



Foundation Off To a Ringing Start

By Lisa Zornberg

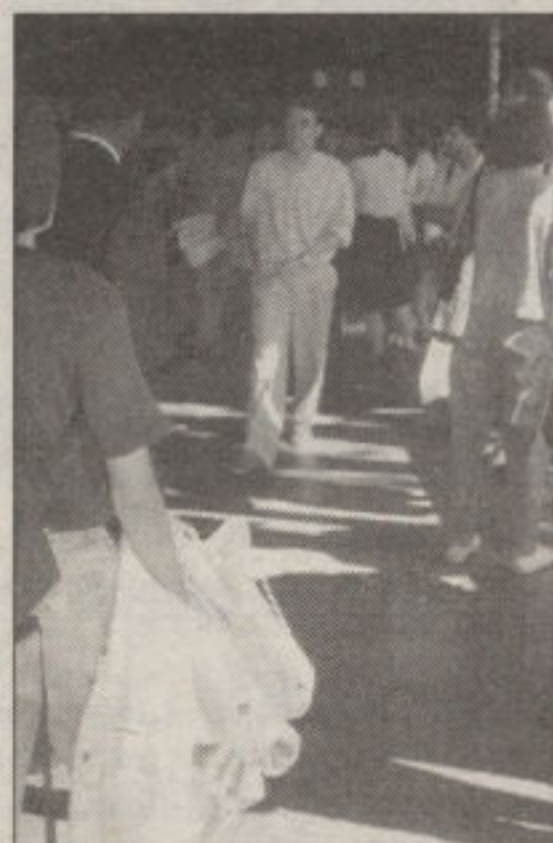
More than 40 elementary and high school students got down to the business Wednesday, when the Bell Foundation kicked off Basics, a tutorial and mentorship program designed to help African-American children develop entrepreneurial skills and succeed in the public school system. A core of HLS students joined with volunteers from Harvard College, Harvard Business School, and a number of Boston area colleges and graduate schools to ensure the program's success.

Also off to a strong beginning is the foundation's recently initiated fundraising drive. Targeted at law firms, corporations, and New York and Boston foundations, the drive seeks to increase contributions to the Charles Ogletree Scholarship Fund, a second BELL Foundation program that awards grants to college-bound, African-American, high school seniors in the Boston area. Already, the national firm of Cleary Gottlieb has pledged \$5000 to the campaign.

The BELL Foundation's remarkable efforts in assisting inner-city children are even more impressive in light of the organization's own youth. Co-founded by Earl Martin Phalen '93 and Andrew Carter '94 in March, 1992, the BELL Foundation (which stands for Building Enterprises for Learning and Living) grew out of the Black Law Student Association's community affairs committee. The foundation was incorporated in November, 1992 and is still a budding enterprise in the Boston community.

But it is quickly planting roots. Phalen, who works full-time as the foundation's executive director, sought early on to utilize Harvard's resources to

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Scenes from the "Celebration Ogletree" gathering outside last week's faculty meeting.



RECORD Photos / Kevin Werbach

Suspended Guards Back on Patrol, Still Face Charges

By Greg Stohr

Two Law School security guards charged with stealing a water cooler have been reinstated after being suspended without pay for a combined 20 weeks, but the charges against them remain pending.

George Perry, one of the accused guards, says that he and Mike Auterio are innocent and that they intend to fight the charges. Perry has been indicted for larceny of property worth \$250 or less and receiving stolen property worth \$250 or less. He could be sentenced to up to three and a half years in jail. Auterio faces a similar larceny charge and, if convicted, could be sentenced to a year in jail.

Perry says the cooler, along with several others just like it, was lying on its side under a pile of garbage in an unlocked room marked "Trash Room" when he

and Auterio found it on June 10, the day after graduation. The coolers were non-electrical water dispensers whose value Perry estimated to be about \$50, and at least one, Perry says, was cracked. Perry admits he took one of the coolers home.

The coolers, however, had been rented by Harvard for graduation and apparently were not intended to have been discarded.

Perry said he was shocked when police arrived at his home in July with a search warrant for the cooler. "I said, 'You don't mean that thing over there? I found that in the trash,'" Perry said.

A spokesperson for the Middlesex County District Attorney's office would not comment on the evidence supporting the charges. The case is scheduled for pre-trial conference on December 2.

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CCR Changes, Faculty Diversity Issues Remain

By Matthew Huggins
and Johanna Davis

Chanting, "Hey, hey, hee, hee, let's not stop with Ogletree," and carrying signs reading "Kudos," and "Diversity = Quality," about 30 students gathered outside the faculty meeting Friday for "Celebration Ogletree." Complete with balloons and streamers, the commemoration of the decision to grant tenure to Prof. Charles Ogletree '78 marked the first event of the year organized by the Coalition for Civil Rights (CCR).

Meanwhile, a national Hispanic lawyers organization has named HLS to its "Dirty Dozen" list of top law schools with no full-time Hispanic faculty members.

Most professors wore broad smiles as they filed by the celebrating students, and some flashed thumbs up at the crowd. Dean Clark ducked briefly out of the meeting to address the group. "I agree with you entirely that we should have more like

Charles Ogletree," Clark said. "You show very good judgment in using him as an example."

While Ogletree was unable to attend the celebration due to obligations in California, he sent a letter to CCR Co-Chairs Inga Bernstein '94 and Robin Lenhardt '94 expressing thanks to the whole HLS student body and confidence that the students' "commitment to diversity will have a positive impact on the faculty at HLS."

In a telephone interview, Ogletree said he was "pleased to see the strong showing of support" for the idea that "diversity and excellence are not mutually exclusive." Ogletree also said that "thoughtful, organized, reflective student protest plays a useful role in keeping us aware of the task of making the faculty more diverse."

Participants in the celebration say Ogletree's promotion marks limited progress in a protracted struggle. "This shows that diversity is quality," said Ted Mills '94. "But that doesn't

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LSC Encourages Guinier, Crenshaw to Come to HLS

By RECORD Staff

The Law School Council is encouraging Lani Guinier to accept a longstanding offer to serve as a visiting professor at HLS.

Guinier, currently a professor at the University of Pennsylvania Law School, was the center of controversy earlier this year when President Clinton nominated her to be

assistant US attorney general for civil rights. Guinier drew sharp criticism from conservatives over articles she had written regarding minority voting rights.

Dean Clark '72 confirmed that the Law School extended the offer to Guinier in the 1991-92 academic year, before the nomination controversy surfaced. Offers usually stay open for three years, but Clark said that timeline is not fixed.

"I hope she comes here," Clark said, adding that his opinion of Guinier has not been changed by the recent controversy. "The Law School invited her on the basis of her scholarship. We weren't interviewing her for a Justice Department job," he said.

In a letter sent to Guinier Tuesday, the Law School Council told her that acceptance of the offer would "enhance the strength of our school" and "enrich our community."

"As you are well aware," the letter said, "the issue of 'diversity' has played a prominent role in various levels of dialogue at Harvard Law School over the past several years. We believe that this term refers not only to cultural difference, but also to

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Homosexuality: It's All in the Jeans

By Maria Politis

If this Wednesday you thought twice before pulling on your favorite pair of blue jeans, that was good, Lambda members say. That was very, very good.

Wednesday was Blue Jeans Day, an annual event sponsored by Lambda, an HLS student organization that promotes homosexual rights, to give gays, lesbians, and bisexuals who are already out a chance to show their pride and to give those who are still in the closet a way to come out in a somewhat easier way — just by wearing blue jeans.

"It forces people in the morning to confront whether they are or are not out of the closet," said Carlos Vasquez '94, co-chair of Lambda. "To a large extent, [Blue Jeans Day] is for their benefit."

But the day's premise — that only gays, lesbians, and bisexuals wear blue jeans — also forces heterosexuals to think about their appearance. "Since blue jeans are things most people wear every day, it is a way to have straight people have to think that assumptions will be made about them [if they wear jeans]," said Scott Wiener '96, who organized the event. "It forces straight people to have to go through the same mental process that gays and lesbians and bisexuals have to go through every day. For one day, it sort of turns the tables."

However, many heterosexuals found themselves confused as to whether they would be supporting Lambda's goals or undermining them by wearing jeans. "I'm straight and I definitely found it confusing," said Hillary Cohen '95. "I want to support the issue and I want to feel comfortable."

The ambiguity in Lambda's approach

was no accident. Rather, a Lambda representative selling pink triangles in the Hark Wednesday said the organization itself was confused about the preferred heterosexual approach.

At many other schools, gay and lesbian rights organizations observe Blue Jeans Day by encouraging both homosexuals and heterosexual supporters of the homosexual movement to wear jeans.

Lambda ultimately decided against that approach, however, because "it makes it too easy," said Wiener. If someone is considering coming out of the closet, he said, wearing jeans is not much of an investment if the person can just pass it off as supporting homosexual rights. Another benefit of Lambda's approach, Wiener said, is that those people who are not ready to come out can consider

Beer Resolution Rescinded at LSC Meeting

By Ray Kahler

A motion to rescind the \$25 per week beer allotment for Law School Council meetings passed by a 16 to 13 vote at Monday's LSC meeting.

The vote on the motion to rescind followed extensive and heated debate. "I am more than willing to play games and waste people's time for the rest of the year if I don't get some fucking beer," Monster Truck Coalition leader "Buffalo" Bill Growney '95 said.

President Enu Mainigi '94 advised against the development of factions in the Council. She said that it was time for the Council to move on to other matters beyond the controversy surrounding the beer issue. "I just hope that we've seen the end of this discussion," Mainigi said.

Growney, who at one point rose from his seat and thumped his boot on a desktop, argued that rescinding the beer resolution would set a dangerous precedent because it suggested that members of the Council could play procedural games to dispose of resolutions that had been previously passed. Growney, who described the Monster Truck Coalition as "a coalition of inclusion rather than exclusion," said that some of his constituents were "bummed out" when he informed them that beer would not be available at Monday's meeting.

Members of the LSC who spoke in favor of rescission called the beer resolution "ludicrous." "This issue sucks," said one LSC representative. Addressing the substantial amount of time consumed by

the debate on the beer resolution, another member said, "I feel like I'm in eighth grade again."

Erik Lindseth '95, who sponsored the motion to rescind, said it would permit the new 1L representatives to vote on the issue and that the cost of buying beer for LSC meetings — approximately \$400 for the academic year — was too high.

LSC Treasurer Lisa Stephenson '94 said the Council did not have money to buy beer every month. She said the LSC had already spent about one third of its \$3,400 budget, mostly for copying costs.

Spencer Levy '95, one of the strongest opponents of the beer resolution, said he was unhappy with the divisiveness the controversy had caused.

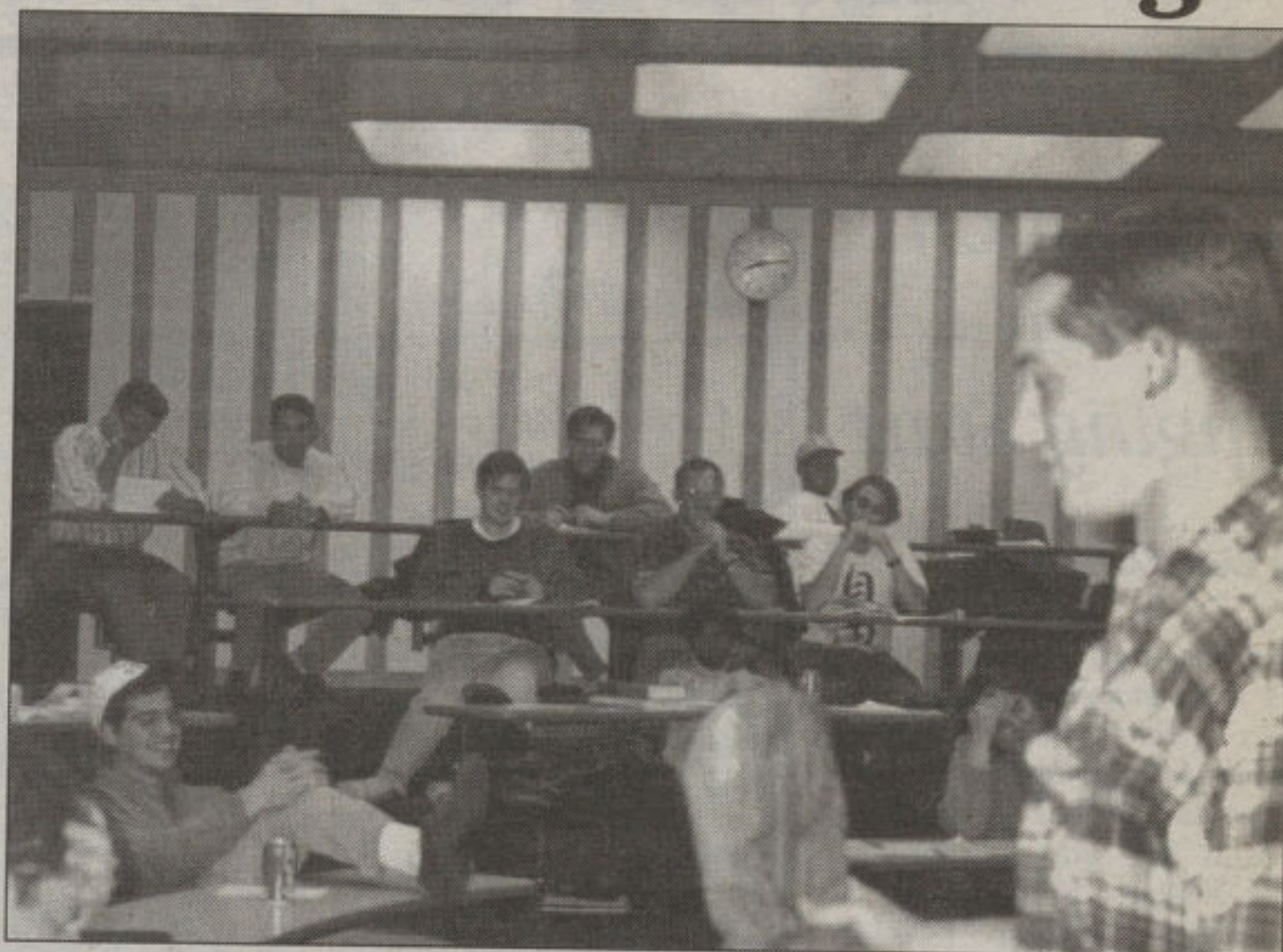
"I think that we should all be able to get along and get together on most of our issues," he said. "So, while on the one hand I'm happy, on the other hand, I'm very upset that we have been so divided. We should come together, because we're all good people."

