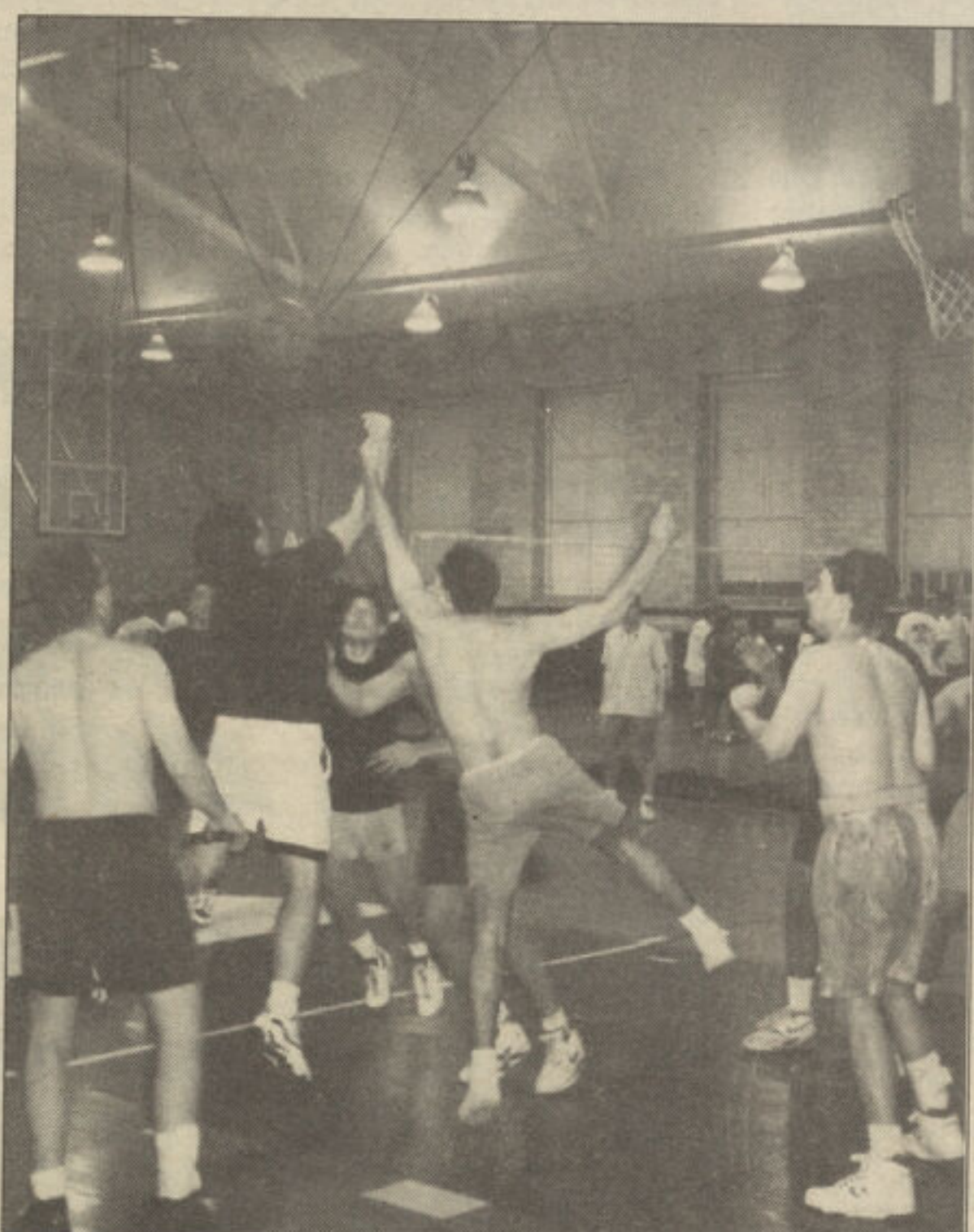
By RECORD Staff

Distinguished lawyers, judges, and scholars assembled at the Ames Courtroom Saturday to speak at the First Annual Conference on International Business Transactions, an event presented by the 1992-93 graduate students at HLS. Entitled "Legal and Economic Transformation in Global Markets," the day-long event drew almost 200 people from within and outside the Law School to hear four panels of speakers discuss a wide range of issues related to business transactions in East Asia, Latin America, the Middle East, and Europe.

The conference began with a panel discussion on East Asian international legal practice. Moderated by Prof. William Alford '77, director of East Asian Legal Studies, the panel included Paul Ford, who heads the international practice group at Simpson, Thacher; Nicholas Howson, who will direct Paul, Weiss's Beijing office; Vice Dean David Smith '61; Ko-Yung Tung '73, chairman of the global practice group at O'Melveny and Myers; and Alice Young '74, head of Japan practice at Milbank, Tweed.

The panels on Latin America, the Middle East, and Europe similarly featured legal

please see **INT'L**, page 12



The action gets fast and furious in the Intramural Basketball playoffs. For full results see pages 6-7.

HLS Rejects New NALP Guidelines

By Scott Kolbrenner

If the National Association for Law Placement (NALP), the national consortium of law schools and firms, has anything to do with it, law students around the country will have much less time to respond to job offers next fall. Fortunately, however, it seems that NALP has very little to do with it, at least as far as HLS students are concerned.

June Thompson, director of the Office of Career Services, reported in a recent memo to students that all firms interviewing at Harvard will be expected to comply with HLS's

guidelines, which are modeled on the old NALP guidelines. HLS will be joined in this boycott of the new guidelines by schools Thompson referred to as our main "competitors," including Yale, Stanford, NYU, Columbia,

please see **NALP**, page 12

Students to Hold Non-Disruptive Protest of Powell

By Tony Petrilla

The group of 3Ls who threatened last week to block the commencement speech of Colin Powell by seeking an injunction announced that they will not be filing suit, said Michael Kraut '93.

After consultation with Gay and Lesbian Advocates and Defenders (GLAD) of Boston and a private attorney, Kraut and others decided that litigation had only a small probability of success.

Instead, the students will seek to use the occasion as an opportunity to protest Powell's policies and make a statement about the injustice of discrimination against gays.

Earlier this week, Kraut and Elizabeth Moreno '93 met with Margaret Marshall of the University's General Counsel Office and Michael Roberts, assistant to the vice-president.

Though the University has refused to schedule a speaker other than Powell, it has listened to the complaints of concerned students and transmitted them to President Rudenstine. Kraut hopes that Rudenstine will, at some point during commencement, state that "Harvard is for the inclusion of all communities."

Regardless of what Rudenstine does, Kraut asserted that non-disruptive protest will take

place. While Powell is speaking, students who disagree with Powell's position on gays in the military will stand with their backs turned to the podium. Pins and literature will be also be distributed to students prior to the speech.

According to Kraut, letters of protest have been arriving from around the world, written by College and Law School alumni dismayed at Powell's selection as commencement day speaker.

Kraut also said that Dean Clark made a commitment earlier this week to address this issue in his commencement speech to the Law School.

The position of Kraut and the other law students opposing Powell has been that the University must stand on principle. "Harvard is looked at by the world as a leader in education, research, and policy. And it must always stand on the moral high-ground if it is to remain on top."

Kraut points specifically to the University stance toward the Eighth International Conference on AIDS last year. At that time, the University canceled their sponsorship of the conference, which was scheduled to be held in Boston, as part of an international protest against the US policy prohibiting the entry of persons with HIV. The University then sued a group of

please see **POWELL**, page 14

2Ls Elect Class Marshals

Bates to Be Class of '94 Speaker

By Greg Stohr

Hunter Bates '94 won the right to speak at Class Day next year, and Alex Acosta '94, Steve Weinstein '94, and Julie Lythcott-Harris '94 were elected to join Bates as class marshals for next year's graduation ceremonies.

Bates received 140 votes, defeating Acosta, who received 131, in a close election held Wednesday and Thursday of last week. Weinstein finished third among the 14 candidates with 123 votes, nudging out Lythcott-Harris, who received 120 votes. Christa Foster '94 and Halsted Sullivan '94 tied for fifth place with 100 votes.

The election was marred by a minor controversy over rumors that some campaigns were encouraging students to "bullet vote" — to vote for only one candidate rather than the four can-

didates allowed under the election rules.

By receiving the highest number of votes, Bates won the right to choose between four positions — class speaker, social coordinator, secretary, and treasurer. In an interview, Bates confirmed that he would choose the role of class speaker, leaving Acosta, Weinstein, Lythcott-Harris to choose among the other three positions.

Bates said he would try to implement the ideas he proposed in his statement of candidacy, including a Head of the Charles party and inter-sectional softball games in the spring.

"I'm really excited about the opportunity," he said. "Alex, Steve, and Julie are a great group to work with. No matter who would have gotten elected, with as many motivated people as were running, our class would have been well represented."

please see **MARSHALS**, page 14

1994 CLASS MARSHALS



Hunter Bates



Alex Acosta



Steve Weinstein



Julie Lythcott-Harris

Denny's Lawyer Defends Client's Attackers

By April Rockstead

The attorney representing the white truck driver whose beating in the Los Angeles riots received national attention was put in the unusual position of defending his client's attackers during his talk Tuesday afternoon in Pound Hall.

Responding to a question posed by a member of the audience of about 25 at the talk, "Divided Loyalties: Representing Reginald Denny," Attorney Johnnie L. Cochran said the attack that pushed Denny's teeth into his nasal cavity and buried one eyeball in his cheek could not be castigated as sheer brutality.

The background of racial tension in Los Angeles at the time of the verdict in the first trial of the police officers who beat Rodney King made the officers' acquittal a last-straw frustration to many African-Americans, Cochran said.

"If you were black, it meant something else to you," Cochran, who is African-American, said of the verdict. "It meant that finally you have the evidence of what's been going on all along, and you submit it to impartial arbiters, and they reject it."

The real culprits for Denny — as for King — were the Los Angeles police, who avoided responding to riot victims' calls for help because the calls came from

areas with heavy concentrations of minorities, Cochran said.

Denny is accordingly suing the police department and city officials for violating his civil rights by providing police services in a racially discriminatory manner, Cochran said.

The legal theory stems from a 1989 Supreme Court case holding that a county social services department had no Due Process Clause duty to protect a minor against the child's father's violence,

because a social worker monitoring the child's abuse did not have the requisite "special relationship" necessary to create such a duty, he said.

In a footnote to the decision in the case, however, the Court stated, "The State may not, of course, selectively deny its protective services to certain disfavored minorities without violating the Equal Protection Clause."

"Our whole lawsuit in Denny is founded on that," Cochran said. "The Equal Protection

Clause protects not just African-Americans. It protects Reginald Denny, and all of us."

In addition to the common issue of racially discriminatory use of police forces, the King and Denny beatings in combination teach a larger lesson that racial discrimination is detrimental to everyone in society, he said.

"You may think that you're free," Cochran asserted, "but none of us are free

until all of us are free. That's what this really means."

And despite his empathy for the attackers' frustration, Cochran said he is confident any African-Americans on the juries that hear the cases against those accused of beating Denny and others during the riots will condemn the beatings on principle.

"We can all agree you can be upset," he said. "But that's no better than what happened to black people who were lynched because of their skin color. I

don't think we can endorse that kind of behavior."

On a personal level as well, Cochran said representing Denny is consistent with his career-long commitment to eradicating racial bias against African-Americans and to achieving a race-blind justice system.

"I wouldn't think very much about myself if I had told Reginald Denny I couldn't represent him because he's white," Cochran said. "I'd be a real hypocrite."

"You may think that you're free," Cochran asserted, "but none of us are free until all of us are free. That's what this really means."

Congratulations to the Class of '93!



The RECORD wishes all of this year's graduates a successful and fulfilling career.

Don't forget to stay in touch with the Law School community by subscribing to the RECORD, writing letters to the Editor, and sending financial contributions whenever possible!

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LSC News: An Update From the President

By Enu Mainigi '94
LSC President

Hemenway Repairs

It's a little known fact that Hemenway is controlled not by the Law School but by the Faculty of the College of Arts and Sciences. This is why in the past it's been so difficult to get *anything* done at Hemenway. BUT, the Law School has tentatively agreed to put in money for new equipment, such as Stairmasters and more weights, as well as minor renovations of the weight room and basketball courts to address the safety and cleanliness problems that exist. These additions and changes will most likely occur over the summer and hopefully will be in place when we return. In addition to these changes, we are going to continue to pressure the CAS to make the long term structural changes that are definitely needed at Hemenway.

ATM Machine

Finally, the mythical ATM you've all been waiting for may actually be on the way. Negotiations are being finalized with BayBank to place an ATM machine outside the back of the Hark so that it will be accessible 24 hours a day. If all goes well, the machine may be in place during the fall term.

Book Exchange

After a very successful book exchange this past semester that saved students thousands of dollars, we have already made plans to continue it for both semesters next year. So turn in your fall semester books before you

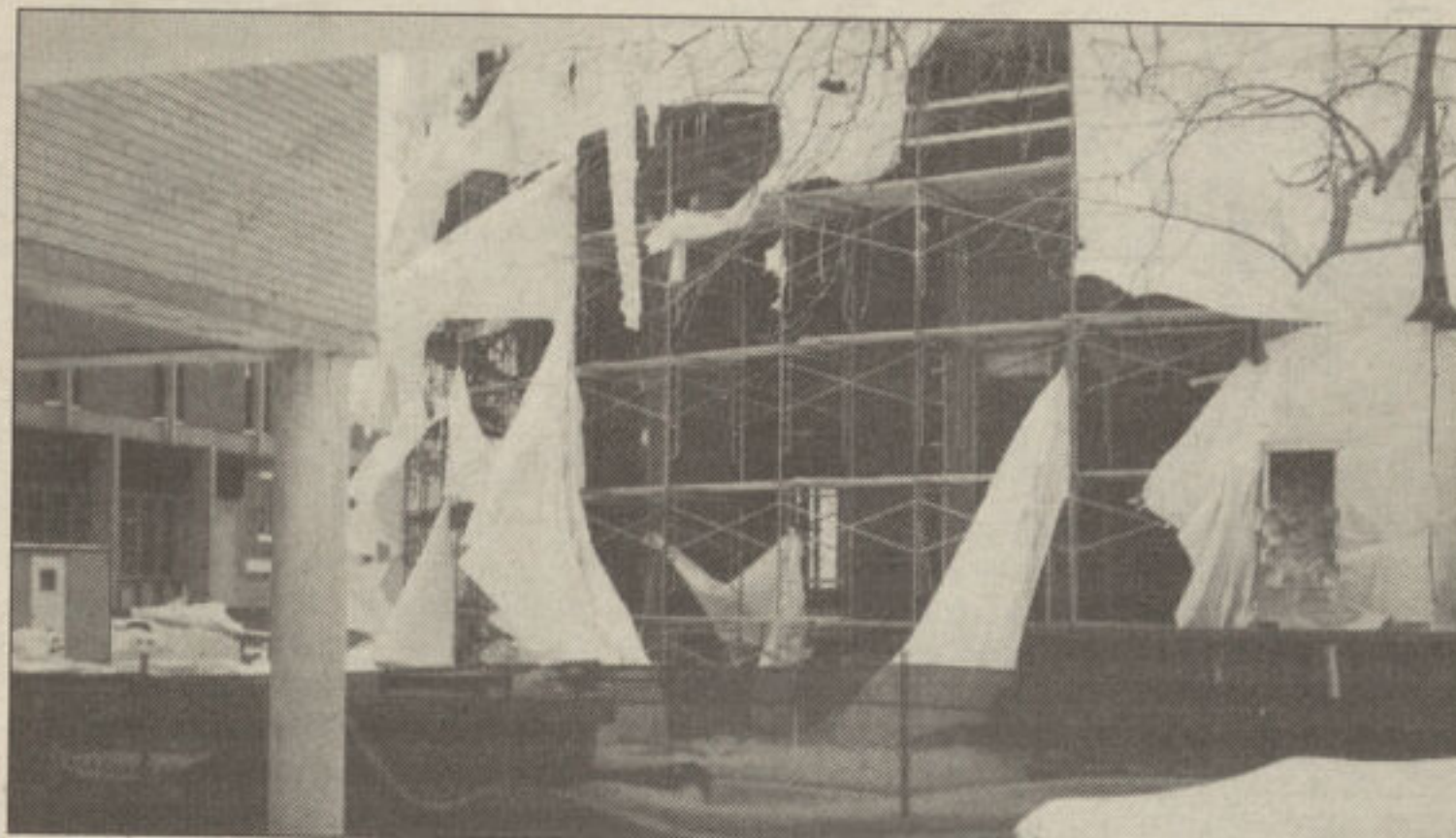
leave for the summer and wait to buy your books for next year until the fall book exchange (the first couple of days of school).

Orientation

Remember when you were a 1L and didn't know anything? To ease the pain of adjusting to HLS for next year's 1Ls, the LSC will be sponsoring a 2L/3L mentor program in which we'll set up interested 1Ls with a 2L or 3L to serve as their big buddy for the first few months of school. In order to do this, however, we desperately need next year's 2Ls and 3Ls to help us. This is not a big time commitment — all that's involved is answering questions that the 1L may have about anything at HLS, going out to lunch with him or her once in a while, etc. — so please consider participating.

Faculty Diversity

Currently, no comprehensive student list exists of potential lateral faculty candidates who are women, minorities, or openly gay or lesbian, and no student list exists of outstanding recent graduates from Harvard and other top schools who are female, minority or openly gay or lesbian, and who could be potential candidates for assistant professor positions. Several members of the LSC this summer will be compiling such a list along with extensive data sheets detailing evaluations of scholarship, work experience, classroom experience, etc. Our goal is to focus on several candidates whom we've researched extensively and lobby for them through the student/faculty appointments committee.



Students last got a peek inside the Holmes Field Building when a blizzard ripped through protective plastic sheeting in mid-March.

Partial Unveiling Set For Holmes Field Building

By Glennis Gill

The class of '93 and its guests will not be looking at white plastic sheeting, at least not during the Law School graduation ceremony in front of Langdell.

The sheeting will be removed from the south side of the Holmes Field building before commencement, according to Administrative Dean Sandra Coleman.

The 30,000 feet of plastic currently covering the building has been replaced twice this winter due to weather damage and has served two purposes. First, the sheeting enabled the gas heaters placed inside to maintain the building at 40 degrees, which meant that workers had some protection from the cold. Second, the sheeting allowed the brick and mortar on the facade to set, which it would not do at lower temperatures.

When the south side is unveiled, the brickwork on that side of the new building will have been completed.

Although the brick facade will provide a better backdrop for graduation than a white sheet, Coleman was careful to point out that "we're not trying to make it look like it's not a construction site." Instead, the goal is to make it "as safe and unobtrusive as possible." With that in mind, Coleman explained that the construction workers are "trying to pick up stuff on the ground, to make it look nicer."

The site will still be completely enclosed by a fence, but the fence will be moved in the next couple of weeks so a walkway can be built between the Hark and the front steps of Langdell. Although the walkway is temporary, Coleman asserted that it will be well-built so that it will be safe for all ages, and "prevent women's heels from getting caught."

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Their support made this year's events possible. These events included anchorman Dan Rather, Dr. Ruth Westheimer, author Robert Granfield, Paraguayan Presidential Candidate Ricardo Canese, and New York City Comptroller Elizabeth Holtzman.

BRIEFS



Cable TV on its Way to Law Dorms

HLS residents moving into Gropius and Wyeth will have a surprise this fall when they turn on the television — cable. According to Director of Building Operations Frank Lamentea, after a survey held at dorm selection showed favorable response to the idea of having cable in all HLS rooms, the School decided to make cable available in Gropius and Wyeth.

When he heard the news, Mike Imbrosio '93 exclaimed, "I can't believe they're getting cable! What a downer." He continued that "I lived in the dorms for three years and cable TV would have been very welcome."

Lamentea explained that "there are various options on how we might pay for it," and that a decision is yet to be made. The issue is essentially whether the cost should be treated as another utility, and thus be subsumed in the dormitory budget, or whether students themselves should pay for the service.

HLS could pay outright to have cable in all the rooms, which Lamentea estimates would cost the school about \$50 per room. Or HLS could make an arrangement with the cable company that would allow students to pay for cable service themselves. Lamentea also thinks there could be some intermediate options. He is currently in negotiations with Continental Cable.

Residents of Hastings and North Hall already have basic cable service, provided by HLS.

Note-Taking Service Cures Lecture Blues

Stop scribbling fanatically in your notebook! **Note Service** has been planned, pending approval of the professors, to provide lecture notes for the major Harvard 2L and 3L classes next year: Corporations, Constitutional Law, Evidence, Accounting, Taxation, Legal Profession, Antitrust, Administrative Law, Federal Courts, Employment Law, and Labor Law.

The service was the idea of Kerry Davidson '94, who says it will not only aid poor notetakers and provide students with a dependable study aid but will improve student participation in class generally by freeing their attention from notebooks. "Let's face it, law school is about learning the law through interaction with your professors and fellow students; it's not about learning how to transcribe," Davidson said.

The service will begin next fall, and notes will be distributed every week. The notes of two students will be consolidated to obtain a final product. Students will be able to purchase their notes weekly, or to subscribe for a semester. The cost of the service for early subscribers starts at \$1.95 per class-week.

Notetakers in each course will be students who are enrolled in the class. "These students will get a great deal," Davidson noted. "They will be paid to sit in class and take notes, which is what they would normally do anyway. In addition, they will receive a free copy of the final product for their class, and a substantial discount on notes for other classes."

Those interested in subscribing or becoming notetakers should contact Note Service as soon as possible by submitting a note (with a phone number) in Davidson's Harkbox. Davidson says rates will increase in the fall, especially for non-subscribers, and notetaking spots are limited.

Polinsky Named Guggenheim Fellow

Visiting professor of law and economics A. Mitchell Polinsky has been chosen as a recipient of a fellowship from the John Simon Guggenheim Memorial Foundation. Polinsky is the director of the Law and Economics Program and is Josephine Scott Crocker professor of law at Stanford, where he also holds a professorship in the Economics Department. Polinsky's current research focuses on the economics of the mechanisms available to enforce the substantive legal rules.

Guggenheim Fellows are selected on the basis of outstanding achievement and potential for future accomplishment. The 146 Fellows for 1993 were appointed from nearly 3000 applicants and have been awarded just under \$4 million in grants. Recipients include poets, novelists, scientists, and scholars in the humanities and social sciences.

Deshowitz Backs Yale Students

Prof. Alan Dershowitz pledged support for a group of Yale students demanding the resignation of a senior fellow of the Yale corporation last week. Vernon Loucks, the CEO of Baxter International Inc., has come under attack recently after his company pleaded guilty to violating US trade laws and giving economic information to the Arab League in 1985 in order to be removed from the league's list of companies to be boycotted.

"I think it would be a tragic mistake for him to continue as senior fellow of the Yale Corporation," Dershowitz said in an interview on Friday. "This man is a role model of corruption."

Although Loucks was not personally indicted in the case, student groups including the Yale College Council and the newly formed Students for Business Ethics have called for him to resign on ethical grounds. "We live in an age of increasing concern for business ethics. [Loucks] assigned his chief counsel to do all these illegal things," said Dershowitz. "Clearly, the blame seems to lie with the man in charge."

However, the Yale administration continues to support Loucks for his service as a trustee. "I have not really had time to look in detail at the Baxter situation, so I haven't really formed an opinion about it," incoming President Richard Levin told the Yale Daily News last week.

Dershowitz said he will "actively help the students, who seem to be doing the right thing." Students said that Dershowitz plans to write letters to members of the Yale Corporation and to further publicize the issue in the national media.

—from the Harvard Crimson

Daughters Visit HLS

By Glennis Gill

Students in Prof. Westfall's Labor Law class had an unexpected break Wednesday, April 28th, when, after evading Westfall's eyes for a few quiet moments, a new hand went up to answer the difficult question. As Prof. Westfall explained after the newcomer thoroughly answered the question, this was his daughter, Katharine. Like other daughters of HLS staff, faculty and students, Katharine was participating in the first annual Ms. Foundation "Take Our Daughters to Work Day."

Elizabeth Moreno '93 started the ball rolling for the day by approaching Professors Elizabeth Warren and David Wilkins '80, as well as the Law School Council and the Women's Law Association. With all of the above supporting the idea, the dean's office agreed to help plan and sponsor a special day for daughters at HLS.

The official count was 17 girls, ranging in ages from nine to 15, but this only includes the daughters that attended the special events.

The day began with donuts with Dean Clark '72 at 9:30 AM, when he led a discussion about the importance of lawyers in society. Clark recounted asking the girls, "Do you know what lawyers do?" and having a young third-grader raise her hand and declare, "Yes, they help people in court, don't they?" Clark

was impressed by the answer, and told the RECORD he "really enjoyed talking to the girls. They were a tremendous class."

The girls then attended Prof. Wilkins' Legal Profession class, which was followed by lunch in Pound Hall with their parents and some HLS students.

Most girls next went out to the lawn near the Hark to play games, led by Jen Brown '93 and Julie Su '94, who Moreno says "were both great. They have real camp counselor personalities."

The afternoon included a visit to Prof. Martha Field's Constitutional Law class

and a reception with several speakers. Linda Dunn '94, former WLA co-chair and current BLSA president, gave a personal and inspiring talk about how women can do anything. Prof. Carol Steiker '86 spoke about Virginia Woolf's *A Room of One's Own* and the story of Shakespeare's sister. Administrative Dean Sandra Coleman and Director of Personnel Mary Cronin also ad-

ressed the girls.

Moreno hopes the program, which "is designed to help bring girls to parity in terms of encouragement," will continue in the future. "It's a refreshing break on a campus that is otherwise cold and hostile to women," she said.

Dean Clark called the program "absolutely wonderful I think it's something we ought to do every year," he said.

Dean Clark called the program "absolutely wonderful I think it's something we ought to do every year," he said.

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Rage, Radicalism, and Root Canals

By Jeff Bucholtz

It's a changing of the guard — move over Fried Four, the Testament Four are taking over the pit that is HLS. By day, they act the part of average law students. By night, they're transformed into the Crimson Mosh Crew: diving headlong into the mosh pit, arms, legs, and heads flailing about furiously as they purge the aggression built up by life at HLS.

While their classmates were getting a head start on the Law Review writing competition, Kit "Captain Crunch" Ekman '95, Nick Pappas '95, "Ronnie" James Eastman '95, and Jeff Natas '95 were oblivious to all things legal, consumed in the mass of swirling bodies in front of the Axis stage, willingly sacrificing themselves to Testament's brain-melting thrash-metal attack. Hell, Ekman even got the mike for half of "Into the Pit."

The first platter du jour is sure to pro-

should be a huge hit at HLS.

It's unfortunate that de la Rocha thinks he's Rollins, because guitarist Tom Morello is the real star of this band. Not exactly your average metal guitarist, Morello is a great-nephew of Kenya's founder Jomo Kenyatta and a graduate of Harvard.

On the riveting "Bullet in the Head," Morello switches effortlessly from lugubrious sludge to staccato hip-hop riffing to full-throttle thrash, and sounds at home in each style. Then, on "Fistful of Steel," Morello takes a break from the metal to somehow coax a siren wail worthy of Public Enemy out of his guitar. "It's not really metal, but it's full of anger and aggression," pronounces Ekman. "I like that."

Despite the occasionally overbearing vocals, Rage have recorded an impressive debut, combining innovative and forceful music with unadulterated hostility toward "compromise, conformity, assimilation, submission . . . all of which are



In the never-ending quest for infinite brutality, industrial bands have been adding guitars and metal bands have been adding electronics.

voke similar feats of sadomasochistic heroism. **Rage Against the Machine's** self-titled debut is relentlessly, defiantly in your face. The cover depiction of a Buddhist monk's self-immolation has all the subtlety of the Monster Truck Coalition.

Rage Against the Machine is a high-octane mix of fat-bottomed funk, intense power metal, and radical rap, usually all



rage against the machine

Really, Law Review isn't that important!

in the same song. "Killing in the Name" features mosh-worthy thrash, scratchy stop-start funk, and foot-stomping rhythms, with Zack de la Rocha's belligerent, shouted rap high in the mix, cursing The System and vowing "I won't do what you tell me." Eastman says "it sounds like Natt X from Saturday Night Live fronting a combination of Soundgarden and the Beastie Boys. I was pretty impressed."

De la Rocha never lets up, and his combative delivery at times threatens to overwhelm his band. Like a thirteen-year-old who just learned it, de la Rocha has a bit of an annoying weakness for the f-word, and his perpetually-outraged, leftist whining about "landlords and power whores," and "warm[ing] my hands on the flames of the flag" gets tiresome. It

American dreams." It's metal so politically trendy that the bleeding hearts and artists could like it, and, besides, at least someone's doing something cool with a Harvard degree.