During a recess in the meeting, members of the oppos-

ing camps attempted to negotiate a compromise. Their discussions resulted in a proposal to strike the \$25 per week resolution and replace it with a \$100 purchase of beer and non-alcoholic beverages for an all-law school party to be held within one month. Any excess beverages from the party were to be consumed at LSC meetings. The compromise amendment failed on a vote.

Kit Ekman '95, LSC secretary and Monster Truck member, accused Growney of "selling out" because Growney voted for the compromise

"This issue sucks," said one LSC representative.



LSC members look on as Bill Growney '95 prepares to bang his boot on a table to express his support for providing beer at LSC meetings.

amendment. In another instance of conflict within the Monster Truck Coalition, Joe Ditkoff '96 said he was disturbed by the "crush the opposition mentality" that had been adopted by both sides on the beer issue. Ditkoff said that the issue underlying the beer resolution was that people on LSC take themselves too seriously and forget that their purpose is to lobby the administration. Ditkoff said that he was ashamed of the Coalition because some of its leaders seemed to be taking themselves too seriously.

Some members of the Council also expressed frustration with Mainigi's use of parliamentary procedure. "The president seems to apply the rules of order at her leisure," said Brian Yarnell '96. "It's a farce."

In other matters, the Council: voted down a proposed constitutional amendment that would have prohibited 3Ls from voting in the spring elections; approved public posting of attendance of LSC members; and postponed approval of student members of faculty committees for one week because some LSC members objected to the candidates suggested by Vice President Chantal Thomas '95 and Mainigi.

Other matters currently under consideration by the Council are: coin machines; registration reform, faculty diversity, reform of the grading system; and the possibility of renting buses equipped with kegs for 1Ls to go trick or treating at their professors' homes.

Ogletree Loses Appeal of Gotti Conviction

By Greg Stohr

Certainly, John Gotti would not have been Prof. Charles Ogletree's first choice for a client.

But when Ogletree '78 received a call from a colleague asking him to help represent the alleged mafia boss, the HLS professor decided that the constitutional issues at stake were too important for him to refuse the case.

So Ogletree argued Gotti's appeal of his conviction on murder and racketeering charges before the 2nd Circuit in New York this summer. And even though in a unanimous opinion released by the court last Friday, Gotti's appeal was rejected, Ogletree says he feels good about his decision.

"If you [weaken] the constitutional protections of John Gotti, you undermine the most important and valuable principles of our Constitution," he said.

Ogletree argued that Gotti's constitutional rights were violated in several respects. He said Gotti was deprived of the right to counsel of his choice when the trial court disqualified his longtime lawyer Bruce Cutler on the grounds that Cutler might be called as a witness for the prosecution (although in the end Cutler was not called). Ogletree argued that Gotti should at least have been allowed the opportunity to waive his objection to a potential conflict of interest.



Prof. Charles Ogletree '78, during a rare moment of relaxation.

Gotti's rights were also violated through the use of an anonymous and sequestered jury, Ogletree said. He also argued that Gotti's lawyers at trial were improperly prevented from cross-examining the prosecution's key witness, a man who admitted to taking part in at least 19 murders, on several key issues, including the witness' credibility. Finally, Ogletree said the trial judge erred in allowing an FBI agent to testify as an expert on the structure of organized crime.

"The combination of all of those issues led me to believe that our constitutional principles of a fair trial were sacrificed in an effort to convict John Gotti," he said.

Ogletree said he originally turned down the request, made by Albert Krieger, a longtime volunteer instructor

in the Trial Advocacy Workshop run by Ogletree, but later changed his mind when Krieger convinced him to focus on the case as one of civil rights. He said the tough decision he faced "symbolizes the important and difficult choices you have to make" as a lawyer.

"Everyone would denounce the conduct allegedly committed by John Gotti," he said. "I hope that students confronted with similar difficulties see beyond their personal views to the greater good of providing representation to even the most unpopular members of our society."

Ogletree said the Gotti defense team had not yet decided whether to pursue further appeals.

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Class of 1995

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The Charles Hotel
Rodger/Stratton Room

Thursday, October 21, 1993
8:30 p.m. to 10:30 p.m.
(casual attire acceptable)

Info: 415-979-2557

On-Campus interviewing will also be held on the
following days:

Los Angeles office - Thursday, October 21

Palo Alto office - Thursday, October 21

San Diego office - Thursday, October 21

San Francisco office - Thursday, October 21 and
Friday, October 22

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Some Job-Search Resources are More Helpful than Others

By Jeff Bucholtz

Thanks to the efforts of a group of current 3Ls and Class of '93 graduates, students looking for law firm jobs this fall have a new resource to add to their information arsenal. *The Insider's Guide to Law Firms*, written and compiled entirely by HLS students, provides descriptions of over 200 firms in 12 cities.

In addition to practice areas and vital statistics, the *Guide* offers insight into each firm's work atmosphere, management style, financial status, and religious, ethnic, and racial diversity. Editors-in-chief Sheila Malkani '93 and Michael Walsh '93 explain that they intended to help people distinguish

among firms in order to identify their "ideal law firm."

Beginning her job search last year with materials prepared by the firms, Malkani became exasperated with the similarity of the descriptions and the lack of real information in firm resumes. "All these firms look alike — I'm sick of hear-

ing about 'collegial' firm atmospheres," she recalls lamenting. So, the *Insider's Guide* was born.

In keeping with the editors' original inspiration, the guide supplies anecdotal details and unscientific evaluations of firm cultures, attorneys' political orientations, dress ("One partner sports a pony-tail and others wear cowboy boots."), and social lives ("you drink until you boot").

Many students seem to appreciate the *Insider's Guide's* treatment of important questions not addressed by firm literature. Patrick O'Connor '95 likes "the inside dope that really gives you a sense of what the firm is like." Dave Feinberg '95 praises the *Insider's Guide* for "helping you figure out how much of a sweat-shop the firm is and whether the associates have lives."

Zion Shohet '95 termed the *Insider's Guide* "helpful" and said that "most firms I've talked to have said their portrayal is pretty accurate, except that Davis, Polk laughed at the part about the lawyers wearing 'funky' clothes."

"The reaction has been very positive,"

according to June Thompson, director of the Office of Career Services (OCS). "Students bought up all the copies we had and have been ordering it by mail, too." Thompson advises against "using the *Guide* as your only resource" (as do the *Insider's Guide's* editors), but she believes that "in conjunction with other information like student evaluations, it can be valuable."

Thompson describes the *Insider's Guide* as "a thorough job, the product of a lot of hours." "I haven't heard any firms complain about it, and I think they appreciate that it's a balanced picture, not a hatchet job," she said.

Another resource that recently arrived at OCS is the *American Lawyer* "Summer Associate Survey 1993," based on surveys distributed last summer to 4507 summer associates in 216 of the nation's largest firms.

The magazine ranks firms in such categories as interest of work, quality of training, overall experience, and whether summer associates would accept permanent offers. The issue also provides brief excerpts from respondents' comments.

Thompson observes that since students have picked up "hundreds" of the free magazines from OCS, "it seems like people like to read them." However, she recommends taking the summer associ-

The Insider's Guide to Law Firms, written and compiled entirely by HLS students, provides descriptions of over 200 firms in 12 cities.

Marshaling In Early Support

By Lisa Zornberg

For some 3Ls, entrance into the "real world" is a dreary prospect looming too close. For others, the June day when they will bid farewell to the hallowed halls of Austin can't come soon enough. But for the four class marshals who are off to an early start this year, priority number one is making the next eight months a fun-filled road that will foster greater class cohesiveness by graduation.

"Traditionally, the class marshals focused on the end-of-the-year exercises, especially commencement," said Marshal Hunter Bates '94, who will deliver the Class Day address. "But we all felt that to go out with the proper fanfare we had to start early."

Marshal Alex Acosta '94 agreed that a strong emphasis "on getting things done early" is key. "Third-years are spending less and less time on campus, and see each other less frequently," he said. "Hopefully, through these events they can get to know each other and build some level of class spirit."

Said Marshal Julie Lythcott-Haims '94: "We only have a year and we want to do it right from the start. It's now or never kind of stuff."

The October lineup features a slew of events, including last night's "pub night" at the Hong Kong and an upcoming Head of the Charles celebration billed as "Well, we're not the Biz School, but it doesn't mean we can't have a good time!"

Yesterday the marshals also sponsored what may have been the first wine tasting ever held in the Hark. Typically, commemorative bottles of red and white

wine sold to HLS grads are selected by the liquor store. This year, however, students themselves will choose, said Marshal Steve Weinstein '94, who added that "picking a really good class booze" is high on his agenda.

The marshals also plan to place wine

event when you don't know each other."

Ideas still in the works include class t-shirts, a graduation formal, and an end-of-the-year "Harvard Yard Sale," at which 3Ls could hock their wares to 1Ls and 2Ls.

Class Day speaker selection also remains a top, if conventional, priority. Bates reported that so far he has received two speaker suggestions: Hulk Hogan and Tom Cruise. "Cruise has played so many Harvard law figures that students figure he might as well speak here," Bates said.

The marshals welcome additional speaker suggestions.

Remembering the Class of '94

Asked about their perceptions of the class as a whole, and their projections on how it will be remembered, Acosta described this year's graduates as "more tolerant of different views and better able to get along than prior classes I've seen here."

Bates responded that while "it's too early to say, my sense is that we are a class that came in at a time of real turmoil and will go out in a much more peaceful and reasonable manner."

"We work together instead of waging war," he said.

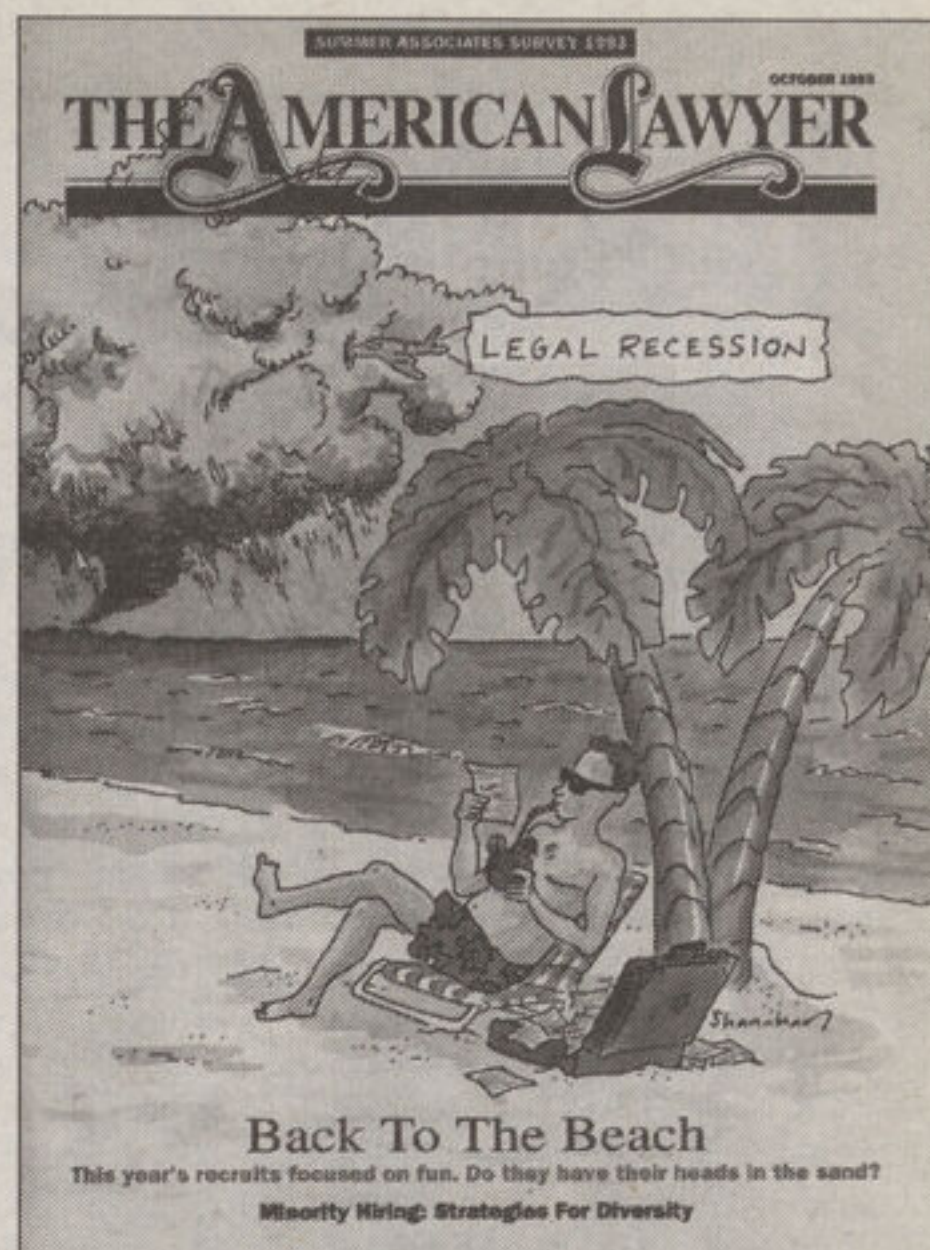
Lythcott-Haims remained more skeptical. Describing the Class of '94 with words like "split" and "factious," she said that "political and social issues have divided people or naturally kept them apart." However, she noted that this year's marshals reflect a diversity of backgrounds and interests, and said "the four class marshals would like to transcend those barriers."