Also noteworthy is the American debut from **Therapy?**, an intense punk-influenced slab of hard rock inexplicably called *Nurse*. Therapy?'s angular, jagged rhythms and pounding percussion give some of the tracks an industrial, danceable quality, but as they proudly proclaim, "Therapy? are dance music for headbangers." Therapy? try their hand at a ballad on "Gone," and succeed remarkably well. The rest of the album is loud, mean, and ugly, and very impressive. "Nausea" and "Teethgrinder" are powerful, but intermittently so, in the efficient style of punk, rather than the continuous barrage of thrash metal.

In the never-ending quest for infinite brutality, industrial bands have been adding guitars and metal bands have been adding electronics. While the best groups on this trip, like Ministry and Godflesh, deliver the harshest aural punishment yet developed (except possibly for the Arthur Miller tapes), far more bands churn out uninventive trash with formulaic electronic percussion and distorted vocals.

Skin Chamber are the death metal project of Long Island industrialists Controlled Bleeding, and *Trial*, their second album, accomplishes a competent fusion of guttural grindcore and pounding industrial. It's sixty-nine (Hm . . .) minutes of cruel and unusual punishment.

Except for the last song, which "cruel and unusual" doesn't do justice to. "Swallowing Scrap Metal, part five," all twenty-five minutes of it, sounds like Satan doing a root canal with a chainsaw. Check it out.



La Caricature: Wit, Humor, and Politics in French Caricature, 1830 - 1835

By Michael Tenenbaum

On the Town

When Louis-Philippe ascended the French throne following an 1830 revolution, few, including the king himself, could have forecast his precipitous decline in popularity. Charles Philipon and his prominent cohorts, including Honoré Daumier, were hardly sympathetic. In fact, as the drawings in this exhibit at Harvard's own Fogg Art Museum reveal, these contemporary caricaturists routinely lampooned Louis-Philippe in the most clever of ways, their success then popularized and now preserved on the pages of a handful of sharp publications and in lithographs.

The story behind the sequence pictured here is one of satire and censorship. Philipon, like many of his peers, was charged with offending the king in a *La Caricature* publication of "The Replastering," an ingenious and sophisticated rendition of a shameful Louis-Philippe covering over graffiti of his populist promises. Countless drawings exploited the king's likeness to a particular fruit, the pear, the portrayal of which was more than a seemingly innocuous gibe.

At his trial Philipon, in both an admirable legal maneuver and a moment of acute courtroom drama, sketched the four characters above, arguing, "Would you condemn the first? But then you would have to condemn the last, because it resembles the first and the first resembles the king! . . . [Y]ou would have to condemn all the caricatures in which could be found a head thin at the top and wide at the bottom! Thus you would have quite a task, I tell you, because the maliciousness of artists would enjoy showing you these dimensions in a mass of things even more bizarre . . ." Not bad for a pro se defendant without the benefit of *New York Times v. Sullivan*. The judges, amused but unimpressed, sentenced him to six months in jail and a fine him 2000 francs.

A guide composed of insightful student seminar contributions provides excellent background to most of the works. Expect more than meets the eye. The one-room exhibit, closing May 9th, is a few hundred miles closer than Manhattan and measures just over an hour's worth of comic delight.

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New York: Pantheon, 1993.
179 pp. \$17/hardcover

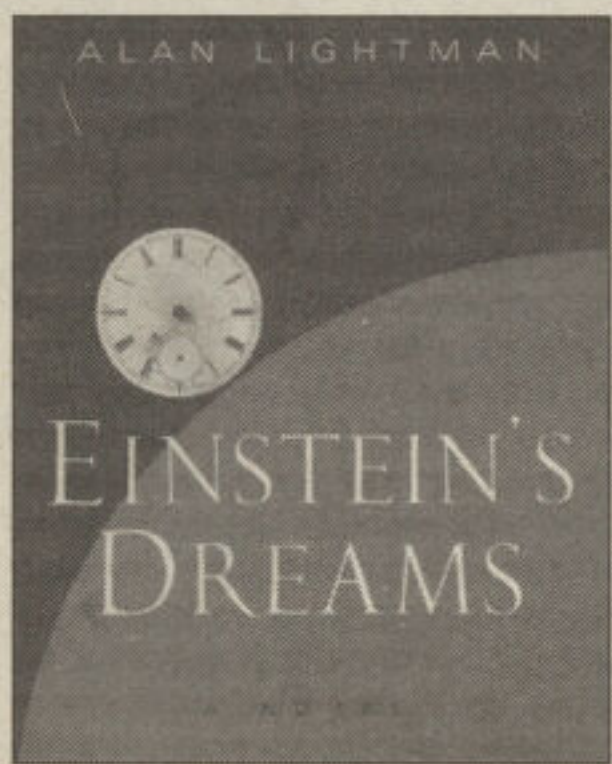


By Mike Fischer '95

CALL me a pencil geek. Or just call me a 1L. Either way, this past Saturday morning had an unpleasant feel about it. Overnight, April became May, and I became another victim of the exam phobia currently descending upon 1Ls with all the fury of a pandemic. Worse yet, I still hadn't written my last 1992-93 RECORD column. I hadn't thought about my last RECORD column. I hadn't even chosen a book for my last RECORD column.

Naturally, I wanted to choose the shortest book I could find which might still pass muster with my editor as a book. *Einstein's Dreams*, by MIT professor Alan Lightman, seemed perfect. It was short. It was small. It had big print. It cried out to be read in one sitting. Four hours of sitting, tops. Taking one last glance at the kitchen clock, I plunged in . . .

It is six in the morning on a late June day in 1905. The young Einstein sits at a desk in the patent office, his crumpled manuscript on the meaning of time lying before him. Later today, he will send it off to the German journal of physics. But right now, all of his thoughts are focused on the disturbing, strange dreams about time that have filled his head and robbed him of his sleep for months. Dreams of worlds which had no sense of the past. Or of the future. Worlds where time periodically stopped. Worlds where time did not exist. What would such worlds look like? And how would they function?



In the ensuing series of richly imagined and beautifully written vignettes, Lightman gestures toward an answer. We enter one world in which time moves in a circle and all events repeat — *deja-vu* with a vengeance. In another world, where everyone knows that time will end on September 26, 1907, Lightman traces the last year and then the last day of a town's life, as rule makes way for chaos and form gives ground before spontaneity. We enter a world marked by a progression toward order rather than the law of entropy and a world in which time moves backward from death to birth.

Creating these alternate worlds, Lightman evokes concepts more reminiscent of the universe according to John Donne than anything written in the twentieth century.

People wracked with nostalgia literally get stuck in the past, unable to move in or be heard by those in the present. People back from the future "wear dark, indistinct clothing and walk on their toes, trying not to make a single sound, trying not to bend a single blade of grass," so fearful are they that their slightest movement and their most insignificant sigh has the power to irrevocably alter the course of human history. In yet another world, with no sense of either the past or the future, all beings and all actions pay homage to the moment. This world is one of impulse and sincerity rather than calculation and deceit; without memory, past harms are forgotten, and without a future, there can be no planning.

Often disconcerting and always haunting, Lightman's visions are so compelling because they conjure up ways of seeing ourselves and each other that are simultaneously strange and frighteningly familiar. The tiptoeing refugee from the future is both comically bizarre and a telling indictment of the way so many of us sacrifice the past and impoverish the present for fear that we might disturb an ambitious not-yet that paradoxically never arrives. Conversely, the world of circular time underscores what happens when we condemn ourselves to live in an endlessly repeating present because we refuse to take the time to learn from the past and refuse to summon the courage to dream a different, better future.

In one of Einstein's dreams, Lightman describes such a perpetual present as a world where everyone and everything are in perpetual motion — not just people, but even houses and apartments. People are obsessed with speed, because "time passes more slowly for people in motion. Thus everyone travels at high velocity, to gain time. . . a person in a fast house could gain several minutes on his neighbors in a single day." Isn't the logic of "getting ahead" great?

Lightman's most unforgettable parable involves a world dominated by one Great Clock to which all people must, at some point in their life, make a pilgrimage and pay homage. Though people are horrified by this "human invention that quantified the passage of time, that laid ruler and compass to the span of desire," they are also captivated by its magic. "They have," Lightman tells us, "been trapped by their own inventiveness and audacity. And they must pay with their lives."

It is a chilling, unforgettable passage, not least because it acknowledges how this apparently dystopian world is itself a consequence of humankind's best utopian aspirations. The road to hell is indeed paved with good intentions; Hiroshima is the apparently inevitable consequence of Einstein's greatest discoveries. As Lightman suggests, merely one of many possible consequences and countless imaginable chronologies.

Einstein's Dreams pays tribute to a man whose life's work constitutes a passionate plea to reconfigure the way we think about time. True to his protagonist's theories, Lightman is less interested in endorsing a particular vision of our collective future than in freeing his readers to choose among the many visions — literally, here, world views — he proffers.

But implicit in this right to choose is the demand that a choice be made — with full cognizance of what such a choice means for the reader making it. You can live in a world without watches, or in a world where "time is visible in all places" — in a world of body time, which "makes up its mind as it goes along," or in a world of mechanical time, "rigid and metallic as a massive pendulum of iron that swings back and forth, back and forth."

You can, that is, live in a world where a glorious Saturday in May provides a perfectly good reason to grab a novel and head for the beach, or, alternately, in a world where the arrival of May demands that one grab a different sort of book and head for the library. But these choices aren't mutually exclusive — even at HLS and even in May. Shame on me for needing Lightman to remind me. Shame on you if you don't take the time to read his novel on a glorious May day to come. Meanwhile, I'll be buried in one of the novels I'll be bringing your way come fall. In the interim, have a good summer. And read, passionately.



B-League champions the Chicano Bulls break out the bubbly.

Hemenway Heats Up

By Bill O'Dowd '94

It's May Madness, baby. Intramural basketball at HLS officially entered play-off season two weeks ago. After some rim-jamming, body-slamming, high-flying, death-defying heroics that left the school abuzz, champions have been crowned and a showdown has been staged. Here's what all of HLS is talking about:

Congratulations to the Chicano Bulls! Rich Marquez '94, Mike Marin '94, Kevin Marcens '93, Raul Perez '94, Andres Lopez '95, Alfredo Barrios '94, and Ernest Acevedo '94 are the B-League Champions. They defeated the determined Grizzards of Gannett House in the semi-finals and were victorious over Mo Knows, last year's B-League Champions, in the finals, 71-49. An elated Perez cheered afterward: "I finally won something." Marcens took pride in the fact



Bill O'Dowd casts a long shadow over HLS basketball.

that his team did not receive a technical at any time throughout the playoffs. "I told the guys to only swear in Spanish," he confided afterward.

Mo Knows reached the finals after a disputed call caused controversy in their one-point semi-final victory over Stolen Legacy. As their name implies, Stolen Legacy felt cheated from a call in last year's finals, ironically against Mo Knows. This year, Stolen Legacy blew a lead they held throughout the contest and trailed by 3 with time running out. Kerry Davidson '94 made a long shot at the buzzer that was originally ruled a three-pointer. The referee later reversed his call, stating that Kerry's foot touched the line. After

a mob scene on the court, the latter call stood, and Stolen Legacy was left shaking their heads again this year.

In the A-League semi-finals, Bob Dow's "Gimme the Rock, Baby!" pulled the season's greatest upset by knocking out the regular-season champions, One-L, in two straight games. The first of the three-game series turned out to be the most thrilling come-from-behind victory this reporter has ever witnessed in storied Hemenway. Down eight with less than 30 seconds to go, John "Too Bad He's Already Married and Can't Take Advantage of the Starstruck Groupies" Wunderli '94 took the game into his own hands. After Wunderli buried a three and made a driving lay-up, five seconds remained. A winded, bloodied Wunderli looked to the sidelines through glazed eyes, apparently searching for an angel to provide some heavenly intervention. At that very moment, John's wife, Debbie "Deb" Wunderli, and his eight-month old daughter, Rachel "The Rache" Wunderli, walked through the door (no joking!). Wunderli knew what he had to do. He

had to make his little girl proud. Coming off a screen, Wunderli took the inbound pass behind the three-point line, pump-faked a defender high in the air, and calmly stroked the net. To this day, Wunderli swears he heard Rachel scream "Dada" (her first words) as the ball was in the air.

"Gimme the Rock, Baby!" will square off in the finals with the Two-L-Men-Ators, defending A-League Champions. Buoyed by the return of All-Time Harvard Law School 1st-Team point guard Chris LeHane '94, the Two-L-Men-Ators defeated the Black Panthers in three games in the other bracket. A re-match of last year's A-League finals, which also went three games, this series was played with the tremendous intensity of a New York Knicks intrasquad scrimmage. The final game was a see-saw affair that tested the will of both sides and left the standing-room-only crowd of

at least 50 at the MAC (the game was moved to accommodate increased ticket sales) drained. Trailing at halftime, the Two-L-Men-Ators rallied behind the spirited leadership of Andrew Westergren '94 and Kord "The German Guy" Deutsch to post a narrow victory. Asked to account for the turn of events, Mark Wehrly "Bird" '94 cited the spiritual inspiration of Nathan "Mono Man" Whitaker '94, mis-

takenly diagnosed with mononucleosis earlier in the day, who entered the game with ten minutes left (only to leave two minutes later). "To see him out there, running like that without falling down even once, gave us all the motivation to raise our games to another level," gushed an exuberant Hunter Bates '94 after

An elated Perez cheered afterward: "I finally won something."

the game. The finalists played two games on Wednesday to accommodate the travel schedule of GTRB's Brian Glasser '94. The results were known to every living HLS student within minutes after the final horn sounded. And the winners were . . . (see you next year!).

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How to Seduce the Smart Woman

By David Lopez '93

This week I went to see *Falling Down*, starring Michael Douglas, because a certain curly-haired woman asked me to review it because, according to her, it heralds the demise of the white male. I told her that the film wouldn't help because I have this theory that race doesn't exist and skin color is irrelevant except when referring to tanning. "Well, race is important," she said. I told her there was no



such thing; just because you look like your parents doesn't mean anything. "Well, there are a lot of racists out there and you need to be aware of it," she said. I said that yeah, I was aware that people believe in something that doesn't exist. I mean, if people started discriminating against the near-sighted, I'd be aware of that, but I wouldn't believe in the near-sighted as a group. "There's also culture, you know." I said yeah, there is, and you can tell something from it, but not much. I said look, I got a little brother, Anthony Baxter, twelve years old. His skin is white, but he lives in a black neighborhood. The dad that raised him was black, his girlfriend is black and so are his friends, and he gets a double fade haircut at a barber shop that has a poster of Farrakhan on the wall. If you can tell culture by skin color, what is he? "He's black — but he's white..." she replied. Exactly.