Class of '94 Marshals Hunter Bates, Alex Acosta, and Julie Lythcott-Haims stuff 3L Harkboxes with information about upcoming events.

orders this month, so that students will have their bottles in time for gift-giving this holiday season. Previous classes have bought wine in the spring.

Just as important as fostering class spirit early is the need for the marshals to start working as a team, said Lythcott-Haims. "It's hard to put together a major



The American Lawyer's summer associate survey is one of the more popular sources for information about law firms.

ate survey "with some skepticism, certainly not as a definitive scientific survey," citing in particular the low response rate (about 57 percent).

Some students are less diplomatic in their comments about the *American Lawyer* survey. Feinberg criticizes it as a "cut and paste job of out-of-context remarks and meaningless ratings." Summing up the opinions of many students, Shohet called the survey "completely useless."

"You'd have to be stupid to put any faith in it," he said.

Lambda Blue Jeans Day

continued from JEANS, page 1

approaching someone wearing jeans for advice.

Lambda member Brad Sears '95 said that the heterosexual confusion produced by the posters advertising the event furthered the event's goals.

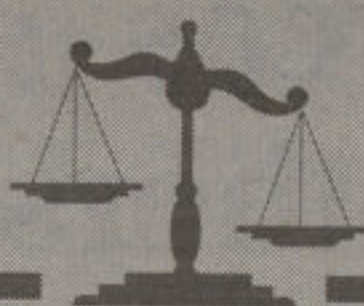
"It's supposed to heighten issues of identity, which are not just for gays and lesbians," Sears said.

"It's supposed to heighten issues of identity, which are not just for gays and lesbians," Sears said heterosexuals could also show their support by wearing the pink triangle pins.

Although Monday was National Coming Out Day, held every October 11 in commemoration of the first gay and lesbian march on Washington on October 11, 1987, Lambda chose Wednesday as Blue Jeans Day because 1Ls had no classes on Monday.

This past week was also National Coming Out Week. Other events at the Law School included sexual orientation discussion groups meeting in the dorms Wednesday night, and a panel discussion Thursday night about being out in the legal profession.

BRIEFS



World AIDS Day Events Planned

In recognition of World Aids Day, held every year on December 1, Harvard-Radcliffe AIDS Education & Outreach is sponsoring a series of activities during the week of November 29 to December 3, which it has designated as AIDS Awareness Week.

Among the events already scheduled are a performance of "Wizard of AIDS," a Gospelfest, and a discussion with playwright Tony Kushner, author of *Angels in America*. Also planned are a forum on AIDS in Asia, an exhibition entitled "Sacred Condoms," and the Harvard AIDS Institute's annual AIDS Leadership Award ceremony.

Members of the Harvard community are not only encouraged to attend these events, but also are being encouraged to host their own. The Office for the Arts at Harvard and Radcliffe is offering a grant for arts projects, including those addressing AIDS, that will primarily benefit undergraduates. Further information can be obtained by calling the Office for the Arts at 495-8676.

In addition, the Harvard University Art Museum is offering grants and performance space for dance, theater, music, film/video performance pieces, and temporary art installations on personal or social responses to AIDS. The grants range up to \$700, and the application deadline is today. Call Marian Myszkowski at 495-4541 for details.

Space is available for holding these and other events by calling Laura Tewksbury at the Office for the Arts at 495-8676. To arrange for the listing of any events in the University's World AIDS calendar, call Tim Winslow at 495-0478 by November 3.

HLS Alums on Both Sides of Exxon Suit

While the clean-up and third-party suits arising from the 1989 Exxon Valdez oil spill are concluding, the battle over who will foot the \$3.5 billion bill is only beginning, and HLS graduates are leading the attack on both sides.

The debate centers around three insurance policies purchased by Exxon from an insurance pool headed by Lloyd's of London. According to Richard W. Palmer '88, counsel for Lloyd's, the policies specifically excluded pollution protection for tankers like the Valdez; these tankers were allegedly covered by the International Tanker Indemnity Association.

Exxon, represented by Houston attorney Richard B. Miller '52, contends that the Exxon Corporation was the entity covered by the Indemnity Association policy and that Exxon Shipping Company, a subsidiary of the Exxon Corporation, was the entity bringing its claims as the owner of the ship.

At immediate issue is an \$850 million insurance policy, as well as approximately \$150 million in exemplary damages, interest, attorney's fees and other costs being claimed by Exxon. The case is expected to have a vast impact on the degree of exposure of insurers and the availability and cost of marine insurance.

Miller has successfully defended the Tesoro Petroleum Corporation in an \$800 million securities fraud trial, although he is better known for his unsuccessful defense of Texaco against Pennzoil's claim of interfering with its planned merger with the Getty Oil Company. Palmer, a principal at the Philadelphia firm of Palmer, Biezup & Henderson, is a past president of the Maritime Law Association. Should the suit come to trial, Palmer will argue the case for the insurance pool.

—from the New York Times

Exhibit Halted By MacKinnon Reinstalled

A video-and-photography show prepared last year for a University of Michigan Law School conference is scheduled to be reinstalled and displayed at the school today and Saturday as a result of a settlement reached last spring.

The show, entitled "Porn'im'age'ry: Picturing Prostitutes," was commissioned by the Michigan Journal of Gender and Law as a counter to the viewpoints of anti-pornography feminists as part of a conference on prostitution last year. The exhibit was pared down at the request of keynote speaker and Michigan Law Professor Catharine MacKinnon, sparking exhibition curator Carol Jacobsen to file suit with the help of the ACLU.

The settlement reached between the ACLU and the law school provided for the reinstallation of the show, reimbursement for the artists' associated expenses, and a conference to discuss the incident. Although the conference has already been planned, law school Dean Lee Bollinger has allegedly not insured the show or provided adequate security. Jacobsen has also claimed that the law school has not paid the \$7,000 cost for reinstalling the show. Bollinger told the *New York Times* that the artists' demands were extravagant.

—from the Boston Phoenix

Legal Services Center Open House Today

Dean Clark, Professor Bellow '60, and the staff of the Hale and Dorr Legal Services Center are sponsoring an open house for the HLS community today from 2:00 to 4:00 PM at the center's new building located at 122 Boylston Street in Jamaica Plain. The open house will provide faculty, staff, and students an opportunity to tour the building, learn about the center's programs, and meet the staff and students working there.

Shuttle buses will leave the Law School at 1:30, 2:00, and 2:45 to bring people to the center and will return to HLS at 4:00.

Blowin' in the Wind



Gusts of cold air and leaves turning colors herald the onset of Autumn.

Career Services Provides Emergency Child Care for Interviewing Parents

By Lisa Zornberg

For job-seeking students who have enough trouble scheduling interviews around classes and social engagements, the thought of worrying about who is watching your child as you trot from the Charles to the Sheraton might seem like a nightmare. But fortunately for the HLS students who face this parenting reality, the Office of Career Services has offered emergency child care during the on-campus interviewing season.

Students who find themselves in a bind when babysitting arrangements fall through at the last minute can leave their children with the office staff while they interview, said June Thompson, who directs OCS and began providing the service four years ago.

"We used to offer the same service to students with dogs," Thompson said. Under the new HLS dog policy, however,

students are prohibited from bringing their dogs into Law School buildings.

The child care service, announced in last week's *Advisor*, struck many students as an uncharacteristic display of geniality by the Law School administration. "It sounds much more hospitable than most administrative efforts in general," said John Kingston '94, who, along with his seven month-old daughter Caitlin, appreciates the offer. "This is distinctly different from the hard-edged bureaucracy that's more expected here."

Bill Baumgartner '94, who hadn't been aware of the service, expressed similar satisfaction. "It sounds great, except that I don't have to interview," he said. Baumgartner, who is an officer of the US Coast Guard, received a paid-for Law

School education in exchange for five years of service upon graduation. "I've never had an interview in my life," he added, "but I would hate to think what they would be like [without the kind of child care assistance offered by OCS]."

Baumgartner has a two-and-a-half-year-old daughter, and expects the birth of his second child in approximately two weeks.

Although OCS's offer to student-parents is much appreciated, it probably will be infrequently accepted. "People with

children seem pretty well organized," said Thompson, who indicated that, last year, students left their children at OCS on only two or three occasions. None of the students interviewed by the RECORD anticipated needing the service.

But student-parents agreed that what is important is not how often they utilize the child-care service, but that the administration recognizes that law school presents different experiences and

obstacles to students with children. Balancing the demands of child rearing with attending school full-time can be a frustrating task, requiring the "juggling of time and energy," said Dan Myers '94, whose daughter Roxanna is 16 months old. "I'm always either studying or with my daughter, and either way I feel I should be doing more of the other."

For Eric Pearson '94, whose daughter is almost one year old, "it's a big time commitment, but in a lot of ways I think there are advantages to having children while in school." Pearson said parenting while at HLS has given him a perspective different from most students. "Sure, it takes you away from studying," he said, "but maybe you wouldn't spend that time studying anyway."

The child care service struck many students as an uncharacteristic display of geniality by the Law School administration.

The Bradys Come to Boston

By Michael Tenenbaum '94

Here's the story of a show named Brady. And a national tour, "The Real Live Brady Bunch," has now brought the legendary TV sitcom to a Boston stage through November 7th. Each week a cast of adult actors, unfailing in their verisimilitude and homage to the original, revives one of the 117 episodes from America's "vast wasteland" of syndication. The results are often hilarious.

Carrie Aizley carried the "Silver Platters" remake as Jan, the young Brady whose misunderstanding with a department-store clerk requires the gang to perform on a televised talent competition in order to raise money for their parents' anniversary gift.

Although the entire cast earns laughs throughout, Jan leads the lot with her rendition of the weebegone but sympathetic middle child, as she must in this week's episode, "Her Sister's Shadow." (See also "The Subject Was Noses," 10/20 — 10/26; "Don't Play Ball in the House," 10/27 — 11/2; and "Her Sister's Shadow," again, 11/3 — 11/7, all subject to change.)

"The Real Live Game Show," which precedes "The Real Live Brady Bunch," primes audiences for the evening's inanity. Jeff Jeffries fulfills creator Eric Waddell's dream of hosting a game show, drawing contestants from the audience who compete for prizes supplied by area businesses, including, of course, a *brand new car*. Kudos to the keyboard musician, who skillfully injects his wit, the laugh track, and other sound effects, making him, at times, the funniest guy on stage.

Complete the evening with a nostalgic glance through catalogue of the '70s Preservation Society (800-933-1973): You may want to order lava lamps, posters, and musical compilations from that magic decade.

General admission tickets

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"The Real Live Brady Bunch" and "The Real Live Game Show" are at the Charles Playhouse through November 7th. Performances are Sundays and Tuesdays through Thursdays at 8PM, with two shows on Fridays and Saturdays, at 7PM and 10PM. Tickets are \$20 - \$24, available at the Charles Playhouse box office or through TicketPro outlets at (617) 931-3100. Groups, call (617) 482-6574. The Charles Playhouse is at 74 Warrenton Street in Boston.

On the Town

ANNOUNCEMENT

On Monday, October 18 in Austin East at 7PM, the Battered Women's Advocacy Project will host Lois Kantor, director of Northeastern Law School's Domestic Violence Clinic. Kantor will speak on "Community-Based Advocacy: Alternative Tactics in the Fight Against Abuse." Kantor is a local legend among people fighting against domestic violence in Boston and has worked in the past with HLS's own Legal Aid Bureau. She will discuss her work to fight domestic violence with unconventional tactics, such as intervention in places like hospital emergency rooms and police stations. BWAP members are especially urged to attend. Everyone is welcome.