Well, I don't know about anyone else, but this issue has been talked to tears here at the Law School, and yeah, *Falling Down* did have a deep social message because it was about some self-righteous loser trying to find his way in a multicultural world, but c'mon, we've all heard these arguments before. Anyway, I can't make fun of losers until I get a job.

A better movie to review would be *The Last Days of Chez Nous*, an Australian film, and that means it's good. The Aussie mentality is great, it's part frontier spirit and part surfer beach bum, and it's always fun to be around. This movie is a little darker because it has a snotty French guy messing everything up. He's dating this woman, who is Australian and very down to earth, while he is impulsive and fun. He's more like the woman's younger sister, who comes to live with them. Well, the reason he is impulsive and fun is because she is paying all the bills, cleaning the house, doing all the cooking, etcetera, etcetera. So he gets to dance around with the younger sister with the spaghetti drainer on his head while she mops the floor.

Of course, you know what happens, but if you don't, I won't spoil it for you. I was left with a feeling of sadness. Why does this porky French guy get all the women while us Harvard Law guys sit around doing homework? So I thought, well, maybe it's the women around here. Maybe it's their fault they aren't going out with us; maybe they're just unapproachable. But then I thought about people like Shirley Su, who's always had time to say hello and stop and chat for a while. She'd probably have time to talk even if she was late for a final. And then there's Karen Gray; while a bunch of us guys were sitting there, some of us playing guitars, the others singing horrendously — "I wish that I had Jesse's girl" — she would sit quietly next to Matt Bekerman and look at us like we were crazy, but she would keep us company and we appreciated it. And of course there's Shoe Nguyen, who cheered me up the day I got rejected from a job. "Just look in the mirror and say pretty, pretty, pretty. That will cheer you up." Then she

looked at me and smiled mischievously. "Oh, it wouldn't work with you."

So then I thought, maybe it's because they're smart, and it takes a different level of skill to approach intelligent women. How do you get them off the topics of sexual harassment and the need to do something in Bosnia? Forget about the usual trying to impress them routine. I remember going to a party my first year where a guy was trying to impress the ladies by the usual bragging. He said that he got three offers from various firms, hoping to get some recognition. Then the woman next to him said she got six, and the woman next to her got seven. I was hoping he'd try grades or something, but he quit right there.

I took an informal poll of a bunch of guys as to what the best method was of hitting on intelligent women. The first guy I talked to said that he wasn't going to be of any use. I pressed him a little, and he said: "OK, I quote *Gilligan's Island* verbatim to them, but it never works." Hmmm. He also gave them trivia questions, but that met with equal success. The next guy I asked said: "Get a dog. Women love dogs. I loaned mine to my brother once, but all he attracted was men. He gave my dog back and said it was broken." One guy said that playing dumb worked. Another guy I talked to said that you pick up smart women by "acknowledging their intelligence and how much it stimulates you."

Then I thought of asking a woman what she thought. I asked Vania Montero, and she stopped, put her hands on her hips and thought a bit. "Well, you can't be coy, don't play games. Just be straightforward." Then I realized the problem wasn't the women, it was us. Here we were, thinking of all kinds of ways to approach these smart women, trying to get close any way we knew how and failing miserably. They're too smart for that. So here we are, looking at these women and wondering how we can get them by a candlelight so that the rays reflect in their eyes, or how do we get them to skip rocks across the moonlit waves instead of talking health care policy — and all we had to do was ask.

DAN 'N ERIK'S FOOD GRADER

Of Snakebites and Women



By Dan Drosman '93 and Erik Marks '93

If Andy Warhol and John Wayne ever met for dinner, they would have eaten at the **Cottonwood Cafe** (1815 Mass. Ave. in the Porter Exchange; 661-7440). Despite its rather inauspicious location (directly above the Holiday Health Club), Cottonwood's dining room boasts an eye-opening collection of Southwestern memorabilia in a neon-lit art deco setting. Booths sheltered by sahuaro ribs and twine resemble a communal pueblo, and adobe pots house living barrel cactus perilously close to the tables.

The Southwestern theme carries over into the drink selection as well. True to our respective skin tones, Dan ordered the Mexican Negra Modelo and Erik ordered the Sierra Nevada Pale Ale. Better than either beer, however, were the frozen margaritas, which are served in way-cool blue martini glasses. The margarita's slurpy-like consistency brought us back to our boyhood days of little league baseball, bubble yum, and spin-the-bottle.

Cottonwood Cafe's appetizers are consistently innovative creations. Dan's favorite: the Navajo Flatbread (\$5.45), topped with roasted garlic, asiago cheese, roasted peppers and gaeta olive tapenade. Erik's choice: Snakebites (\$6.25) — jalapenos (*mucho calor!*) are stuffed with jack cheese and a large shrimp before the whole schbang is breaded and fried. Overheard at the table: "Snakebites are like women — a little bit spicy, a little bit fishy, but they leave you with a smile on your face."

For your main course, don't miss the Pasta Tres Colores En Cazuela (\$17.95). (Tragically, our gringo waiter called it tri-color pasta.) The dish is *muy bueno* with shrimp, little neck clams, assorted fish, herbs and salt-preserved lemon in a four pepper white-wine sauce all on a bed of tri-color linguini. Also quite awesome is the Carne Adovada (\$15.75). Medallions of pork tenderloin are marinated in an aromatic chile paste and served with avocado papaya salsa and asparagus. For bird lovers, we must recommend the Puebla Duck Breast (\$16.75). The duck, grilled and served with a tart cherry port sauce scented with Mexican chocolate, comes with baked banana and steamed asparagus.

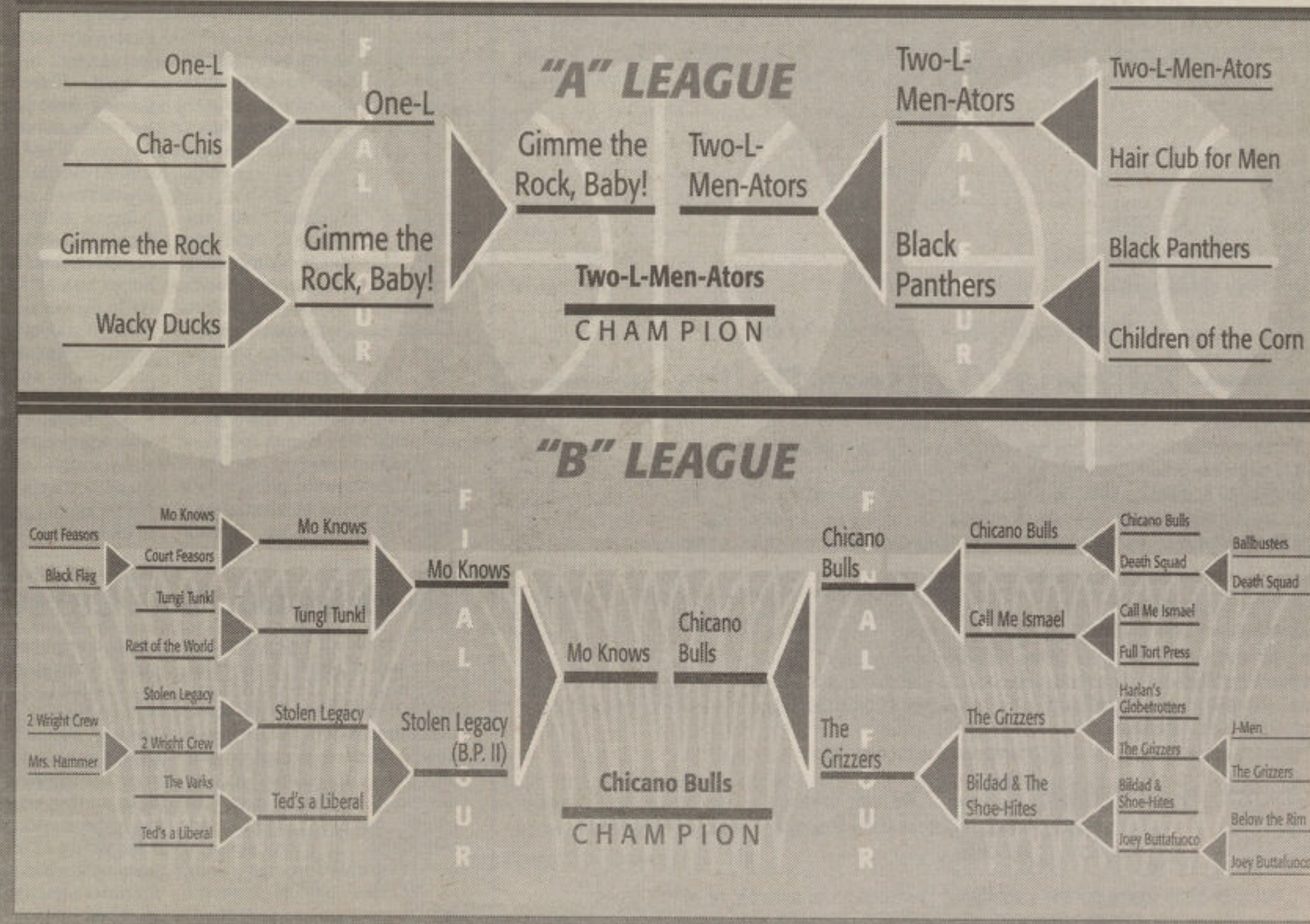
Cottonwood does a fantastic job with its garnishes as well. We loved the Abiquiu organic beans (accompanying the Carne Adovada), and the Japanese Long Beans, braided and tied with corn husks, are a real masterpiece.

For dessert, Dan 'n Erik suggest the delicately-flavored Chocolate Tort or the Ricotta Cheesecake. The chocolate tort is appealingly smooth and silky, and the light and flavorful ricotta cheesecake makes a perfect spring dessert. The Pear Poached in Maple/Walnut Sauce, topped with whole blackberries, is another good spring choice.

For your people-gawking pleasure, Cottonwood serves lunch on its outdoor patio. Notably, Cottonwood accepts reservations for both lunch and dinner, and we bet your parents would dig this place; Dan's groovy parents did.

Grade: **A-**

HLS Intramural Basketball Playoffs



Harvard Law RECORD

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A Final Flourish

I have a confession to make. I love finals. I realize that for some, this is tantamount to saying, "Communism really wasn't so bad after all, let's resurrect it." And for most of the Law School and the Clinton administration, it's tantamount to saying, "Capitalism really wasn't so bad, let's resurrect it." But the sentiment is heartfelt. I see finals as a culmination of the year's effort, a denouement for a unique chapter in our lives. It's an intense and beautiful time.

Some of the reasons are obvious. The weather in Boston is decent for about 17 minutes during each year, and these sweet moments invariably coincide with finals. It's written in the back of the HLS Course Catalog, if you've ever bothered to check the fine print. Jogging by the Charles or picnicking in JFK Park with a shower of white blossoms sprinkling down over you are some of life's rare pleasures. And the sunshine is somehow brighter and the breeze fresher because of the work you're supposed to be doing.

More importantly, finals are the only time during the year that you learn anything at HLS. Let's face it: on a day-to-day basis, we learn little, and absorb even less. Finals force us to go through coursework materials meticulously, piecing together the fragments of doctrine and discussion which fly past on a daily basis. Making an outline synthesizes the course, and lets you decide if your professor has done a good job presenting the subject cohesively, or has just slapped together a bunch of unrelated topics. Out of desperation, you might even speak to your professor during office hours — something unheard of and, frankly, unnecessary during the semester.

Most of all, I appreciate the fact that finals week affords you freedom to determine your own schedule. Unlike the rest of the year, there are no obligations like interviews, journals, or clinicals to deter you from studying. You can budget your time each day without that nagging, albeit erroneous feeling that you should be in class. Basically, to quote Seinfeld, "You are the master of your domain."

Finals are a personal as well as an academic epiphany. People crawl out of their self-absorbed shells, if only to play misery poker. "Well, I have 3 papers and 2 exams!" "Yeah, well I'll see your 2 exams and raise you a third-year paper!" We whisper to people in the library to whom we haven't spoken since the 1L boat cruise. Under the guise of study groups, we laugh, gossip, and take frequent study breaks for long dinners. We're nice to ourselves because we have to be, and our non-law school friends and parents are positively indulgent toward us. "Finals at Harvard Law School! No wonder the poor thing forgot Mother's Day and all of our birthdays!" (Sorry, Mom.)

Finals bring people together in more ways than one. The tense atmosphere is particularly conducive to brief, torrid affairs. We need diversions and exercise. Urgency sometimes compels law students to pair off with one another, although this practice is contrary to my general belief that lawyers shouldn't breed. But, speaking from personal experience, this kind of spontaneous stress relief can certainly make the pressure bearable, and even enjoyable.

So let's all study and earn our Bs. We'll stay up late, learn something, and have a few long dinners laughing with friends. And the best thing about finals? The finality. Good luck, 3Ls.

— Davis

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

—First Amendment, US Constitution



• Letters •

Confirmed Headbanger Defends the Faith

As a long-time defender of the heavy metal faith, I must respond to Jeff Bucholtz's misguided article, "Headbanging at HLS" (RECORD, April 30). Well-intentioned as Mr. Bucholtz undoubtedly was, his article was riddled with factual errors and fundamental misconceptions about heavy metal music. I do not wish to criticize either Living Colour or the God Machine; however, they simply are NOT metal bands, and it was grossly ignorant and irresponsible of Mr. Bucholtz to categorize them as such. Indeed, Mr. Bucholtz would have been wise to heed the advice of Iron Maiden's Bruce Dickinson in "Still Life": "Don't meddle with things you do not understand."

Contrary to Mr. Bucholtz's belief, heavy metal is not about self-indulgent art-rock and trendy Seattle garage grunge, nor is it about hairspray and looking cool. On the contrary, metal is unbridled energy, raw aggression,

and brute force. The music is fast, complex, and aggressive (think of it as Black Sabbath on amphetamines), while the lyrics are rebellious and downright pissed-off (e.g., Pantera's "Mouth for War" begins, "Revenge, I'm screaming revenge again/Wrong, I've been wrong for far too long," and Over Kill's "F*** You" bears the insolent chorus, "We don't care what you say/F*** You.").

Bucholtz complains that most metal consists of "formulaic songs drowned in excesses of speed and noise." He obviously doesn't get it. While there is a great deal of creativity within the metal genre, the goal is not to reinvent the wheel. The intensity, the anger, and the extreme aggression are the cathartic boundaries within which all metal bands ply their powerful trade. Remove those factors and you don't have metal anymore: You have grunge, pop, or art-rock. Perhaps critics such as the esteemed Mr. Bucholtz find those types of music exciting; however, as a

metalhead, I find them tired, trendy, and lifeless.