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When Short is Sweet

Come to Me
By Amy Bloom
New York: Aaron Asher Books
177 pp.\$20/hardcover



By Mike Fischer '95

Book Review Editor

I've never much liked short stories, primarily because the number worth reading is so grossly disproportionate to the large number written. Perhaps the most difficult prose form to master, the short story ought to serve as a privileged vantage point allowing already accomplished novelists to show us what they've learned. Instead, it has become a genre within which would-be novelists cut their first teeth.

The consequence for the short story has been disastrous. Characters and their problems are assumed rather than developed. Image masquerades as style. The unexplained passes itself off as the unexplainable. The past has no substance, which means that the future has no meaning and the present has no texture. While this might work on MTV, it doesn't work for me. I wind up feeling like I do when I dine at Tapas: unsatisfied and hungry for more.

Hence I wasn't exactly panting at the prospect of reviewing Amy Bloom's collection of twelve short stories. But neither could I afford to ignore it. Any dust jacket that can round up enthusiastic endorsements from Alice Adams, Ursula LeGuin, Annie Dillard, and Dorothy Allison demands to be taken seriously. Two of the stories in the collection, "Love is Not a Pie" and "Silver Water," had been included in the *Best American Short Stories* volumes for 1991 and 1992, respectively. When *Come to Me* was nominated two weeks ago for the National Book Award, I capitulated. And I'm glad I did.

Not that this is a flawless collection — or even close. Some of Bloom's stories read like a parody of John Updike updated for the 1990s: suburban hell in an age of diminishing returns. The marriages don't work, and neither do the affairs. Everybody is unhappy, everybody knows they're unhappy, and nobody has the foggiest idea why, let alone what to do about it. Kind of like the Law School, and equally boring.

Take the story "Faultlines," for example. Henry, smelling of new money and an arrogance to match, has the hots for Mary, the smart and tough lawyer for his construction company. She is (naturally) blonde and beautiful; he is "the sexiest thing" Mary has "ever seen." Henry is married to Marie, a jealous wife and a great cook. Mary has been living for years with Nathan, a shy writer who loves her because she is smart rather than because she is beautiful.

I doubt I'm giving much away when I tell you that the story ends with Henry and Mary exchanging that first long wet one. What drives them to do so — what, besides pure lust, they could possibly have in common or want to share — is beyond me. Worse, it seems to be beyond the narrator as well, who, instead of offering an explanation, blithely informs us that "a perfect kiss, like a perfect beach, or a perfect diamond, is not so common in our lives that it can be ignored."

Maybe not, but this story certainly can be, and it is not alone. "Song of Solomon" and "Sleepwalking" contain equally unlikely couplings, the first between an obstetrician and one of his patients and the second between a mother and her stepson. One can readily imagine such pairings in the abstract; they are, in fact, fiction staples. But there is nothing in Bloom's specific characters to make such pairings plausible or to explain the impulses driving them.

These stories are predictable and empty at the same time: We are, it seems, viewing skeletal outlines for novels or stories still unwritten. Reading them, I couldn't help wonder if Bloom had rushed their completion so that she might showcase other, better stories by publishing this initial collection.

Blissfully, however, some of those other stories are so good that they don't need a showcase. "Silver Water" is not just a deserved entry in 1992's *Best* volume, but one of the best short stories I have read in many years. Closing a triptych of stories of which it is by far the best, "Silver Water" traces the young Rose Silverstein's terrifying descent into madness. Using Rose's sister Violet as a narrator, "Silver Water" masterfully contrasts the darkness gathering rapidly around Rose with the light it paradoxically sheds on the Silversteins, themselves all a little mad and fending off private demons of their own.

Since Bloom is a psychotherapist when she isn't moonlighting as a budding writing talent, it is hardly surprising that almost all of the stories in *Come to Me* are especially attuned to such demons and the powerful desires they both express and unleash. All of Bloom's characters are unsatisfied living in their distinctly 1990s world, where love is more a job than an adventure and where both people and things are reduced to possessions rather than cherished as treasures. But some of these characters and the best of these stories have the courage to live out their impassioned and inexorable yearning for a better world and richer relationships.

Or at least they have the courage to try. In the moving "Semper Fidelis," a twenty-eight-year-old woman tries to rekindle her love for her dying sixty-year-old husband so that she might convince herself, her husband, and us that their decade together was bigger and better than all the winks and nods about December marrying May could ever imagine.

In "When the Year Grows Old," Laura, the perfect suburban wife, begins living in the basement and communing with seventeenth-century poet Anne Finch, whose own longing for a refuge "that the world may ne'er invade" parallels Laura's dream of a room of her own in the large house filled by her husband's even larger ego.

Such rooms are especially rare in the house of fiction. And in only one of Bloom's stories does such an alternative space retain its integrity against the conformists who associate the possible with the actual. Bloom's stories don't blink at the obstacles separating humanity from paradise regained, and she doesn't seem interested in writing utopian fiction.

But this is precisely what makes the best stories in *Come to Me* so poignant, in the way that defeat often can be: No matter how many times its characters lose — even as we know they will lose — they continue to play the game. To cherish their small victories. To rediscover — as you will too in watching these short stories grow large inside you — why short and small can be so very sweet and so incredibly beautiful.

Three Cheers For Mr. Jordan

By Bill O'Dowd '94

RECORD Sports Editor



I respect Michael Jordan's decision to leave basketball. I applaud the courage he displayed in walking away at the pinnacle of his career. And I wish I could strangle all the obnoxious critics of his retirement.

People around campus have told me that he'll return. Why should he come back? Only the truly ignorant have said "for the money." His Airness makes more in endorsements than any other two athletes combined, somewhere around \$25 million per year. Furthermore, it is my understanding that Jordan's endorsement contracts with Nike, McDonald's, and Gatorade run for the next 10 years regardless of whether Jordan plays basketball or not! With that type of money, Jordan could rename all of HLS, *a la* Donald Trump (Michael Jordan Law Library, Michael Jordan Gym — of course, he probably wouldn't want to put his name on the Gropius buildings).

Some say that he will regret leaving the spotlight. I don't think so. The media create the spotlight and Jordan is not a big fan of the media at this point in his life.

Let's face it. The job of a sports reporter is to write about sports in a manner which sells newspapers (never thought I'd admit to that one in this column). Nobody buys one sports page over another because one better describes the games it reports. One capsule summary of a Red Sox game, for example, is pretty much the same as any other ("they stink" with a box score). Sports pages are praised or admonished, and develop a following, based on their ability to provide commentary and generate "scoops."

Unfortunately, the quest to trump the competitor often leads to the printing of wild speculation and unfounded rumor. Perhaps Michael Jordan is the victim of a classic example of such journalism. After Jordan's father was found murdered in South Carolina, I must have read 10 sports columns which pondered whether it was a "professional hit" by the Mafia to "encourage" Michael to repay gambling debts. But there was not, and is not, any information to support such conjecture.

Yes, Michael Jordan went to Atlantic City with his father one night before a playoff game against the Knicks.

Yes, Michael Jordan has bet on golf games. Yet, there has never been any positive proof to link Michael Jordan's gambling to the death of his father.

Such open speculation by the part of the media goes beyond bad detective work. It recklessly, and callously, directs blame for the loss of a parent at Michael Jordan personally. To add salt to the wound, journalists, as a group, were unapologetic for their wild abandon in covering this "story" after mud was thrown in their face by the police who publicly stated that Michael Jordan's gambling had nothing to do with his father's death.

One sports writer, in a story picked up by the Associated Press, defended the speculation, stating that it was not only the media's right but its duty to print all possible "angles." He hoped that such "responsible" reporting would lead Michael Jordan to seek help for his gambling problem. Can you imagine?

The problem is we can't. We can't imagine what it must be like to be Michael Jordan for even one day. We can't imagine what it must be like to have the national media follow your every move, speculate about every part of your private life, and leave you no privacy whatsoever. Controversy sells newspapers. Jordan does not create controversy on the court. Thus, the media searches for, or creates, controversy in Jordan's private life. Who needs that?

Will Jordan miss the competition? I am sure he will. He'll admit to as much. Michael Jordan is nothing if not a competitor. But when you have accomplished as much as can be done at the highest level of competition, what is there left to do? At what point is the drive to reach a personal goal overcome by the desire to protect yourself, and your family, from the burning rays of the spotlight? Perhaps when there are no more goals to reach.

Good-bye Michael. I will miss you. But I hope you never come back. For your sake.

**Unfortunately,
the quest to
trump the
competitor often
leads to the
printing of wild
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Once In a Lifetime

By Rob Rader '94

RECORD Columnist

DAZED and Confused is a pretty good flick. Though it's not as good as Richard Linklater's first film, *Slacker*, there are similarities. The main resemblance is they both cost me over \$7 to see. *Dazed and Confused*, however, has slightly more plot (about 40% more), although it often just wandered around, too. Basically, in the tradition of *American Graffiti*, the movie follows a

I've made something alright. I've made a mess — a mess of my life. (Incidentally, I've also made a mess of this "movie review." Of course, messing up a movie review only aggravates Lisa Zornberg, whereas no one cares if I mess up my life.)

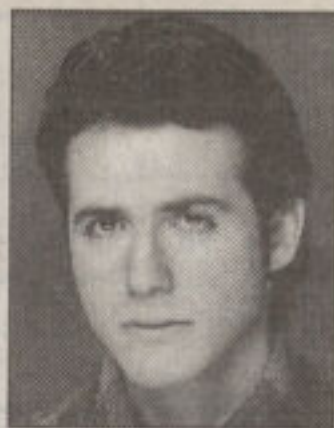
HLS is a (law) school of fish; any shift in the current sends us all in the same direction. I've spent so much time chasing the brass nose ring of life, I no longer know *why* I'm chasing it. Maybe it's chasing me.

Similarly, in *Dazed and Confused*, the protagonist must choose between being the football team's starting quarterback and signing an anti-drug pledge or being free. Notwithstanding the

fact that I came about as close to playing high school football as I did to winning the Nobel Prize for Medicine, the choice is a symbolic one we all face: between going along with what everyone else is doing or going your own way.

In law school, I've tried to go my own way. But it's not easy. Students at HLS are so focused on their narrow vision of success that any challenge to this "vision" is extremely threatening. If you suggest that the hamster wheel of law school is an absurd farce, people get all defensive and start explaining how important the law really is. That exciting conversation barely edges Annie Bombard's lecture on credit requirements. (Nor is so-called "public interest" different. They just pay with a "holier-than-thou" attitude rather than cash. Frankly, you can buy more groceries with cash . . . except at Sage's which does take "holier-than-thou"-ness as payment.)

Any pseudo-rebellion is immediately put down here. For example, I play loud music in my dorm à la *Pump Up the Volume* (which I saw last week at the Brattle, incidentally). For three years, people have complained about this. Frankly, I



bunch of high-school kids for a day. These kids confront the oh-so-weighty questions that have constantly plagued young people throughout the ages from *The Graduate* to *Fast Times at Ridgemont High*. What will I do with my life? How will I fit in? Am I gonna get laid this weekend?

Although one might tire of the coming-of-age genre, this particular film has more relevance to law school. Will the kids become cogs in the wheels of society or will they become their own persons, searching for kicks in their own way? Order or Chaos? Conform or Individualize? Thus, *Dazed and Confused* is extremely timely at this dreaded time of year — interview season.

Every day, I walk to the Charles Hotel dressed up in a suit to tell some firm how much I want to bill 3,000 hours a year and spend the rest of my youth in a cramped law office (with a plant if I'm lucky). In the lobby, dozens of my "fellows" sit, dressed in near-identical blue and gray suits, each looking like Bozo the Legal Process Clown and all as prepared as I am to lie to interviewers. "No, I don't mind waiting another minute." "Well, I

***Dazed and Confused* is extremely timely at this dreaded time of year — interview season.**

know I grew up in New York and went to school in New York and my family is in New York, but I've heard so many wonderful things about the opportunities in Omaha!" "Securities regulation is my life." "The rights of corporate America must be defended from greedy, powerful private individuals."

Plus, I've learned to ask insightful questions. "Now that you've laid off 70% of your associates, do you think you might begin hiring again?" "Can I expect a lot of meaningless feedback from partners on my 'work product'?" "I'm really insecure and need a lot of attention." "How much weight do you put on grades, given that we all know they're random and that I got a 'C-' in Civil Procedure?"

Like the kids in *Dazed and Confused*, I'm getting knocked for a cognitive dissonance loop. Should I choose safety in numbers and run lemming-like to the nearest law firm that offers me \$70,000 a year? Or, should I hold out for something I really want to do? Like bitching and moaning about *not* making \$70,000 a year? Can I stand the risk? After all these years of playing it safe — in high school, college, law school — like everyone here, can I even *imagine* doing something where the rewards aren't sure? How many rhetorical questions can I string together in one paragraph? How many roads must a man walk down before you call him a man?

Everyone in my family has told me at least a million times how I've "made" it.

don't care. Whose right is more important: theirs to study Contracts for half an hour or mine to try to shock my nervous system into believing that I'm actually alive and not dead in some mausoleum.