The bottom line is this: If you want to know what heavy metal is about, leave Living Colour and the other lightweights behind. Go pick up a recent masterful metal release such as Sacred Reich's "Independent," Manowar's "Triumph of Steel," or Over Kill's "I Hear Black." After a few listens, even Mr. Bucholtz might come to understand metal. If you want to know what a heavy metal concert is like, you should definitely go to a show on May 21. However, rather than the Bucholtz-recommended Living Colour show (yawn), you should head down to Axis in Kenmore Square where Boston's metal community will be packed wall-to-wall to welcome the one-and-only Anthrax to town.

Mr. Bucholtz, I hope to see you in the pit. I'll be there.

Kit Ekman '95
April 30, 1993

Alysse, not Powell, is the Real Enemy

Last week's RECORD (April 30) proved to me two things I've often heard said about the Harvard Law School:

1. Some of the people who graduate from this place should take a few more classes. Michael Kraut's comments in "Students Ponder Injunction Against Speech By Powell" indicate that he may not be ready for the real world. As I understand his comments, he (on behalf of the students) has threatened to sue the University for breach of contract. He believes that, as a customer of this private university, he has received some sort of "explicit or implicit" promise that the University will not discriminate. How did the University breach this contract provision, you ask? Why, they've invited a high government official to come speak. Still don't get it? Well, this government official apparently advocates a position (representing the status quo) that Mr. Kraut believes is discriminatory. So, Mr. Kraut seeks an injunction. At best, Mr. Kraut lacks standing (see *Harvard Law School*

Coalition For Civil Rights v. Harvard University), has no valid cause of action (even if such a covenant exists in his purchase agreement with the University, how does an invitation to speak constitute discrimination on the part of the University?), and seeks a remedy that, if ordered by a court, would probably violate the First Amendment rights of General Powell as a prior restraint on speech. Nice lawyering.

2. Harvard's left wing groups want more lefties here, not "role models." Elizabeth Moreno — of Griswold 9, GQ, and Alysse MacIntyre fame — has written her penultimate column ("Standing Against Hatred"). Finally. In it, she says General Powell is a "symbol of hatred." "His presence will keep commencement from being a day of pride and celebration, and instead turn it into just another day at Harvard, full of anger and politics." Never mind that Powell was born poor and African-American — two tremendous disadvantages in this society. Never mind that through merit he rose to the top military

post in the country. Never mind that he's a war hero. Moreno would prefer he stay at home. I would have thought that Moreno would be thrilled. I could almost hear her saying that having an African-American at the center of Harvard's most public and important day is not "just another day at Harvard." I guess that Ms. Moreno and her "coalition" is not all that interested in role models — and I thought that's what this diversity movement was all about. When you're an African-American who believes differently than my favorite lefty, you just don't count. Ideology is what this diversity thing is about. Lefties want more lefties. I can't think of a more inspirational role model than General Powell. But then, "role models" have nothing to do with the diversity movement. Maybe it's a good thing that there is no one to take Ms. Moreno's place.

Greg Taxin '94
May 1, 1993

To Moreno: You Curse Like A Woman

Although I deplore the extremes of adversarial relationships at Harvard Law School, always a combative place but never as bitter as now, I must congratulate you on your development of obscene language that is clearly female in origin and relevance. For many years, I have expressed my revulsion at females' use of obscene expletives such as f--- et al. which are clearly male in ori-

gin and application. Yet even such free spirits as Erica Jong failed to do what you are quoted (in GQ, Feb. 1993) as having accomplished. Not that I expect to make use of your initiatives. I happen to be a senior citizen who has never been comfortable either with using obscene words or even with mild profanity. My feminist goals have had to be couched in standard polite English. And therefore

although it is not for me, I feel strongly that given the incurable habits of men to use foul language, women who wish to be truly equal must do likewise, but they should insist on using foul language that is singularly female and not subject themselves to male usage.

Jane Brooks
April 24, 1993

What's The Constitution Got To Do With It?

By Louis Eble '94 and
Bobby Rosenbloom '94

WE were so excited! It was the first day of spring semester. We were second-year law school students and we were *finally* taking Constitutional law! This would be the class that unlocked the hidden secrets behind that great document — the Constitution. We purchased our textbooks and were truly amazed that this document, which contains so many legal mandates, was less than two thousand pages. We promised each other that we would read the first hundred pages of the Constitution that night and meet the next day to discuss the reading and the first day of our respective classes.

But, alas, something was wrong. The Constitution we were given was only sixteen pages long. Where was the Miranda "Amendment?" The Abortion "Amendment?" The Prophylactic "Amendment?" Each of us had read the Constitution we were given several times and neither of us could find these, or other such, "Amendments." Because we are both pro-choice, we were extremely concerned that there was no mention of abortion in our versions of the Constitution — much less a detailed "trimester" approach as to when an abortion is permissible. How could this be? Then it hit us — we had only been given a small part of the Constitution and we would receive the rest of it in multi-lithed materials from the distribution center. We agreed to meet the following week, after we had received the "complete" document.

But as finals rapidly approached, we had yet to receive the "complete" document. During the course of the semester, both of us had experienced odd responses from the students when we participated in class discussion. After the initial shock of discovering that the Constitution was only sixteen pages long, we both had the nerve to ask questions like "Where does it say that in the Constitution?" The responses from the other students went something like, "Why are you reading the Constitution? . . . It doesn't matter what the Constitution says." At first, some of the students seemed to like us when we questioned the legitimacy of the "substantive due process" doctrine in the *Dred Scott* and *Lochner* cases. However, these same students looked at us incredulously when we questioned the doctrine's use in *Roe v. Wade*. We had both been naive enough to ask, "Where do judges get the special knowledge which tells them when 'substantive due process' has been violated?" Then it dawned on us. This is the class that separates those who belong here from the "impostors." Nobody was pulling a fast one on us, we simply didn't understand the "higher level" of reasoning that Constitutional analysis requires. While Areeda had taught us how to interpret a contract, *this* was the Constitution.

Emanations and Penumbras! That was it, the missing key. Areeda had never mentioned emanations and penumbras — maybe they are not found in contracts, just in constitutions. What a relief. We were not intellectually inferior and, more importantly, the Justices were not making up the law as they saw fit. Apparently, the Constitution and its Amendments produce emanations and penumbras! Thus, the Twenty-Fourth Amendment, which prohibited poll taxes in federal elections, had not been a needless political exercise. It was just bad timing. The Constitution had not yet emanated that it was unconstitutional in all elections. No one was to blame that this occurred just two years after the Herculean effort that went into passing the Twenty-Fourth Amendment. We could hardly contain ourselves. We decided that we would observe this phenomenon for ourselves. We stayed up for three days and nights watching the Constitution in the hopes of observing it "emanating" or "penumbrating." However, our sixteen-page Constitution refused to be fruitful and multiply. Sadly, we concluded that only the original Constitution is capable of such feats.

It wasn't long, however, before we started to doubt the ability of even the *original* Constitution to "emanate" or "penumbrate." A darkening suspicion developed that the Court was not really interpreting the Constitution. It soon became apparent, even to us, that the holding of a case depended *not* on what the Constitution actually said, but rather on who authored the opinion. The other students in our classes were right: The Constitution didn't have anything to do with Constitutional law. Strict scrutiny, the Lemon test, and other putative Constitutional doctrines, while being useful LSAT-type reasoning exercises, had nothing to do with the decisions handed down by the Court. No wonder our professors had such a difficult time explaining the inconsistent holdings of cases that were allegedly decided under the same constitutional doctrine — they had been fooled too!

What should be done? Harvard Law School has a responsibility to continue producing the finest legal minds in our country. However, this can't be done in Constitutional law without a complete overhaul of

the way the subject is taught. Here are our suggestions: First, the name of the course should be changed from "Constitutional Law," to "Supreme Court Justice Law." Second, the emphasis should be on the personalities, peculiarities, and eccentricities of the individual Justices, not on Constitutional doctrine. To understand the past and current decisions of the Court, as well as to predict the Court's future jurisprudence requires an in-depth analysis of each Supreme Court Justice. A student need not torture herself with learning one doctrine for

cases dealing with religion, another for equal protection, still another for free speech, etc. They are all irrelevant. A thorough knowledge of the Justices will enable the serious student to predict with near-certainty the outcome of any pending or future case.

The student should be required to learn the familial, religious, economic, geographical, political, physical, social, and other traits of each Justice. For example, does a Justice drink domestic or imported wine? Does a Justice prefer movies or books? How will Constitutional law be affected if a particular Justice gains

weight or has a religious conversion? How old is the Justice? What is the average life span in a Justice's family? All of these factors critically influence our Constitutional doctrine. It would require an enormous effort to amass information on all of the external factors which can influence each Justice. However, once this information is obtained, it can universally be applied to all Constitutional questions. Of course, this technique would require Constitutional scholars to constantly monitor each Justice's life — much like an investment analyst must monitor all business conditions that can affect the performance of a particular stock. In fact, serious thought should be given to teaching this course at the Business School rather than the Law School. HBS might be better equipped to monitor and analyze this type of information. Maybe they already do.

To understand the past and current decisions of the Court, as well as to predict the Court's future jurisprudence requires an in-depth analysis of each Supreme Court Justice.

• Letters (Continued) •

BLSA Takes Position on Colin Powell

The controversy over the selection of Joint Chiefs of Staff Chairman Colin Powell to speak at graduation was on the agenda of a BLSA meeting Friday. At that meeting, members of BLSA considered a response to a letter from former COGBLLI Chair Steven Homer '94 explaining COGBLLI's opposition to the selection of Powell.

After that meeting, BLSA submitted the following statement to the RECORD:

It has recently come to our attention that United States General Colin Powell has accepted the University's invitation to deliver the 1993 commence-

ment address. The recognition General Powell receives as the nation's highest-ranking military officer, the Chairman of the Joint Chiefs of Staff, is a source of pride for many people in the African-American community. We think it appropriate that the University honor his achievements by awarding him an honorary degree. While we appreciate General Powell's accomplishments, we also believe that it is important for us to publicly voice our opposition to all policies denying lesbians and gays equal rights.

Even as we celebrate General Powell's achievements, we know that there are lesbians and gays in our own community whose

rights are being compromised by the military policy he supports. We are also cognizant of the fact that the impact of this policy extends far beyond the boundaries of our particular community. As people engaged in a continuing struggle for equal rights, we cannot in good faith ignore policies that contravene the basic human rights of others. Consequently, we take this opportunity to affirmatively support equal rights for all lesbians and gays.

Harvard Black Law
Students Association
May 1, 1993

Keep Your Losses To Yourself

I am writing to express my disgust at the printing of Rob Rader's column (?) in last week's RECORD ("Losing is the Only Thing," April 30). I have long since realized that the RECORD does not in the least concern itself with news, but that this nonsense should be printed in what passes for a law school newspaper is a disgrace. Is it newsworthy to the rest of us that Rob Rader was elected producer instead of president of the Drama Society? Must we really be forced to

spend our time reading *ad nauseam* about his feelings of rejection and insecurity?

Aside from the fact that the rest of the community doesn't care, I find it incredible and pitiful that Rader is so crushed by this stupid "defeat" that he feels it necessary to share it with 15,000 other people. It's the Drama Society, Rob, not Congress. Move on. Get a life.

Finally, I object to the RECORD's allowing Rader to waste its space on personal attacks. For Rader to

announce in print that he "has always despised" the current and future president of the Drama Society is unfair, inappropriate, and, furthermore, even more revealing of Rader's sad insecurity and jealousy. Susan Brooks has been an extremely competent, fair, and effective president who has never done one thing to cause anyone to despise her. That's why she won the election and Rob Rader lost.

Page Lichtenfeld '93
May 4, 1993

3Ls, Professors, and Law Firms:

Do you have big written project coming up? Do you need to collect journal article after journal article from lengthy citation sheets?

Well, don't waste your time!

There's not need to cut into writing and thinking time by tracking down and photocopying journal articles in unwieldy library systems...

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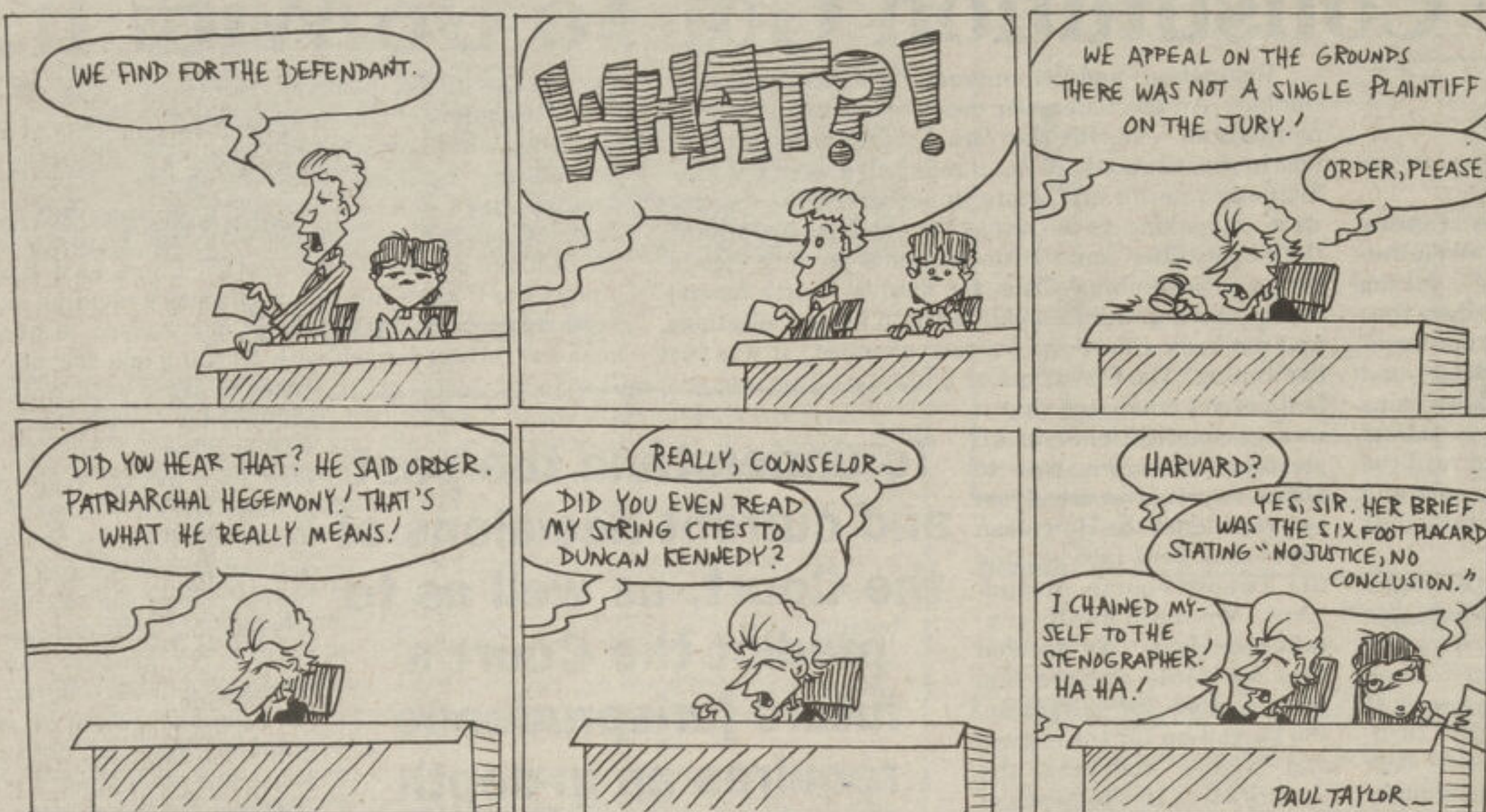
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Liabilities

By Paul Taylor



GROMM: Barbarian at Law

By Chris Spagnoli



Harvard Law RECORD Special Graduation Issue



The RECORD will be distributing a special issue at this year's graduation to commemorate the Class of 1993.

We will be accepting classified advertisements and notices from students for the special rate of \$15 for 25 words, and 25¢ per word for additional words.

NAME _____	PHONE _____
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Please return this form, along with a check made out to the RECORD, to Lisa Zornberg's 2L Hark box. For more information, call 495-4418.

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HOROSCOPES

By Rosie Cosentino

ARIES March 21 to April 20: New beginnings in love. Competition gives you energy. Good marks in everything you do makes you feel like a million. The summer will be filled with opportunity and lots of fun. Work goals after July.

TAURUS April 20 to May 21: No need to worry all your troubles are made into lemonade. You are motivated and can really achieve your goals now. The summer will be filled with creative ideas, love and much success. Hard work always pays for you.

GEMINI May 22 to June 21: Car trouble still causes some trouble. You wish to make decisions, but you must play first. Relax, have a good time, and then the choices are easy. A short trip to an amusement park or to the country will work wonders. A summer for socializing and making new friends and a few short courses.

CANCER June 22 to July 23: Freedom is what you crave. A time to look over these past few months and count your achievements. Look forward to next year. Your summer will be one of the best yet. Money comes easy, and love is a sure thing if not married, this is the year.

LEO July 24 to August 23: Studies will continue and you will see yourself in the fast lane. This is a week to finish all loose ends and to let yourself feel important. Throw a party or treat yourself to some special entertainment. Your summer will be one of making money and achieving success. You can have it all if you really want it.

VIRGO August 24 to September 23: A few minor troubles hold you up for a short time. Don't look back or get discouraged. The summer will be a good one and you will travel and be able to mix business and pleasure. Take this week to get organized and to be with friends.

LIBRA September 24 to October 23: A time to shine. A week full of good fortune and social success. A summer filled with activity. You will be on the go from now on. Make it count and don't just let the opportunities come to you. Go after what you want. Friends will be of great help.

SCORPIO October 24 to November 22: A week for endings. Work to get the jobs finished. The spotlight is on you, and your friends are counting on you to be successful. Not many have the charisma you have. Use it wisely. Your summer will be one of hard work, but lots of fun in the fire. Take the time to work all of them, for your destiny is your own.

SAGITTARIUS November 23 to December 21: Sign up for a few short courses or lectures now, it seems you are still looking for something in education. A week for listening to the suggestions of others. Car troubles due to neglect. Your summer will be one for learning, travel, and for looking for a new location to live. Expect the unexpected, out of turmoil comes your best reward.

CAPRICORN December 21 to January 20: You are finally starting to feel better, more in charge, and a burden has been lifted. Celebrate, go to a movie. You are looking at a great summer. A foreign trip, important friends, two jobs, and lots of money. Be passive in love and let the partner come to you.

AQUARIUS January 21 to February 20: A week of surprises, ups and downs, like a roller coaster. You will be on the go and get what you want. A new position by June will guide your way for the next few years. Partnerships in business and romance. Look for the money to be big by fall. A new course and a trip to Europe.

PISCES February 21 to March 20: Change is good for you. A week to let your hair down and relax. Education takes a major turn this summer. Entertainment, medicine, and the unusual are all subjects to be read and looked at. Your summer will be exciting spiritually, as well as in love.

For personal consultations contact:

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

What a Long, Strange Trip It's Been

By Elizabeth Moreno '93

RECORD Alysse MacIntyre

GOOD friends are those who tell you those things that are difficult to hear and that you just don't want to admit. You know, like the guy you're dating is a Neanderthal or that new dress makes you look fat. And so it was that a dear friend came to me with a problem she thought I was in denial about.

No, it wasn't a pretty scene. But I had to admit that she was right; my life was out of control and had become more than I could handle. I agreed that I needed help and went to my first AA meeting — Alysse Anonymous.

At first being Alysse had been a simple matter. Something I did for fun. It amused me to have my classmates tell me my own jokes. I would smile and said "gee, that sounds funny."

But then it grew. Alysse began to dominate my life more and more. I began counting the hours until I could get home to write another column; soon I was missing social engagements because I'd lose track of time once I began writing.

Then came the presents and the phone calls, the invitations and the interviews. Away from campus I began introducing myself to alumni as Alysse. I made one particularly obnoxious, sexist alumnus whom I was stuck next to on a six hour flight promise to start reading my stuff just with the intent of writing about how sexist and obnoxious he was. Meanwhile, on campus I smiled innocently while people discussed Alysse. My life was like a French comedy.

When the rumors started, I began collecting theories on who I might be. But eventually the cat was out of the bag and hiding my Alysse problem became impossible. I know now that I was in denial about my anonymity. I decided to try to stop writing on my own, but I just couldn't. These periods of abstinence always ended the same: I'd wake up after a blackout to find ten new columns strewn about, only to realize that I'd had another binge episode. When Karen caught me practicing my autograph she knew it was time to step in.

So I went to my first AA meeting. I sat down and said, "My name is Alysse and it's been one week since my last column." No one said anything back. I was the

only one there.

Then someone came crashing through door. It was Fenno. "The FA meeting is next door," I said.

"Hey, I don't have a problem being Fenno," he said. "MY problem is that everyone always liked YOU best."

"Fenno," I said, "denial is not just a river in Egypt." He went storming out.

Next I read the 12 steps. I admitted that I was powerless over my editor, and so on. Things were going smoothly until I hit the eighth step about the willingness to make amends to the people I had harmed. Did this mean that I would have to apologize to all the people I had taken pot shots at? Like the guy I did NOT sleep with from my first-year section but who went around telling people that I did? (Alas, I never saw anyone beg more pathetically.) Bob Clark? Was there a public-figure exception?

I feel bad now that I realize how much pain Alysse has brought to my friends. All the lying and covering up for me. Not to mention reading many of my first drafts.

In the end, I wish to thank a lot of people who willingly and unwillingly became sources of material and amusing quotations. I cannot thank enough all those brave souls who risked involvement with me, romantic and otherwise, knowing full well that any Friday they could open the RECORD to find themselves lampooned, their private thoughts revealed, misquoted and misconstrued all for the sake of a tasteless joke or a cheap laugh. To my friends I have to say no one could have much trouble being funny with friends like you.

And so I must thank all the Women of the Thursday Night Club, especially Senator Marie-Louise Ramsdale and Jodi Grant. I thank them for their inspiration and for holding my hand during my first Tequila Body Shot. I also wish to express my gratitude to "The Good Jen Brown," and Jill Newman. Ladies, EYE-eee-EYE Will Always Love You-ooo.

Special thanks also go to the many gentlemen who laughed along with the jokes, even when they were the butt of them. And, of course, I owe eternal gratitude to Barry Langman, the Official Alysse MacIntyre Yiddish Consultant. OK, so he didn't line up a date for me to the Sex & Jews conference, but he did get me a tee-shirt with a picture of a Hebrew National and the caption, "A Good Salami is Hard to Find." Ain't it the truth?

I must thank Bob Clark for being an easy target. I'm an "All in the Family" baby, weaned on Nixon jokes. In fact, Nixon was the butt of the first genuinely funny joke I ever told (age 10, thank you very much). With Mein Dean at the helm of this place, it all came back to me.

Special thanks go to Alan Dershowitz. Why? Because after I criticized Dershowitz' scholarship I got letters in response from Susan Estrich and John Hart Ely. I am told by another professor that Dershowitz asked them to write and defend him. Am I to presume Alan couldn't find someone on his own faculty to come to his defense? Anyway, it's not everyday I find myself catapulted into a national debate with such prestigious legal scholars and so I want to thank Alan for the honor and express my hope that he will fight his own battles in the future.

Of course, I have to profusely thank my editor, Bob Arnold. I will always remember fondly the time he yelled at me, "You're the one that created this unwieldy character that we both have to deal with!" My gratitude extends to Lisa Zornberg, the only person who could fill Bob's shoes, and his hair line.

Finally, I want to thank everyone, faculty, students and administrators alike, who have said encouraging things to me. I feel privileged to be one of the handful of students to ever experience HLS as a supportive place.

Answers to Frequently Asked Questions of Alysse MacIntyre:

Q: Did you always write stuff like this?

A: No. So, you see, I did get something out of my HLS education.

Q: What made you start?

A: Harvard Law begged to be made fun of.

Q: Will there be Alysse in the RECORD next year?

A: Only if I don't pass Kaplow's Tax class.

Happy Trails, everyone. (In vino) VERITAS! See you in court.



Fenno awoke with a hangover. He only half remembered Dave telling him to start the first fire in the compound before he was magically whisked away and returned to his stale Gropius dorm room. It was going to be a bad day. Looking down, he noticed the string around his finger that was supposed to remind him of something. What was it again? Oh, yes, the third year paper. He bolted out of bed, grabbed a legal pad, and began to tug on the string, which was connected to the pencil jammed up his anus. "Ouch!" he exclaimed, and then began to write furiously, as he leapt across the room to violently shove his recently purchased copy of *Madame Butterfly* into the gaping CD player, pumping up the volume until his brains ran out of his ears and stained his collar.

After bathing four pages in his inky vomit, he began to wonder what the topic should actually be. "Tortfeasors I have known?" "Golf course Liability: Litigants with Balls?" No, that was Bob Daut's paper topic. "Opening the Floodgates of Feminist Legal Scholarship: A Finger in the Dental Dam?" Perfect. Now all he had to do was finish it. He journeyed to Three Aces and ordered a tuna grinder for inspiration.

A quick LEXIS™ search revealed over 3,475,284 cases on point. How can I whittle this down? "I can help you!" said some babe who had just sauntered in. She looked like she'd been poured into her dress, and when she took out that Swiss Army knife he instinctively crossed his legs. "Not that kind of whittling, you fool!"

After escorting the young and nubile lass out the door and down into the cellar, he asked the question which had been burning in his mind since he saw her: "Have you ever considered necrophilia?" "Yes, but only with animals, and Oreos."

This scared Fenno, and he ran back out, locking the door behind him. He still had a paper to write.

He decided to narrow down his search, so he focused on the words "Rubik's Cube," and found two 1980s cases in which small children had ingested pieces of the so-called "puzzle," causing the otherwise innocuous game to be transformed into a brutal instrument of death. Perfect, he thought. "Now I have a real focus for my paper!"

He began scribbling about red-red-red-yellow configurations, but then the colors swirled about inside his head until all the world, indeed, the universe, seemed to him a dull paisley, or was it parsley? When he came to, he found that 40 pages had been completed, collated, and stapled. "Damn, I'm good!" Fenno said to his reflection in the mirror. He playfully nudged himself in the chin with his fist, but was too vigorous, and knocked himself out. He remained on the floor, unconscious, for 24 hours.

Breathlessly, he rushed the paper to the registrar at 7 PM, but it was too late. The written work deadline had passed. Fenno contemplated suicide, but realized another year at HLS would be the functional equivalent.

Quote of the Week

Newspaper— *n.* publication, daily paper, journal, press, fourth estate, public press, sheet, tabloid, gazette; see also RECORD

— Webster's New World Thesaurus, Revised and Updated for the 1990s

Na Na Na Na...

Na Na Na Na...

Hey Hey Hey...

GOODBYE!

The RECORD thanks everyone for making this such a great year for us. Good luck on your finals!



...We'll be back next year...

A Farewell to Arms

By Rich Wareing '93
RECORD Columnist



"So say goodnight to the badman."

— Tony Montana
Al Pacino's character in *Scarface*

WHEN I first talked to Bob Arnold about writing this column nearly two years ago, he asked me what I wanted to write about. I thought I had something to say, but I wasn't quite sure how to explain to him exactly what it was. After several fits and starts, I managed to blurt out that it would be sort of like Mike Barnacle's column in the *Globe*. To my surprise, this appealed to Bob, who told me "cool," and then left me to my own devices to figure out how to fill up the pages. I wish I could say that the rest was history and leave it there, but it was a lot more difficult than that.

Fortunately, I was not alone. I had the help of Bob, Johanna Davis, Greg Stohr, Bobby Daut, Lisa Zornberg, Jeff Patton, and Glennis Gill, all of whom gave me many good ideas, encouraged me to no end, and edited what I wrote, looking for both structural failures and spelling mistakes. This column wouldn't have been possible without them, and I owe all of them a big thank you.

I was especially lucky that Bob and Lisa were both so indulgent with me. The space they gave me every week provided me with a tremendous opportunity to examine myself, and the values I had been given as a young boy, in light of the very different world in which I now found myself. Having to produce 750 words each week forced me to think about how I saw and related to the world here at Harvard, and beyond. It forced me to confront people and circumstances foreign, and often antithetical, to anything I'd ever known before.

When you get close to the end of a journey, I think it's natural to look back on the trip and wonder whether or not it was worth it. I think it was.

Has Harvard changed me? The answer is clearly yes, though not necessarily all for the better. Although the things I experienced and the people I met here have broadened my view of the world, and of myself, the selfishness, hypocrisy, and pettiness which run through this place have made me far more cynical and guarded, and much less trusting, than I was three years ago.