That is what *Dazed and Confused* is about. If I give in and turn down my music, then I've bought into the argument that studying is more important than living. For many here, that may be true. And, recalling the countless opportunities I've passed up in order to study Contracts, the numerous gratifications I've deferred, I fear it's true for me, too. But, I'm desperate *not* to believe that. So I play my music loud as a symbolic protest, more to myself than anyone else, perhaps. And, like all symbolic protests, people tell me it's worthless. Yeah, like parole evidence is so worthwhile.

So, while *Dazed and Confused* may not be the greatest movie of all time (or I could be wrong and it may), there's a lot to think about in it. But definitely *don't* go see this movie . . . at least until after you get your callbacks.

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Nothing Laosy About the Elephant Walk



By Ted Cohen '95 and Jonathan Goldstein '95

With all the woes occasioned by colonialism, it's refreshing to see something positive come out of the blending of two very different cultures. In a sense, **The Elephant Walk** (at 70 Union Square in Somerville) is two restaurants in one: a fine French bistro and an exotic Cambodian cafe. But the real pleasure of the place is in the overlap of the two: the point where lemongrass meets shallots, where mango meets mousse.

The combination of ultra-fresh ingredients, daring mixtures of spice and seasoning, and surprisingly reasonable prices for huge portions makes this hidden spot well worth finding.

If the restaurant has a weakness it is the slightly undecided look of the place. With its classical Asian-style chairs and bamboo tables, the entrance-hall-cum-bar/waiting-area has the feel of a French colonial gentlemen's club. But, upon crossing the exposed brick threshold into the dining room, the diner is suddenly backstage at a high-school play, where bare floors, exposed air ducts, and sunsets stenciled right on the cinderblock walls don't quite set a mood as much as they emphasize the absence of one. To its credit, however, the place is quiet and comfortable, with ample space between its tiled tables.

The ad-hoc look of The Elephant Walk may stem from the restaurant's fascinating history. Founders Kenthao and Longteine de Monteiro fled the Khmer Rouge at the fall of Phnom Penh in 1975, winding up in Paris. Failing to obtain refugee status in the US, they remained in France until 1990, running their own Cambodian restaurant in the Languedoc region. In August of 1991 the restaurant opened with the first full Cambodian menu in the Boston area, thereby filling a gap in the city's culinary scene.

And a major gap it was. After trying The Elephant Walk's Cambodian soups, it's hard to imagine not living within driving distance of them. The Somlah Machou (\$4.95), a rich fish-based stock full of tender shrimp and fresh tomatoes, is like an Asian mini-bouillabaisse, spiked with lemongrass and cayenne pepper. Better still is the S'ngao Mouan (\$4.95), a restorative broth of lemongrass, cilantro, scallions, and lime buoying a generous amount of chicken breast. Hot, sour, and sweet, this is soup to get drunk on.

Of appetizers from the Cambodian side of the menu, the Assiette de Rouleaux (\$7.50) is a real find. The dish consists of four kinds of spring rolls: the quickly fried, greaseless Rouleaux, stuffed with ground pork (or shitake mushrooms on request), peanuts, shredded carrot, and onion and wrapped in leaves of anise-like Asian basil and cool lettuce; the Meang Naim, a soft, unfried version of the Rouleaux, in which cilantro bites through the pungent, nutty taste of the pork; and the Vietnamese Bi Cuon, stogie-sized rolls stuffed with rice noodles, red pepper, shrimp, and Goi Cuon, with that delicious pork and crisp lettuce. These are dunked in either a thick, sweet, peanut paste, or Tuk Trey, an addictive marinade of fish sauce, vinegar, sugar and garlic. This is what spring rolls used to be before the advent of the Fry-o-Lator.

On the French side, there's an array of salads and appetizers. Look for old stalwarts like the Salade de Pecheur (\$6.75), Salade au Chevre Chaud (\$5.75), and — strangely, amongst all these fresh vegetables and seafood — the Pate Maison (\$6.50).

Easily one of the tastiest French entree choices is the Coquilles St. Jacques et Fondue de Tomates au Basilic (\$14.50), a circle of scallops delightfully seared to juicy perfection and heaped upon a basil-infused mound of potatoes, braised tomatoes, and whole roasted-garlic cloves. (Keep in mind that most of the French and Cambodian dishes may be ordered with veggie substitutes for flesh, at no great cost to the taste.)

Nevertheless, the more adventurous diner will want to head directly to the Eastern half of the menu. (Be sure to specify what level of spice you seek: hot is hotter than most Boston hots, so if you aren't the sort who enjoys a good nose-running, eye-tearing hot, the medium is recommended.)

Mee Siem (\$9.25) is the stand-by Cambodian dish, often likened to Pad Thai. But, with its thinner noodles and nutty undertone, Mee Siem is decidedly lighter and subtler than that Thai favorite. In any case, it's an excellent value, providing enough noodle, egg, and vegetables to feed a small family.

More interesting is Amok (\$11.50), which can only be described as an extremely elegant catfish hash: the delicate white fish is flavored with coconut milk, curry, and lemongrass, wrapped in a banana leaf, and then steamed. Scoop out the flesh and eat it over some fragrant jasmine rice.

For the boozers, The Elephant Walk has a wide range of both whites and reds of French and Californian extraction, fairly priced at \$15 to \$33. Especially nice is the opportunity to sample a variety of house choices by the glass. Beer goes best with the spicy dishes, and Trois Monts (\$9.50 for 3/4 liter) is a lusty Flanders-style blond beauty.

Unlike most Asian restaurants, The Elephant Walk is not a place to forgo dessert. The Pavé au Chocolat (\$4.50) will satiate you to your Euro core: This traditional, flourless chocolate wedge would make Julia Child proud, even without the accompanying vanilla ice cream and raspberry coulis.

Mousse à la Mangue (\$4.50) — that's mango mousse to you — is an ambitious experiment in which even the dense flavor of mango can't compete with all that butter. Have an espresso instead. (Note the teensy bit of orange rind on your demitasse spoon. Ah, those details.)

One final note: Even if these suggestions don't grab you, head over to The Elephant Walk anyway. The knowledgeable and friendly staff will make sure you don't leave unhappy.

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Harvard Law RECORD

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Think Before You Write

The Law School Council recently sent letters to Lani Guinier and Kim Crenshaw, two black women, inviting them to accept offers to come to Harvard Law School as visiting professors. But what happened, or didn't happen, when the Council decided to send these letters epitomizes everything that is wrong with the diversity movement at HLS.

The substance of the letters was beyond reproach: They simply encouraged two women of color to accept the School's offers. The letters also painted an accurate, though understated, picture of campus politics. "As you are well aware," the letters declared, "the issue of 'diversity' has played a prominent role in various levels of dialogue at Harvard Law School over the past several years."

But here's the rub. With few exceptions, the same Council members who approved the letters knew little or nothing about these women's backgrounds, scholarship, academic interests, or achievements. In short, they knew nothing more than the fact that they are both "women of color" before endorsing them to teach at the most prestigious law school in the country.

As I understand it, Vice-President Chantal Thomas made a motion asking for permission to write letters to Crenshaw and Guinier. After some discussion of the letters' proposed content, the Council voted to send the letters "as the general elected representative body of the students of" HLS. But nobody asked or answered the crucial questions: Why these two professors? Why would we be so lucky to have them here? And why, despite the fact that six of the eleven professors who currently hold outstanding offers to visit HLS are minorities or women, were only these two chosen for encouragement?

One Council member I spoke with after learning about what happened couldn't tell me a single detail about Crenshaw — except that she's "of color." And when I asked whether Crenshaw was black, Hispanic, Asian, or part of another minority group, this Council member couldn't answer. Yet this person had voted in favor of sending the letters. Apparently, being "of color" is enough.

This skin-deep approach to diversifying the faculty is shockingly superficial. But what is more disturbing is that it has been adopted by those clamoring the loudest for faculty diversification.

Moreover, this don't-ask-don't-investigate-don't-care method of recruiting law teachers represents a slap in the face to those women and minority professors who have spent their careers building professional identities. Now, their achievements are routinely reduced to an ethnic or gender category by their supposedly strongest supporters.

Don't get me wrong. I am not griping about the absence of Council debate concerning whether these particular women are qualified to teach at HLS. After all, the administration's job offers to Crenshaw and Guinier "certified" them competent. But I am troubled by the absence of any discussion about who they are, beyond their minority status. "Oh wait, She's black! Stop the inquiry!" "He's Latino — super, we can all drink free beer now."

Council members, as a group, have done something that suggests a desire merely for cosmetic change for change's sake. A struggle for diversity is intellectually bankrupt if its protagonists are willing, at any stage in the process, to be gratified by the addition of new faces whose minds and work they know nothing about.

While I fully concur in the Council's pronouncement that "diversity" refers not only to cultural difference, but also to the insight, sensitivity and experience which such difference brings to scholarship, I am frightened by the only conclusion one can draw from this dark episode in Council politics: Some students only concern themselves with the qualifications and character of minority and women law professors when the administration does not.

— Zornberg

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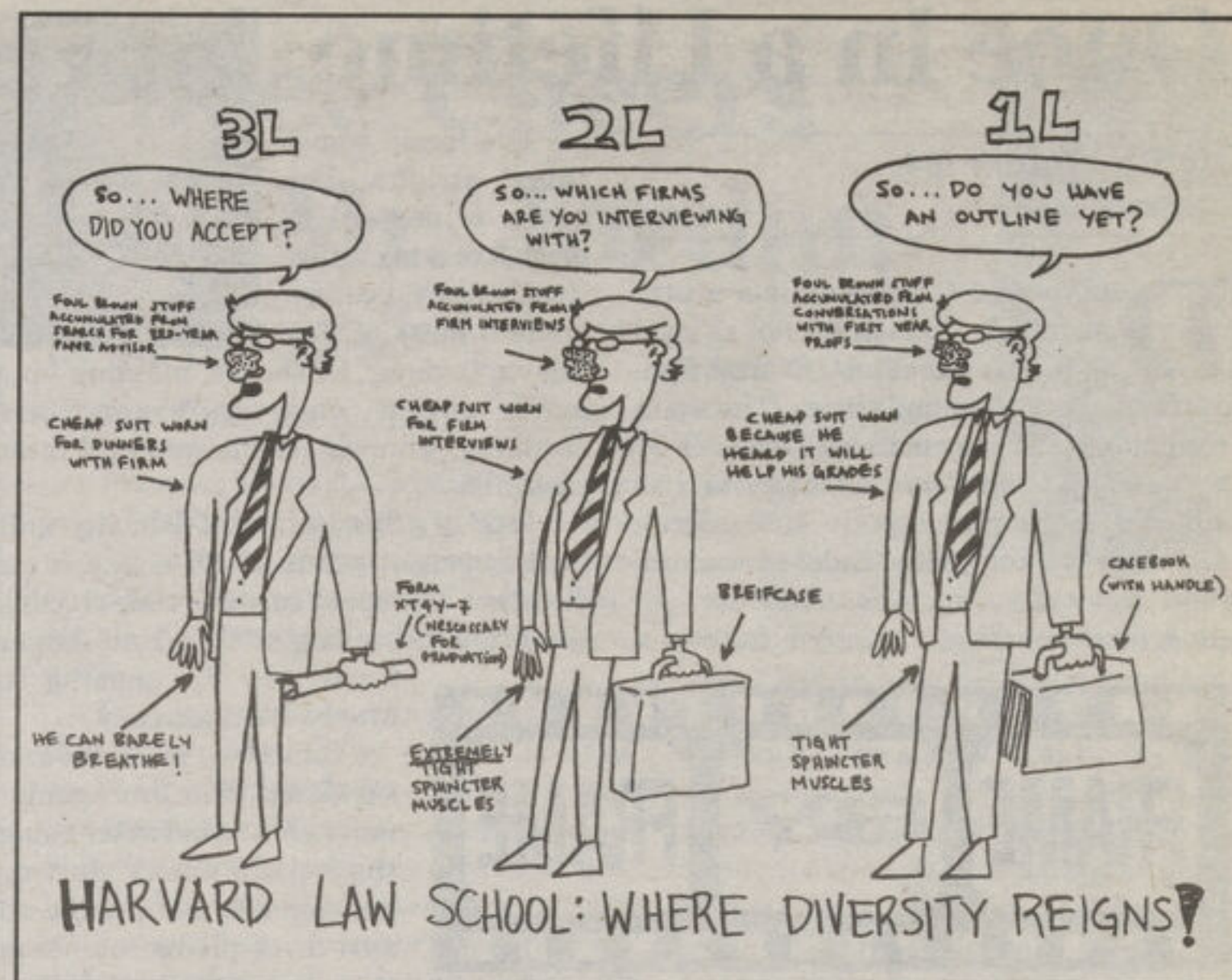
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—First Amendment, US Constitution



• Letters •

"Buffalo" Bill Bangs Boot for Beer

Let me tell you, my friends, of the events of days past and the dangers these events hold for the future.