Perhaps, though, somewhere along the line something like this happens to everybody — you see the unpleasant side of life and you get hardened. Perhaps I should be thankful for the education in human nature. Perhaps, but it may be sort of like spending eight years in Catholic grammar school — it may be good for you in the long run, but you didn't necessarily like it at the time.

When you get close to the end of a journey, I think it's natural to look back on the trip and wonder whether or not it was worth it. I think it was. All the work, depression, insecurity, and loneliness was not for nothing. Even if I never make a dime in the practice of law, the emotional survival skills I've developed here can get me through just about any crisis I'm likely to face. When you've lived in an intellectual and emotional shark-tank for three years, you learn how to be careful.

I also think there's a tendency when you've been involved with something to try to find value in what you've contributed, and to develop a sense that you've made a difference that will last longer than you. It's part of our mortality to try desperately to create meaning which exceeds the limits of our own lives. Have I created this kind of meaning at HLS? I doubt it. Very few people in life have the kind of impact that makes them a household name while they're around, let alone after they're gone. I am not so blinded by self-importance to think that what I've said, written, or done in the last three years here will be remembered by anyone a year or two from now.

This is not to say I think my time here was wasted, because I do not. Certainly, I've gotten something out of it, and that's got to be worth something. I'd also like to think that between the columns I've written and the other activities I've been involved in, I helped make life here a little more tolerable for at least a few people. This may not go down in history, and it may not leave a legacy, but it's got to be worth something.



East-Asian panel discussion at the International Business Conference

International Conference

continued from *INT'L*, page 1

experts from both the United States and abroad.

For many, the conference's highlight was the luncheon address delivered by Dr. Herbert Morais LL.M. '67, SJD '72, chief counsel of the World Bank. Morais spoke about legal reforms in developing countries, and appealed to Harvard Law School to establish a study center for supporting and facilitating legal reforms in third world countries. In the aftermath of the conference, a number of HLS professors have invited Morais back to the Law School next week to further discuss his proposal.

Efforts to bring the day's events to fruition began in September, with student

organizers gathering sponsors that included the HLS Graduate Program, LL.M. Class of 1993, and several international firms. Haleh Akhlaghi LL.M. '93 and Lily Akhlaghi LL.M. '93 piloted the effort, working to plan the conference with LL.M., JD, and SJD candidates, as well as with one student at the Kennedy School of Government.

With the international business conference now successfully completed, participants and organizers are already looking to the future. Prof. Alford said he hoped the event would continue, focusing on a different theme every year. And students of the Graduate Program have already begun the preparations for next year's conference.

New NALP Guidelines

continued from *NALP*, page 1

Chicago, and about ten other law schools. Thompson seemed mildly dismayed that the schools boycotting the new guidelines were originally dubbed the "Arrogant Eight," but remained firm in her conviction that the boycott was the right thing to do. "It is just too unfair to students at law schools with calendars that do not comply with the new schedule," Thompson said.

The proposed changes were few, but far-reaching. If a student receives a permanent offer from a firm as a result of previous employment before September 15, then the student must respond to that offer by October 15, a full two weeks before Harvard's "fly-out" week. In addition, the deadline for responding to summer or permanent job offers made to students not previously employed by the employer has been changed from December 15th to December 1st. HLS will continue with its old policy that allows students until November 15th and December 15th, respectively, to respond to offers.

The change in the rules, speculated Thompson, came about as a result of the greater leverage afforded the firms over the students and law schools as a result

of the recession. In addition, some less-prestigious law schools lobbied for the new restrictions in order to better their standing; they felt that if the students at the more competitive schools were forced to make decisions earlier, offers to others would be made earlier in the year. For the sake of a couple of weeks, NALP overhauled a well-functioning system in order to implement one that will be manifestly unfair to many students, said Thompson.

Asked whether Harvard can change its schedule to accommodate the changes, Thompson responded, "First, it is unrealistic for us to try to change our schedule around in one year. Second, Harvard students will not want to spend the week before school interviewing, when they should be relaxing between their summer jobs and the upcoming school year."

Thompson recognized the necessity of some changes to the current system. Although official Law School policy allows students to "hold" only one offer until the deadline, "many people here were holding four or more offers until the last minute," she said. However, Thompson pointed out that new monitoring policies will be in place in the coming year to address this problem.

In the meantime, NALP took matters into its own hands, and lost.



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See You in 35 Years

By Robert Rader '94
RECORD Columnist



MOST of my friends at Harvard will graduate next month . . . assuming they get their third-year papers finished. I'll miss them. (My friends, not their papers, stupid. Who honestly cares about "Cost-Benefit Optimization of Death Penalty Grants of Certiorari and the Republican Model of Liberty?") Or, at least, I can't imagine the place without them. On the other hand, I try not to imagine this place with them too much.

Two years ago, I entered Harvard as a One-L (my father Jor-L sent me to Earth on a spaceship to save me from our planet's destruction) along with this

No doubt, someday, I, too, will look back fondly on my days at Harvard Law School, or "Rock 'n' Roll Law School," as I like to think of it.

year's graduating class. In a month, they'll be going. I won't. Next year, I'll be back for a return engagement. The thought of not having them around anymore scares me, I guess.

Frankly, I resent their graduating. Who the hell do they think they are, *abandoning* me like this? To a bunch of One-Ls and Two-Ls I barely know? Sure, I'm the one who took time off last year, but who knew? Hell, I never thought most of 'em would pass contracts, let alone graduate. And, I know most of them are doing this just to spite me, because they certainly don't give a damn about practicing law or anything else except their own shallow lives and the latest episode of "The Bold and the Beautiful."

Yeah, I'm sure plenty of third-year students are already manufacturing sappy, over-sentimentalized, pre-reunion reminiscences about the good times they had here. (At least it beats the equally sappy "We Made It Through One-L!" yawn-fest people begin to talk about now.) What a load of crap! Imagine a bunch of incredibly anal, over-stressed "high-achievers" all getting bleary-eyed over battling with the administration with great efficacy, sub-citing for tedious journals, and occasionally going to classes where they sort-of learned the rule against perpetuities (which is, by the way, "When in doubt, bill the client for perpetuity!"). Pretending that was fun only makes me lose the little respect I had left for them.

Besides, I had twice the fun of any of them. For half the price, even. Actually, that's the only thing that makes it bearable — that I know they're lying about what good times they had. On the other hand, if they believe it, is it a lie? (Oh, of course, it is! Don't be stupid! A rationalization is a lie. It's like one-and-a-half lies. It was a rhetorical question. Go to the next paragraph already!)

I remember my section-mates, most of whom, needless to say, I hated. God, they talked a lot! (By the way, that's *not* taking the Lord's name in vain. I, personally, was *constantly* praying that God would strike certain people dead in class. In fact, I once asked Henry Steiner whether "Intentional Infliction of Divine Retribution" was a tort. He said "no" and we thanked the Lord together.) Some of them, I swear, could have talked forever if the professor hadn't shut 'em up finally.

But, as Monica Seles will find out, Time heals all wounds. (Except death, I guess. And, really ugly scars. So, Time heals most wounds, notwithstanding death and scars, which you're more-or-less stuck with.)

No doubt, someday, I, too, will look back fondly on my days at Harvard Law School, or "Rock 'n' Roll Law School," as I like to think of it. Who could forget the good times? The carefree frolicking in Langdell. Gathering wildflowers in the Holmes Field. Enjoying satisfying, wholesome meals in the Harkness cafeteria. Picking up checks hassle-free from Financial Aid. Partying all night in Ropes-Gray. Sharing intimate moments of intellectual discovery with my fellow students and caring professors. Sex. Drugs. Rock 'n' Roll. Then, I'll probably write a big check out to the school and they'll name something after me like the Rob Rader Memorial ATM Machine. (The idea of students forever sticking things in me for money brings tears to my eyes, I tell you.)

People say I'm cynical. Well, maybe I am. Screw 'em. They don't pay for my education, so I don't have to listen to them. Besides, maybe I'm just afraid of being alone. [Does fear equal (=) cynicism? Defense ("the fence") mechanism, perhaps? Is this too phonily (il)literate?] No, I don't really hate the people here. Quite the opposite. But, then, those that need to know that already do. I hope.

Hatred and Hypocrisy

By Neil Glazer '93
RECORD Columnist



MANY of the responses to my column accuse me of harboring and/or fomenting hatred. Indeed, one of the linchpins of the entire "diversity" movement is to advance the proposition that anyone who disagrees with the movement is motivated by hatred. Thus I am hateful because I question the wisdom of affirmative action, oppose the granting of tenure on any basis other than the traditional markers of academic excellence, disagree with the idea of granting homosexuals special rights, and because I propound social theories based on the idea that we are suffering a severe moral breakdown in this country.

Yet, I must ask, who are really the hateful ones? What about those who would abandon the precepts of logical discourse in order to argue that, because I advocate a return to the teaching of moral principles in our public schools, I must also want to return to the days when men were lynched in public. What about those who implicitly accuse me of propagating Nazi beliefs simply because I claim that certain behavioral traits are abnormal and immoral? Either such people are stupid, which, given that HLS does still have relatively rigorous admissions standards, I do not believe, or they are so filled with hatred and contempt for anyone who disagrees with their world view that they must do what they can to try and silence him.

I would argue that it is many of those on the left who are hateful and contemptuous. These people cannot distinguish between an assertion that some sort of behavior is wrong and an assertion that some sort of person is evil. Rather than engage in well-reasoned discourse, they prefer to engage in emotional ranting and hyperbole. How else to explain the news footage of people at the homosexual march in Washington this past weekend ripping up Bibles and spouting vicious slurs? How else to explain the fact that while anti-Semitic acts become front page news, the media and the so-called civil-rights establishment ignore the rampant anti-Christian bigotry running across the country?

Those very same people who preach tolerance are among the most intolerant the world has ever witnessed. Anything short of total capitulation to their demands is met with absolute indignation and outrage. Thus when a Presbyterian minister in San Francisco, preaching about loving the sinner while

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hating the sin, discusses homosexuality, he is met with weekly disruptions of his church services by radicals, and even death threats to the point where he has to spend scarce church resources on bulletproof glass and bars for the windows and doors. Who is being intolerant?

When a father scolds and punishes his child for misbehaving, it is a sign of love, not hatred. The fact that some conservatives believe certain behaviors are wrong is not evidence of any hatred. We all want to improve social conditions, because we care about people — we simply disagree about the means. Just because I do not support affirmative action in most instances does not mean I hate minorities. My views derive from my observations of the world, and what affirmative action, the welfare state, and the general decline in moral standards have wrought. I care very much about making the world a better place, as do most conservatives. I just have different ideas about what works and what does not work.

To cast those of us on the right as hate-mongers while claiming the moral high-ground is an effective political tool for the left. After all, no one wants to be perceived as being on the side of evil. The environmental movement has perfected this technique, raising tens of millions of dollars by publishing pictures of dead seals and elephants. People see such propaganda, send in their dollars, sign the petition, and can thereafter feel good about themselves. This is how the ivory-trading ban was accomplished. Yet, recently, even such a bastion of liberal journalism as the *New York Times* has been given to publishing major pieces questioning and criticizing the ivory ban. The lesson is that it is easy to get sucked into unthinking moves where rational discourse has been displaced by hyper-emotional appeals to "save the earth." Such lessons apply with equal force to the current cultural battles.

If you really believe that your ideas are better, and more worthy of translation into actual applications, then don't be so quick to cast aspersions. Put your ideas forward in as detailed and explicit a form as you can, let the other side do the same, and let the "marketplace" decide. After all, that is the rationale for freedom of speech. Of course, some are simply afraid of certain ideas — either afraid these may be correct, or at least afraid most people will think so. This is, according to an interview in *The Washington Post*, the thought motivating the ACLU's opposition to voluntary school prayer. According to the ACLU, prayer is (or should be) unconstitutional in public situations because it is *persuasive*. In other words, some people might actually be persuaded to believe in God if they are exposed to religious speech, so religious speech must be silenced. Never mind that the entire point of the marketplace of ideas is to afford people the opportunity to persuade and be persuaded.

Perhaps I've persuaded some of you. Perhaps I haven't. Either way, engaging in reasoned, unemotional discourse — insofar as its aim is the pursuit of truth — is a worthwhile enterprise. That's the right perspective.

TAKE THE KEYS.
CALL A CAB.
TAKE A STAND.



FRIENDS DON'T LET FRIENDS DRIVE DRUNK

Reviving the Party

By Kim Yahr '95

Guest Columnist

TEN, counting myself. Maybe eleven. That's how many students I know here at Harvard Law School who are willing to openly admit that they voted for George Bush in the November elections. The sad truth is that the Republican party did not deserve to win the youth vote last year, just as they did not deserve the votes of any sector of American society save the dyed-in-the-wool conservatives. In a nutshell, they made no effort to speak to us.

Plainly, that trend must be reversed for the party to remain viable. As the Republicans regroup in this respite between election years, they face two problems that, if addressed correctly, will bring them back into position to capture lost votes. The first is that, rightly or wrongly, the Republicans have allowed themselves to be cast as a group led by radicals and labeled as the party of exclusion. The second is that the average American today is extremely hard-pressed to name a single positive thing that the Republicans stand for.

Conservatives love to carp that the media is biased against them — Rush Limbaugh, for one, rose to talk-show prominence saying just that. Well, the media is biased, but pointing that out does not win any votes. If you know that the press is just salivating for evidence that your party is really a front for neo-Nazis, be smart and don't let Pat Buchanan kick off your convention.

Which brings me to the party-of-exclusion phenomenon. While the radical conservative fringe likes to say that Buchananesque rhetoric rings true to a tremendous number of American ears, the truth, as told by Buchanan's former pollster Frank Luntz at a recent Kennedy School seminar, is that Buchanan's surprising 40% in the New Hampshire primary must be interpreted not as support for him, but as an attempt to send the foundering George Bush a message. The real

While Republicans see people as capable creatures who are expected to act responsibly, Democrats view individuals as basically childlike, excusably unable to make the right choices and fend for themselves.

message to the Republican party, sent by all 62% of Americans who did not vote Republican in November, is this: Drop it. Anything that can be construed as motivated by hatred has no place in a campaign, especially a presidential one.