On Monday, in an unprecedented demonstration of anal retentiveness, the Law School Council reversed its first real triumph and decided not to give you, the students, beer. We of the Monster Truck Coalition fought ardently on your behalf but a small band of communists led a vicious smear campaign and lured newly elected representatives to their selfish cause.

A great deal was said

about the cost of beer. First, the amount in question was so small as to be laughable. Second, which has never been disclosed to you, our constituents, was that one-third of this year's budget has been spent on copying costs to publicize such phenomenally unsuccessful events as the student faculty volleyball game or the sign-ups for ineffectual student-faculty committees. This waste of money is to blame for your sobriety.

If ever anyone was in dire need of a cold, relaxing beer, it is the Law School Council. If for some

reason, you, my fellow inmates, do not believe the anti-beer regime is as ridiculously self-righteous as some have claimed, then I invite you to the next meeting to witness their reveille. Of course, you'll have to bring your own refreshments, because thanks to the enemies of the people, the Law School Council will not be providing you with any.

Power to students!!!

'Buffalo' Bill Growney '95
Co-Founder and
Fitness Chairman,
Monster-Truck Coalition
October 13, 1993

O'Dowd's Column Drops the Ball

I am writing to respond to Bill O'Dowd's sports column last week ("College Football Season Climax in October?" October 8, 1993). Mr. O'Dowd's Floridophile biases evidently led him to write an entire column on one measly intra-state skirmish. While this game was of obvious importance, perceptive readers (such as myself) we left wondering whether Mr. O'Dowd had given us the full story.

A reader might be led to think that no other college football games of consequence, or no other sporting events at all, took place during the past

week. Nothing could be further from the truth. While Mr. O'Dowd was busy indulging in his microanalysis of the Miami-Florida State matchup, the titanic struggles of the National and American League baseball playoffs were unfolding. Which is to say nothing of the other classic college football confrontations last weekend, such as Michigan being upset by Michigan State and (in a game with major Rose Bowl implications) California blowing its lead against Washington in the final minutes.

And what of Mr.

O'Dowd's vaunted analysis of the Miami-Florida State showdown? The column studiously avoids predicting a winner, giving only a litany of arguments in favor of each team. Is Mr. O'Dowd afraid to go out on a limb?

Many readers of the RECORD (such as myself) look to Mr. O'Dowd as their primary source for penetrating commentary on the world of sports. It's too bad that this week, at least, he dropped the ball.

Oscar Barends '94
October 11, 1993

Write to us!

Letters to the Editor have been slow this year:
We know you're out there, and we know you care
— so take the time and scribble your thoughts
on a piece of paper.

Letters can be mailed or stuffed in Lisa
Zornberg's 3L Harkbox.

Discrimination at its Most Dangerous

By Clare Dalton, LL.M '73



IN 1987 I charged the Harvard Law School with gender discrimination when my bid for tenure was denied. The tenure vote had been very close, my sense of loss profound. Within the school, I had found good friends, inspiring and supporting colleagues and a lively and challenging intellectual community. Since 1981, when several young teachers, including me, had joined the faculty, there had been conflict over issues of diversity — not just concerning gender and race, but the accompanying diversity of perspective and intellectual approach. I became both a symbol and a target; as a woman, sometimes experimental in my scholarship, sometimes outspoken about institutional issues, I was at once the most vulnerable and the most threatening embodiment of change.

On Sept. 20, Harvard and I reached a settlement that brings closure to this painful chapter of my life. In my new home at Northeastern Law School, I have learned the invaluable lesson that institutional fit is a crucial ingredient of professional happiness. The settlement will finance Northeastern's work and mine with battered women and their families. It pleases me that Harvard's money will provide resources to women who suffer the most egregious kind of gender discrimination our society dishes out. I am grateful that I did not have to choose between a settlement and the freedom to talk and write about my experience. . . .

Those who opposed my tenure argued that my scholarship was inadequate and perhaps even dishonest. The fuel for their position was provided by an intensive critique written by a junior member of the tenured faculty. Its length was unparalleled in the history of tenure reviews at Harvard. So was its hostile tone. This critique was enough to defeat my tenure bid, even though no other specialist in the field either inside or outside the school endorsed it. Those who supported my candidacy argued that my file could not be considered the weakest of the six, and many of them suggested that only a combination of gender and ideological discrimination could explain the result. . . .

How was it that an isolated critique garnered the

votes of a substantial number of the faculty? To answer that question involves understanding the discomfort some faculty members plainly felt with their women colleagues, as well as their reservations about women's abilities and roles. It involves understanding concretely how that discomfort and those reservations translated into hiring and tenure decisions.

This was not, after all, the overtly misogynist and hostile kind of environment many gender discrimination cases describe. Our male colleagues were largely genteel. True, if women chose to sit together in the faculty dining room for lunch, more than one senior faculty member was likely to stop to ask, jovially, what kind of conspiracy was being hatched.

In faculty meetings, we had the experience of speaking, and having the conversation pick up where the last male speaker had left it, as if nothing had happened in between. Occasional adjectives seemed to betray underlying assumptions or stereotypes: This woman's writing was "charming," that one's teaching "skirted" the difficult issues, or failed to "thrust" hard enough. As these details accumulate, they may communicate an atmosphere, but each alone seems flimsy, trivial, open to competing interpretations.

So how do we reconcile the two stories? . . .

Let me sketch a portrait of an unconscious discriminator who finds himself opposing the tenure application of a junior woman colleague on the grounds that she does not meet the standard for promotion, and see if I can make the connections plausible. While this bears strong similarities to my experience, the discriminator's portrait is a composite, as is the portrait of the woman.

The discriminator, an older man, has certain expectations about women. . . . His expectations are based on his relationships with his wife, daughter, mother and secretary and have to do with their taking care of him, and making him feel good about himself. He doesn't have to reciprocate or initiate much in these relationships.

This woman colleague isn't like these other women in his life. He does find her attractive, but he can't court

her, as he did his wife — that would be inappropriate. So he doesn't suggest lunch. She doesn't teach in his field, so they don't have many substantive conversations. He is somewhat envious, and a little suspicious, of the easy relationships she seems to have with other men on the faculty. What kind of woman is she exactly?

There is nothing about her work that makes him feel good about himself. Most of her footnotes refer to authors he's never read. Sometimes she's critical of men he admires. . . . She didn't strike him as a good listener. She talked rather a lot. . . .

Then she came up for a promotion. In his mind she carried a high burden of proof. Her credentials weren't quite traditional. He wasn't an expert in her field, of course, and the outside reviewers seemed to like her stuff OK. But her field was so peripheral. Two of the six reviewers were women. One woman was particularly enthusiastic — her views he felt he had to ignore, or at least significantly discount; it seemed obvious to him that women would stick together. The other woman, on the other hand, was luke-warm, and

her opinion he definitely felt more inclined to respect.

Shortly before the faculty vote, Smith wrote something very negative for her file. Interesting that Smith would stick his neck out, really. It wasn't his field, either. But Smith had done a remarkably thorough job. He knew and liked Smith, and he felt, in reading Smith's evaluation, that Smith was helping him clarify and articulate his own doubts.

If this is at all an accurate picture of how discrimination works in academic institutions, there is much that is discouraging about it, and about how inaccessible is the layer of consciousness at which it operates. . . .

For the 1990s, we need decision-makers who understand the connections I have sought to trace here — between the blatant fact of disparate treatment, and the unconscious dynamics of discrimination, of which only traces appear on the surface of institutional life.

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How was it that an isolated critique garnered the votes of a substantial number of the faculty?

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By Paul Taylor



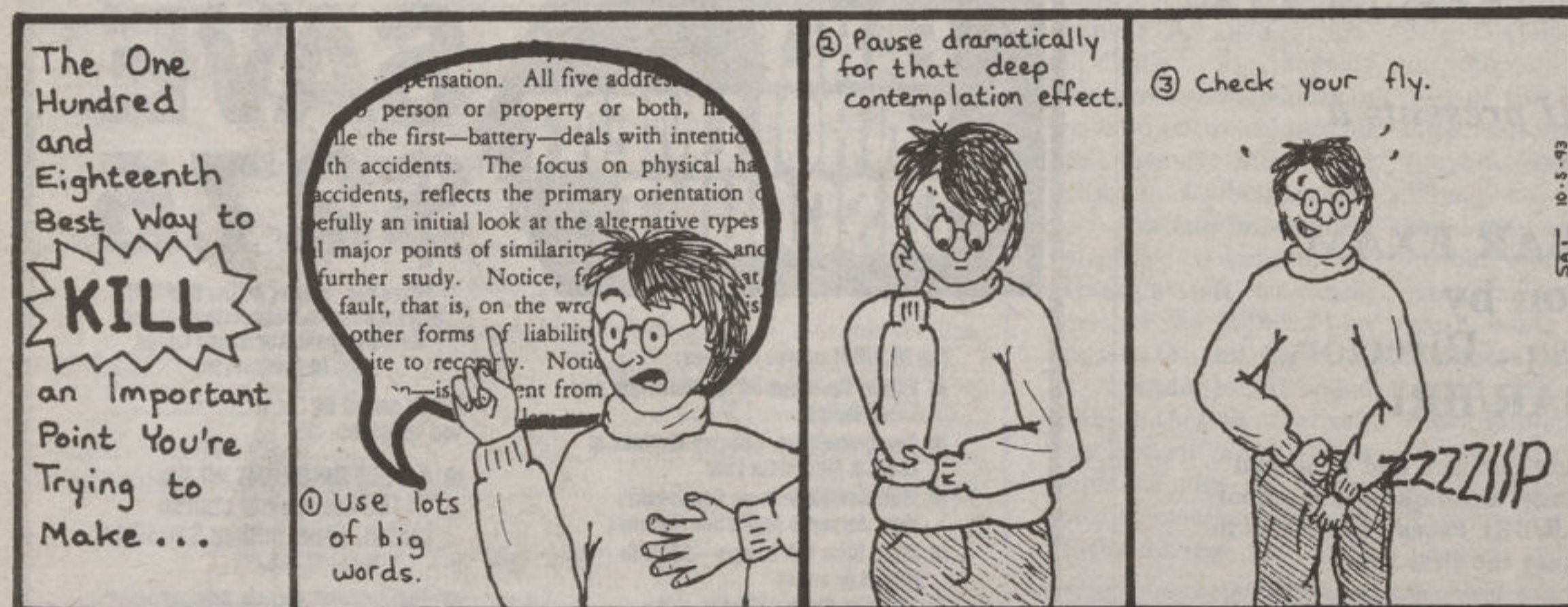
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Squid Pro Quo

A Periodic Question and Answer Column

If you have questions for the Squid, place them in the RECORD box in the Hark, by the Story exit.

Dear Squid:

I want to join a journal, but I am unable to read or write. I also have trouble understanding what's going on in class because I have no head.

Headless in Holmes

P.S.: My dog wrote this letter.
HH/woof

Dear Headless:

So you want to join a journal. Why not start your own? There's a real niche out there for the *Harvard Journal of Law and Pictograms* now that the *Georgetown Hooked on Phonics Law Journal* has defaulted. As for class, I'd recommend attending any of Roberto Unger's seminars. Nobody else has a clue what's going on despite the plethora of nine syllable words, and you could really get ahead.

Dear Squid:

I'm interested in pursuing a career in high finance. I currently have outstanding offers from Cravath, Swaine & Moore, a reputable New York law firm, and Legal Services for Catatonic Migrant Farmworkers with Astigmatism (LSCMFA), based out of Tempe, Arizona. Which do you think would be a more fulfilling career option?

Sincerely,
Jason Levine '94

Dear Jason:

After careful consideration, I would choose the LSCMFA. Those people really need help in restructuring their extensive portfolios now that the Bear market is threatening to reemerge.

Dear Squid:

I keep seeing these UFOs — flying saucers with flashing lights whizzing around the house. What should I do?

Confounded in Cambridge

Dear Confounded:

You stupid shit! That was just me and your brother Phil playing a game of Frisbee with that busted Simon game you've been keeping under the hutch since 1981. Don't worry about a thing.

Dear Squid:

In admiralty, does the Limitation of Liability Act constrain the imposition of punitive damages, given the fifty-state trend of admiralty jurisdiction usurping the application of federal and state common law, especially in light of *Hawkins v. McGee*?

Sincerely,
Another Guy without a Head

Dear Guy:
3?

Will-ful Ignorance

By Debra Dickerson '95
RECORD COLUMNIST



THE spent lovers lay tangled together in his candlelit dorm room. "Why Don't We Do It in the Road" replays continuously on the CD player he bought instead of textbooks. He whispers gently to her so his roommate in the top bunk won't wake up again.

"Buffy, darling. Was it good for you?"

"Oh Biff, muffinbuns. You were such a stud. You almost made me forget Daddy's gold card number."

"I'm so glad, Buffs."

"It's a shame I'm going to have to press charges."

"What?"

"Charges, pumpkintush. You didn't ask for and receive my verbal consent to move from Level 1, Heavy Petting Above the Clothing, to Level 2, Frantic Groping Beneath the Epidermis."

"Huh?"

"The new Sex Rules silly. You never do the reading."

"You said you liked it. I don't get it."

"Ah, but you did get it. That just the point, my stallion. It's the law. To wit: If one person wants to initiate moving to a higher level of sexual intimacy in an interaction, that person is responsible for getting the verbal consent of the other person(s) involved before moving to that level."