Actually, a bad approach in any campaign is to become defined in terms of whom or what you are against. Here is the central challenge of the Republican party today. Lynn Martin recently began her seminar on the future of the party at the Kennedy School's Institute of Politics by surveying those in attendance on what they believed Republicans stand for. Around the room, the answers came back: Abortion should be outlawed; tax-and-spend is a bad policy; gays should be kept out of the mainstream; Hillary Clinton is dangerous. Noting that all these positions were essentially negations of ideas of the opposition, she pressed us to formulate a list of affirmative positions. We struggled — we, a bunch of Republicans politically engaged enough to take a seminar on the party's future! Imagine how difficult it might be for the average Reagan Democrat, with only the six o'clock news to be his guide.

In short, it is not enough to criticize; one must offer ideas. To captivate the hearts and minds of Americans, Republicans must formulate and communicate to the public an affirmative vision of what they stand for, one which can stand alone without the crutch of Democratic mistakes to criticize. The traditional ideals of the party will provide more than enough substance to fill out this vision.

The first step will be to redefine the division between the two parties, the essence of which is their differing approaches to people and problem-solving. While Republicans see people as capable creatures who are expected to act responsibly, Democrats view individuals as basically childlike, excusably unable to make the right choices and fend for themselves. Therefore, when a problem arises, Republicans ask how best to bring forth individuals' skills and resources to solve it, while Democrats view it as yet another area where the government must come to the rescue, necessitating compulsory action by all of us to pay for the program. While you may balk at my shameless generalizing, the basic truth of what I say can be seen in the programs each party supports: tax incentives for job creation versus the stimulus package; school choice versus centralized administration; preserving our market-based health-care system versus socialized medicine.

Most people I know — at least before I came here — do not like being told what to do by the government, do not like being told they cannot be trusted to take care of themselves, and are absolutely certain that they manage their money better than Congress does. The first step toward Republican renewal is making clear that the party's stated goal is to shrink the federal government, encouraging more efficient problem-solving on the state, local, and individual level.

Yet Republican cries for a smaller federal role in all our lives will meet with justified contempt unless the party modifies its stance on social issues. "We need less government," when it comes from the group that is perceived as ready to dictate answers to life's most personal questions, is positively schizophrenic. More than George Bush's patrician aloofness, more than Dan Quayle's helpless babbling, this is where the party failed to connect with the average voter, who doesn't believe the government has any business telling him or her what is morally right. As to the staunch conservatives in the party, I say let 'em rediscover their roots as federalists and fight for their principles on the local level. It's much more American than imposition from above, as their immigrant ancestors might remind them.

In fact, old-style Republican ideals are already full of the promise of America: success through self-reliance and hard work, optimism about people, local self-government. Add individual liberty to that formula and I say we'll be unbeatable.

Class Marshal Elections

continued from ELECTION, page 1

Lythcott-Harris said her primary goal would be to "ensure that graduation is what [next year's] 3L class wants it to be."

"I see us as being representatives rather than delegates," she said. "Of course we can't unless the class is willing to give us advice."

The bullet voting issue prompted several conversations among candidates Wednesday night after the first day of voting, but three of the four winners said they did not encourage their supporters to bullet vote for them. The fourth, Acosta, was not available for comment.

Weinstein said that, although not prohibited by the rules, encouraging students to bullet vote contravenes the spirit of the class marshal elections.

"My basic beef is that it would skew the voting," he said. "It's a slimy move, if it's true."

The election rules say that "voters may vote for less than four candidates." Josh Frieman '95, who coordinated the elections for the Law School Council said he saw no problem with encouraging students to single out a candidate they

strongly support.

"To my mind, it's totally acceptable," he said. "People may have an intense feeling for one candidate and a very weak feeling for others."

Frieman said that an independent election commission would oversee the class marshal elections in future years and that students who were dissatisfied with the current system would have an opportunity to suggest changes to the commission.

Bates said the bullet voting controversy was being blown out of proportion.

"Anytime you have an election at this law school, things get bigger than they really are," he said. "I really don't think there was much of that at all, frankly, because there were so many people running and so many people with friends who were running. I would be very surprised if there were a whole lot of people just voting for one candidate."

Regardless, Weinstein said he was disappointed with what he said was the political nature of the election.

"All I wanted to do was to throw a big party," he said.

Summer Employment

continued from JOBS, page 1

sued public interest careers directly upon graduation, and DeBroff expects similar numbers this year. DeBroff noted that since the public interest market develops later than the private sector, exact statistics are not yet available for current students.

During the summer of 1992, 235 1Ls and 2Ls took public interest jobs, and DeBroff predicts that "once hiring is finally done and everyone reports in, we'll have at least that many for this summer." In addition to working for prosecutors and government agencies, students have taken positions in numerous private organizations. Susan Austin '95, who will be working for the Sierra Club Legal Defense Fund in Seattle, said that she is excited about the opportunity "to get insight into a career in environmental law."

According to Career Services administrator Peggy Tuitt, 85 graduating students have accepted judicial clerkships, all but three of which are for 1993. While this figure represents a slight decrease from previous years, Tuitt points out that "there are 118 vacancies on the federal bench right now, so I think we'll end up with about 130 placements."

Another employment option is the Overseas Placement Program, which places students in law firms in England, Japan, France, New Zealand, and other countries. Jean Kemsley, its director, estimates that nearly 40 1Ls will be working abroad this summer, down from 85 two summers ago.

"Overseas placement has been hit hard by the recession around the world. Even firms that customarily take people every summer have been unable to this year," explained Kemsley. "Almost all of the students working overseas are 1Ls, since the tight job market has made 2Ls more conservative."

Kim Davis '95 is looking forward to "enjoying my last free summer. I'll be travelling, rock climbing, and roller blading while my friends are slaving away in their firms."

Thompson invites those students without jobs to "make use of Career Services' resources" before the end of the year, and she expects many to find summer employment as research assistants for HLS professors. Thompson emphasizes, however, that "it is by no means the kiss of death not to have a law-related job your first summer. Any interesting job is perfectly fine."

Some unemployed 1Ls have decided to spend the summer away from the law. Kim Davis '95 is looking forward to "enjoying my last free summer. I'll be travelling, rock climbing, and roller blading while my friends are slaving away in their firms."

Chris Pham '93 is bucking the big-firm norm by starting his own firm in Vietnam. Pham and two associates will be "advising multinational corporations doing business in Vietnam." Pham's clients will include soft drink companies, automotive parts manufacturers, and other enterprises.

While Thompson doubts the job market will return to the heights of the 1980s, she sounds an optimistic note on the future prospects of HLS students. "Things were better than expected this year, and the improvement should continue next year," she said.

Powell Speech Protest

continued from POWELL, page 1

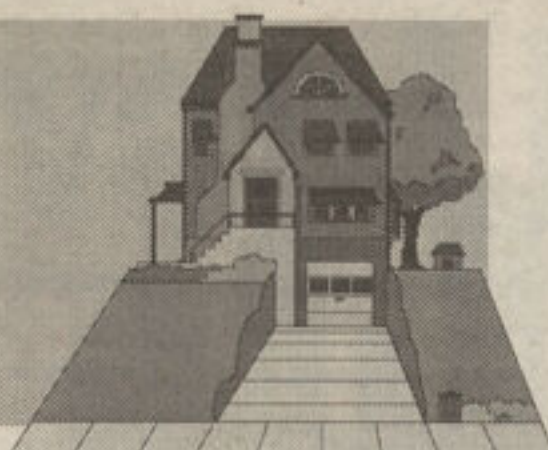
local hotels as a preemptive measure against the hotels seeking to recover the money they lost from the hundreds of canceled reservations. The hotels argue they

suffered \$1.6 million in damages. That litigation is currently pending.

Kraut argued that in the spirit of the tough decision the University made on moral grounds last year, it should "disinvite" Powell this year.

Have a great summer!

Housing Listings



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ANOTHER LAUGH,
ANOTHER HUG,
ANOTHER CHANCE.



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Fumbling the Baton

By Debra Dickerson '95

RECORD Columnist



PEOPLE keep telling me I'm the 'new' Alysse MacIntyre. Given her notoriety, I can never be sure whether that's meant as a compliment or a cause of action. Do I say thank you or do I file suit? As it happens, she's one of the reasons I chose Harvard.

I used to read an alum-boyfriend's RECORD when I was waiting to begin school. So I read about stuff like the *Revue* parody, the Griswold 9 controversy, and that LSC election where the victory of minorities was seen as somehow sinister and un-American.

I was not impressed. In fact, I was decidedly uneasy about coming here. It was obvious to me that zip code 02138 contained a dangerously high percentage of raging anal retentives who wouldn't know a good time if it stuffed their Hark box with confetti and started a conga line. The boyfriend agreed and said, "That's why you have to fish the RECORD out of the trash."

And then I discovered Alysse MacIntyre, Hispanic babe trying to pass for Scottish. What a woman. My problem now, though, is this continued comparison to her; I don't think I'm up to it.

My Alysse research reveals that she writes about three things: professor humiliation, Harvard politics, and men/sex/electronics. The first topic, I daresay, I have demonstrated some facility for. God knows the profs keep me well supplied — it's almost too easy. The last two categories, however, will be a problem.

I have a confession to make. Quite often, Harvard politics bore me. Hard to believe, I know, for those who truly believe we occupy the center of the universe, but true. Aside from a few issues, I find my attention wandering to stuff like ethnicicide in Bosnia and re-runs of the Beverly Hillbillies (Granny slays me). A bigger impediment, though, is my utter refusal to do *any* research or investigation. I'm paying beaucoup de bucks to do that for B's and classroom humiliation and see no reason to devalue my investment by doing it for free in the RECORD. If I can't figure it out from my nice, comfortable chair in my way-overpriced dorm room, I'm just gonna make it up. It's so much simpler. And if it's good enough for the Supreme Court, it's good enough for me. I write a humor column because it requires no actual work or serious thought, because I can tune in and out of what goes on, and because this place is truly hilarious. I only write serious stuff when I can't think of anything funny to say.

The men/sex/electronics thing, though, is the real dilemma. I suppose I could get smart on HLS politics, but there is no way I can get up to speed on men/sex. (Electronics are definitely out — I've never been mechanical.) There, I definitely have to bow to Alysse's demonstrated superiority. Where she appears to be employing the "equal opportunity" approach to dating, I use the "only date 'em if you absolutely, positively can't resist 'em" standard.

I was 34 on April 16 and have therefore been dating for 18 years. Never engaged, never married, never even close. God, that's depressing, not because it's bad to be single but because I have never met a man I even considered marrying. Eighteen years at bat, and it bites just a little bit more every year. Never-married men my age must have the same horror stories to tell.

For example, I've dated the pseudo-nature-boy-types who bragged about not wearing a watch but always bugged me for the time and wanted me to call and notify them when to do stuff. Who needs a watch when you've got your own personal idiot to keep time for you? Of course, I was "selfish" and "unsupportive" for refusing. Then there were the totally self-absorbed ones; I once had a boyfriend who used to call out his own name during sex. Talk about self-esteem. Insult to injury, those types tended to be as ambivalent toward me as they were in love with themselves. I finally walked when one told me he "couldn't commit to wanting" me. Is it just me, or is that like being unable to commit to wanting to pee?

My all-time favorites are the ones who like to be mistreated. One had been involved with a ragingly-jealous woman who'd made big, lurid scenes in public, spent all his money, and come between him and all his friends and family. She left him, otherwise he'd still be moonlighting to keep her in \$400 dresses. Because I didn't act like that, he said, "It's as though you don't care." My brother offered to torch his house and break his legs so he'd like me, but I decided I didn't want him to be that happy.

A side benefit of 18 years of dating, though, is that I have developed a sophisticated Loser Detection System. I actually hear sirens and see flashing lights (it sounds like the robot on "Lost in Space," except instead of yelling "danger, danger, danger" it goes "loser, loser, loser"). The LDS works on a simple premise. Basically, if the man in question is one I would have found in *any* way attractive when I was 22, I beat feet. If I hear anything like: "Baby, I need a woman who's *really* gonna devote herself to me," or "Law school? You trying to outdo me?" I leave skid marks. I may have learned the hard way but I learned, damn it. The kind of guy I find attractive now balances his check book to the penny as soon as the statement comes, hasn't been up past midnight since New Year's Eve, and finds an A-1 credit rating sexier than large breasts. Believe me, folks, your priorities will change. If you survive.

I don't even fantasize the way I used to. My only current fantasy involves kidnapping Spike Lee, stuffing him into my bookbag, and keeping him hostage in my room in Wyeth. Then, I act out the screenplay I'm halfway through over and over again until he signs me to a long-term movie-production contract. Dull, huh?

I'm so wary of men now, literally years pass between my relationships. The good news there though is the saved wear and tear on my body. Take hair removal for instance. Men have no idea how much deforestation is involved for a woman with a boyfriend. That's 'cause we do it when you're asleep and then pretend our bodies are naturally hairless. It's a wonder the screams don't wake you. It's been so long since the last guy, I can almost braid the hair on my legs to match my head. Maybe I'll even work beads and feathers into it, what the hell. And, hallelujah, no man means no lingerie. Now, all my underwear is of the socialist-realist variety, nice and comfy. I look at those babes in the Victoria's Secret catalog now and all I can think is, Ouch! she's gonna be all chafed tomorrow. And why bother anyway? We strap ourselves into \$275 worth of lace, they wear tattered gym shorts left over from Camp Yuckatooley and make you wait 'til they've finished the newspaper.

So, as you can see, Harvard will have to make do with the memory of the immortal Alysse and the occasional greatest-hits reprint. I bow to her well-deserved fame. Harvard politics (for the most part) and Harvard men are safe from my scheming pen. Assuming, of course, that the classes of '96 and '97 don't give me any more to work with than either '93, '94, or '95.

Much as I admire her chutzpah, I am not Alysse MacIntyre.



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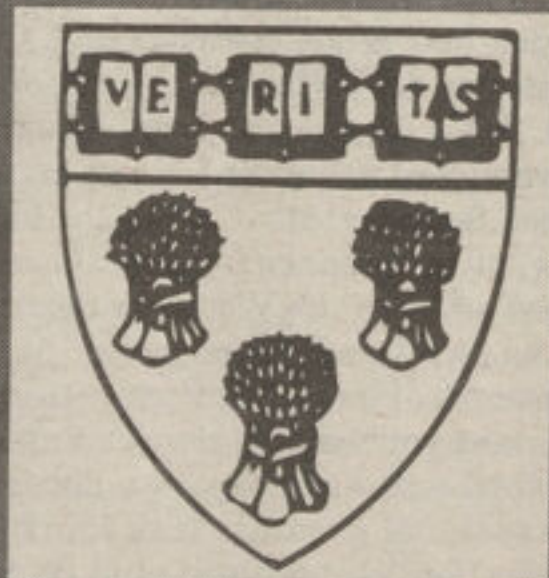
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