"But you had multiple orgasms."

"And you should have gotten my consent for each one. Sorry. We still on for the Winter Formal? You should be out by then."

This is how George Will pictures the outcome of any attempt to protect women from sexual violence.

As a rule, he writes so well and so authoritatively, I have to fight the impulse to strike a Strangelovian salute and write his name on my forehead à la the Bob Roberts kids. No, I'm not calling him a Nazi; I'm saying that I have to fight the pull of the moral authority he exudes so convincingly. As a sucker for the well-written word, I am usually hard put to resist his well-read derision and incisive disdain.

Will is very persuasive in that "disagree-with-me-and-declare-thyself-a-fool" kinda way. How does he keep liability insurance with all those burning bushes and thunderbolts hurling about him? I always picture him in that cross-dressed, overstuffed, Edwardian style featured in all those pictures of Dead White Men around HLS. The ones where you just know the well-fed, porcine subject is reclined oh-so comfortably on the back of some emaciated serf so as not to sully his silk slippers.

George would surely defend the practice as legitimate employment and exorcise me for my patronizing disapproval. And he's a very good excoriator.

In the October 4 *Newsweek*, he's in top form, skillfully mocking the infamous Antioch College Sexual Offense Prevention and Survivors' Advocacy Program. While any such attempt cannot help but lend itself to snickers, Will's column went way beyond intelligent criticism or even parody.

Never does he acknowledge that there's a problem with sexual violence. (He can't even use the term without putting it in quotes.) In fact, he says just the opposite: "Rules like Antioch's are both causes and effects of an odd 'crisis' on campuses. Such rules are written in response to supposed 'sexual violence' that supposedly is so frequent that 'many students' arriving at Antioch already are victims in need of 'healing.'"

Will doesn't mock the rules for being poorly drafted. He's not saying they'll be ineffective. He's saying they're unnecessary. Anybody else reminded of those folks who don't believe in the Holocaust?

"Our nation," he sermonized, "opted for the moral deregulation of sex a decade before deregulating airlines. About 20 years ago colleges, like a lot of parents, stopped acting in loco parentis regarding sexual matters. Official indifference about what students do with their bodies includes all organs except the lungs: about smoking, colleges are as stern as they once were about copulating."

If they're so indifferent, George, how came you to write about "Antioch's many dense pages setting forth

procedures for prosecuting and reforming offenders [that] will keep batteries of lawyers busy debating whether a particular request for consent was sufficiently specific."

He thunders on, mocking the rules' emphasis on verbal consent: "Today students can do anything their physiognomies will permit regarding sex, but they must observe due process."

That's not what Antioch's saying, George. Today students can do anything their physiognomies will permit and the other person(s) involved will consent to. A man as smart as Will damn well understands that. One wonders why he feigns an inability to differentiate between disapproving of premarital sex and disapproving of forced sex.

So what's the real problem according to Will? Not "sexual violence." Oh no. Who are the real troublemakers? Not violent (i.e. a subset of the category) men, no way. "[T]he rules," he intones from on high, "multiply the opportunities for, and increase the probability of, sexual offenses. All this serves the interests of two classes that have much in common." "The rules, and the assumption of 'crisis' . . . give the 'caring professions,' . . . lots of victims to care for." "And the rules, by postulating a culture of female victimization and by creating many permutations of sexual offenses, delight those feminists who consider America a predatory 'rape culture.'"

In short, the problem is under-employed mental-health workers and Catharine MacKinnon. "Sexual violence" wasn't a problem until those troublemakers invented it. And what glee we sneaky women feel about having a wide range of charges to bring before a college administrative board after experiencing forced sex.

Antioch's rules are unworkable overkill. But at least they're trying to deal with a very real, very serious problem. Eventually, with men and women working together, we can coin a definition of "consent" aimed at our rapists, not our lovers.

In the meantime, I guess I'll have to find another smooth-talking columnist to be impressed with. The thrill is gone, George honey.

Will's column went way beyond intelligent criticism or even parody.



The night was warm and romantic. The fire licked at Fenno's feet. Fenno also licked his feet. It was a magic evening.

Fenno picked up his guitar as he threw another can of lighter fluid on the fire he had built out of old due-diligence reports in the firm lobby. "Hilda," he whispered to the portrait of the firm founder's prize German shepherd, "this one's for you."

(To be sung to the tune of Billy Joel's "Piano Man")

It's nine o'clock on a Saturday.
Still slaving away at Paul Weiss.
There's an old brief sitting next to me -
I've already filed it twice.

Law, law law, diddy daw,
Law law law law law law.

The partner said, "Find me a precedent,
Though I'm not really sure of the cite.
It's in an F. Supp. - Now, I've got to schtupp,
But you, you'll be working all night."

Find me a cite,
You're the lawyer guy.
It's the job of a new legal hack.
But you'll keep working for the law firm:
You're addicted to money like crack.

John passed the bar, he's a friend of mine.
Now he's doing time at Wachtell.
To bill enough hours, he works in the shower
After dining on Aquafresh gel.

Law, law law, diddy daw,
Law law law law law law.

He said, "Bill I believe this is killing me,"
As he slugged down some Pepto Bismol.
"My ulcer fell into my hernia
And my bladder has filled up with gall."

Law, law law, diddy daw,
Law law law law law law.

Paul is a real estate partner.
Who never had time for a wife.
And he's talking with Harvey, who's still taking Bar/Bri -
And probably will be for life.

And the secretary is practicing taekwon-do
With her legs way up high on the desk.
You ask her to jot down a letter,
But she hollers she's being oppressed.

It's a pretty good crowd for a Saturday.
The associates all file in.
Cause they know that their job is to cheat, steal, and rob,
And they'll be axed at the drop of a pin.

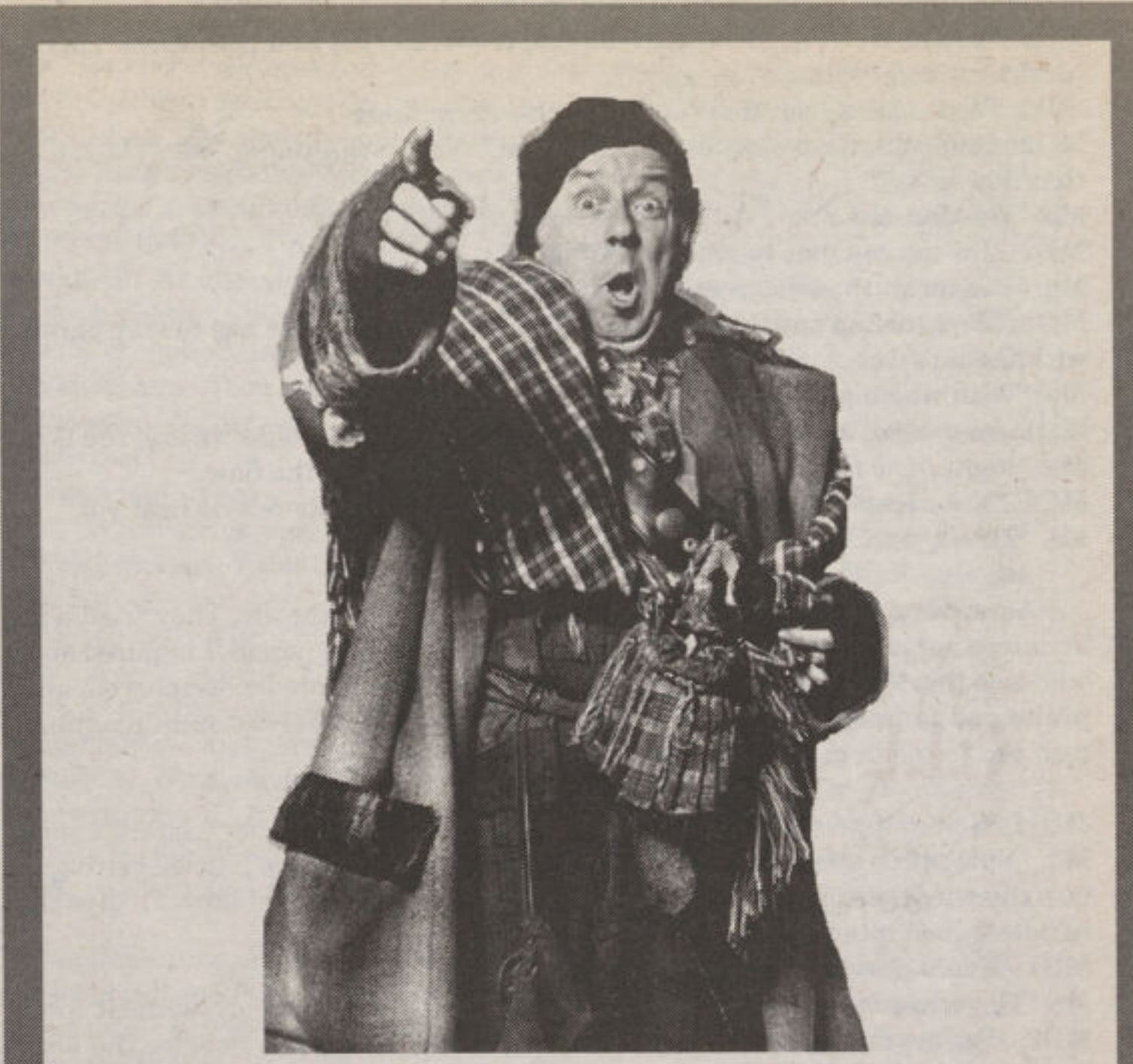
And the copier sounds like a carnival.
And your dictaphone smells like a beer.
We all take the bar but we never go far.
This is a bogus career.

Quote of the Week

panic	0	0	0	1	0	0	0	0	0	0
ndian	0	0	0	0	0	0	0	0	0	0
y Cay	0	0	0	0	0	0	0	0	0	0
abled	0	0	0	0	0	0	0	0	0	0

associates: '93: \$70,000; '92: \$70,000; '91: \$70,000.
starting after judicial clerkship. Moving expenses.
year associates for taking the bar or public interest
ing.) Average hours worked: 1900; billed: 2000; c
d for a particular department.
er Associates: '93: \$1350/wk.; '92: \$1350/wk.; '91

—An unnamed firm in this year's Employer Directory



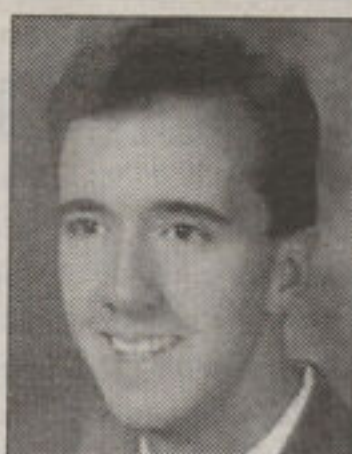
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Uneven flow

By Christopher T. Cuniffe '96

RECORD Columnist



THERE were a great many things for people to be confused about this week. A lot of people are still befuddled by this "Wear jeans if you're queer" day. (Just so everyone knows: I'm not being homophobic here. It is now PC to say "queer.") Fortunately, I don't own any jeans, so Wednesday was a relatively peaceful day for me and my closet (which I was I never "in" to begin with). I admit, however, that I consciously did not throw on my blue dockers, just to avoid any confusion. There were plenty of other things to be confused about. For instance, I tried to read my term bill — and the Bluebook.

Topping off these and other confusions was a conversation to which I was but a passive participant. You might call me the respondent in this case. My daytime studies were interrupted earlier this week by the entry into my dorm room of two strangers from facilities maintenance. Their names, life histories, and relative positions of authority are unbeknownst to me.

The facts are quite simple. My door was wide open and they strolled right into my room without as much as a knock in passing. They turned out to be friendly, helpful people and so I refrained from filing any motions or injunctions against them. I saw no purpose in imposing the rigidities of my new-found world upon them.

My room is the subject of much discussion on my hall; thus, I was not surprised that these fellows would be curious as well. I live in the corner room on the top floor of Story hall. The west (or window) side is in no way dissimilar to any other room; it is the south wall which distinguishes my abode. Running low along the south wall is a complex set of pipes, faucets, chains, levers, and other mounted, metallic devices. There are numerous wires and electrical things surrounding the metalworks. There is also what I will technically term a "huge brown thing" which seems central to the purpose of the other devices.

This mechanical engineering business being completely foreign to me, I was dazzled by the conversation which ensued:

Maintenance Dude #1 (hereinafter MD1): "Hey, we've just come to check ventilators."

Me: "You mean you guys finally turned on the heat?"

MD2: "Not really, just today."

I responded to the trespasser with only a disgruntled look. After all, I wanted heat. Taking no notice of me, they continued between themselves:

MD1: "Now this is a strange configuration. Did you check the dampers on that?"

MD2: "I don't think there is any flow, we've got a bypass over here."

MD1: "A bypass? I think it might just run the lines."

MD2: "You mean he [apparently referring to me] can get at it both ways. This kid must be friends with the big guy."

MD1: "Well, there's not that much of a flow from there."

MD2: "And, there's no switch on the panel." *Now motioning to me:* "Do you see that flow lever?"

Me: "The flow lever?"

MD2: "Do you see that handle on the pipe?"

Me: "You mean the two green things?"

MD2: "Just the top one. If you want to keep on the heat, that has to stay parallel with the pipe."

Me: "With which pipe?"

MD1, *frustrated, interjecting:* "With the bypass, kid. Otherwise we lose the flow."

Me: "Right [now with some confidence], we've got to keep the flow."

MD2: "Not necessarily, just if you want heat. Of course, there's no heat yet."

Me: "I want heat."

An awkward moment ensued. There was tension in the air. They tried a few maintenance jokes which I missed due to the maintenance jargon. I inquired about who was this "big guy," but once again the answer could not be deciphered, and I pretended to understand. There being no hope of successful communication, I resolved to rejoin in a foreign tongue of my own.

MD1: "Well, if it gets too hot, remember to give the top flow lever a quarter turn."

Me: "Now that's a hypo if I've ever heard one. I don't see you fellows getting me into the hot seat any time soon. But, if you're speaking in good faith I'll give that handle a good interlocutory motion."

MD1: "You'll do what?"

Me: "I'll perform specifically the motions you've filed, retroactively, without costs."

MD2: "I'm not sure if we want you doing that. You've got the flow for the whole building here, kid. You can't just cut the flow."

Me: "So, I have no jurisdiction here. Well, then, can I cut the flow to Langdell? That place is a sauna. Of this fact, I am substantially certain."

MD1: "Listen, you can play with your local flow all you want. Just keep the lines running. The bypass lever stays parallel with the pipe and those three fixtures at the end of these lines stay lodged left. Can you remember that?"

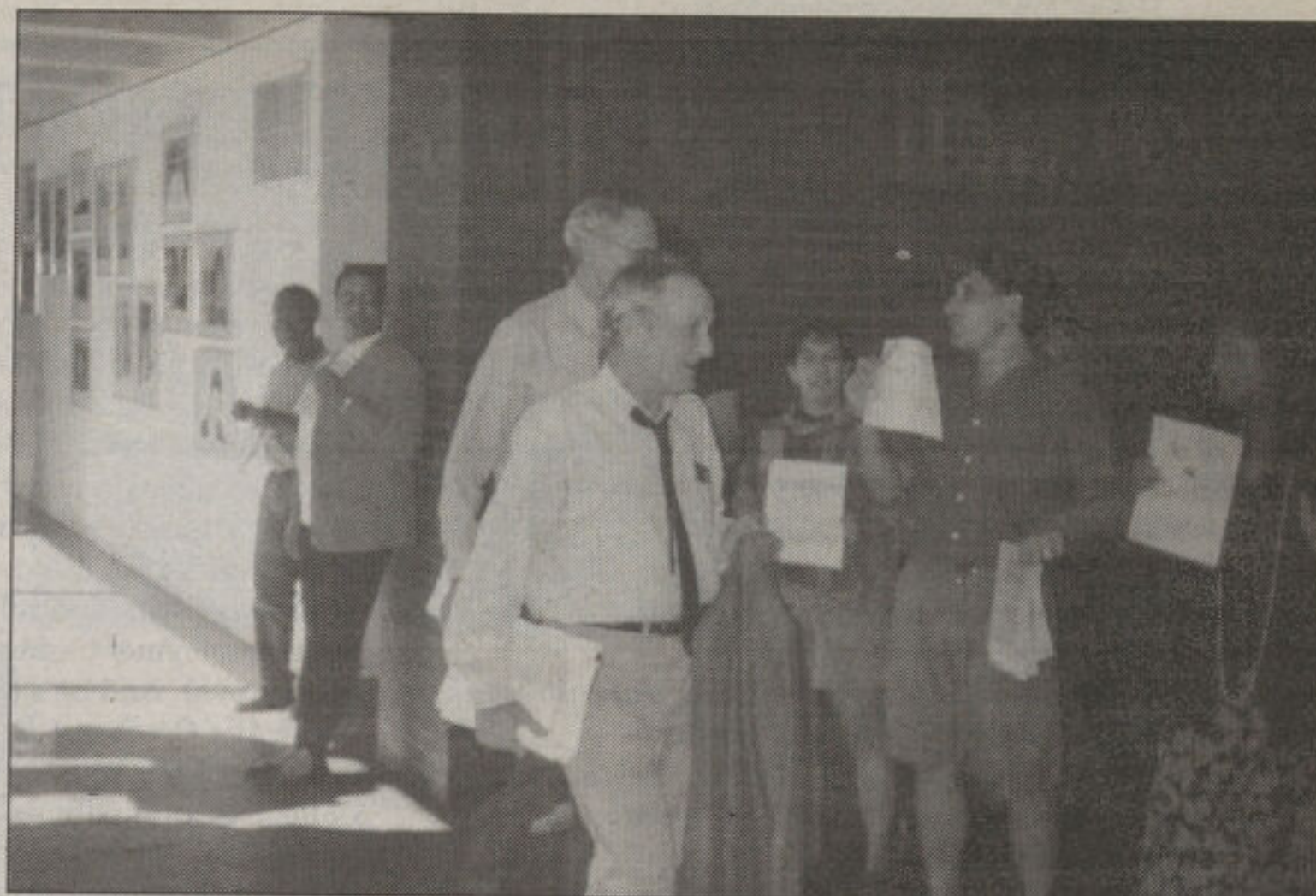
Me: "Could a reasonable man remember that? You're not going to get me for negligence here. And don't try to peg me on any other theory. There's no consideration here, pal."

MD2: "Cool off kid. If you want to play it safe, don't touch anything, especially the fixture with the tag. Can you read that tag?"

Me: "WARNING: KEEP OPEN AT ALL TIMES." Now, turning that would make me a tortfeasor. You can trust me on this one, fellas. I'm no tortfeasor."

MD1: "Whatever, kid. Just keep to your books and leave this piping to us."

The exchange closed on friendly terms. We eventually found a common medium of conversation: baseball. We all agreed that Rickey Henderson sucks and then promised never to bother each other again.



Professors on their way to a faculty meeting pass student demonstrators.

Faculty Diversity

continued from CCR, page 1

mean that things are peachy keen."

Pam Coukos '94 agreed. "He seems like a good teacher and someone who is concerned with students," she said. While she was glad that the atmosphere of the demonstration was more positive, up-beat and non-confrontational than events in previous years, she lamented that "there's less of a sense among the students that activism is important."

CCR: From Demonstrations to Dialogue

Most current students had not yet arrived at HLS for the "Spring of Shame and Pain" in 1992, when the famed Griswold Nine took over the dean's office and were reprimanded by the Administrative Board after an extensive, adversarial hearing.

Since then, CCR members have taken a more restrained approach to diversity. Their silent vigils outside Friday faculty meetings have become CCR's most visible activity on campus, with the mysterious Sojourner Truth Squad taking up the torch in the demonstration department last spring. Moreover, a highly publicized split with La Alianza in April of 1993 left many wondering about the coalition's viability.

Lenhardt said Celebration Ogletree marks a new, positive direction for CCR. "We're thinking about actions that will really move the dialogue forward," said Lenhardt. "It's represented by the celebration rather than a silent vigil — there's more direct contact with people — more talking and dialoguing about these issues with the faculty and administration."

Bernstein agreed, "We'd like to find ways to maintain the focus on the issue of diversity in ways that are not as confrontational, and more productive," she said.

To this end, CCR has planned many more educational activities, including a speaker series on African American women in the law this spring and Diversity Day on October 26.

Although CCR has admittedly refocused its energies, the co-chairs would not rule out the possibility of more high-profile demonstrations in the months to come. "We've not yet made a decision about what forms of protest or visible action we are going to take this year. We want to keep 'em guessing," said Bernstein.

CCR will also spend time this fall cementing the bonds between the organizations in the coalition. "We're making a concerted effort to make sure we've got our grounding in the member organizations, and meeting with different member groups to talk about what CCR should be doing," said Lenhardt. "Outreach is key," she added.

Both Lenhardt and Bernstein pointed to 1Ls as a source of new strength for the

organization. Erika George '96 coordinated Celebration Ogletree, and "a lot of first-year students are active and interested," said Lenhardt.

Diversity as a National Obsession

Faculty diversity was on many people's minds this week. The Hispanic National Bar Association (HNBA) named HLS as one of the "dirty dozen" top law schools with no full-time Hispanic faculty members.

"This is a sad and humiliating day for HLS's Latino alumni," said Robert Hernandez '77, president of the Massachusetts Association of Hispanic Attorneys. "It brings into question [HLS's] status as an outstanding, if not the outstanding, law school in the United States."

Hernandez proposed active recruitment of Hispanic faculty and students. In hiring, the Law School is "going to have to go outside" the traditional standards of law review and Supreme Court clerkship, which are, according to Hernandez, "inherently exclusive, and are used to keep minorities out." These standards of hiring "permit every hidden prejudice to come out," he said.

Many current students are also disappointed in Harvard's track record on hiring Hispanics. "It's atrocious that we don't have a Latino professor yet," complained Fernando Tovar '94, co-chair of La Alianza. "It's almost become a Harvard tradition not to have a Latino faculty member."

HLS currently has one faculty member, Roberto Unger '70, of Latin American descent. Unger, a Brazilian citizen, declined to be interviewed for this story.

An Unresolved Issue

Although diversity activists view Ogletree's appointment as a step forward, others see last academic year as a step back. Mills, echoing the sentiment of many who follow the numbers of women on the faculty, said, "We actually lost ground last year."

Ogletree sees HLS's inclusion on the "Dirty Dozen" list as "a disappointment and a challenge." "It's important for HLS to be a leader in every respect, not only having the greatest faculty in the universe, but also [being] a leader in faculty diversity," Ogletree said, adding that a tenured woman of color should be a priority for HLS.

Lenhardt agreed. "The Law School needs to pursue diversity on the basis of race, gender, sexual orientation, and physical disability status," she said. "I would seek out women, people of color, open gays and lesbians as entry level teachers, to create a base from which to make full appointments."

Ogletree stressed the need to look to HLS students for future tenure-track faculty. "There is a lot of home-grown talent that we need to carefully monitor and aggressively recruit."



Members of the BELL Foundation at the First Annual Charles Ogletree Scholarship Award Ceremony (left to right): Earl Martin Phalen, Ronald Dottin, Nichole Hines, and Andrew L. Carter.

BELL Foundation

continued from BELL, page 1

their fullest extent. Over the summer, he worked with University development officers to craft this fall's fundraising campaign, and he and Carter are currently negotiating with the Law School for an on-campus office site. "The Dean's office has been very supportive," Phalen said.

Carter and Phalen also cited Prof. Ogletree '78, in whose honor the scholarship program is named, for his inspirational support of their efforts.

Getting Down to the Basics

On Wednesday, volunteers gathered at the Agassiz Middle School in Cambridge with 20 elementary and high school students for the first session of the Basics program. The foundation conducts identical sessions with 20 students at the Jeremiah Burke School, located in Dorchester.

If plans go smoothly, elementary and high school students will meet with volunteers twice each week for tutorial sessions that emphasize homework maintenance and problem-solving skills. On the third day students will participate in the Stock Market Game, a state-wide experimental learning program sponsored by the *Boston Globe*.

The game, which runs ten weeks, teams up students and gives them an imaginary \$100,000 to invest in stock each week. Not only must students learn about various companies and the market's operation to play, but they can also follow the soundness of their investments; the *Globe* will track the students' weekly stock projections and inform them if they have made a bundle or gone belly-up.

Carter said the Basics program, which is being coordinated by Eugene Wade '95, is especially important for a city like Boston. "Schools in Boston have lots of problems with funding," Carter said. "At many schools there are not even enough textbooks to go around, so that students can't take the books home to do homework."

"Students don't get the attention they deserve to make it possible to get a high quality education," he said.

In the Basics program there are three volunteers for every four students.

Ogletree Scholarship Expands Base

While they have devoted tremendous energy to getting the Basics program into high gear, Phalen and Carter have spent no less time expanding the funding base that enables the foundation to provide African-American high school seniors with scholarship money for college.

Last spring, in its first annual awards ceremony, the foundation gave out eight

one-year grants "for learning and living." Scholarships of \$1500 were awarded to three students, and smaller honorable mention grants of \$150 were awarded five.

Carter said that, with the contributions expected from the fundraising drive, he anticipates giving out larger awards this year. Last year's scholarship money came entirely from private contributions by Law School students and faculty.

Giving Back to the Community

Phalen told the RECORD that devoting himself full-time to the work of the BELL Foundation has been a "tremendous" personal experience. Adopted at the age of two by a white family and having grown up in a white community, Phalen, who is African-American, said he "came to identify with how different groups are treated differently in society."

"It's due to the love and support I've received from my family and friends that I've been able to be so successful," Phalen said. "I wanted to found an institution that could provide that support for others."

With the help of those closest to him, and financial assistance from certain institutions, Phalen has been able to repay his law school loans while pursuing his work at the foundation. Phalen is also a recipient of the Kaufman Fellowship, a two-year, \$5000 per year scholarship awarded to HLS graduates who pursue public interest work.

"I feel incredibly blessed to be in the position to take this type of risk," he said.

Ogletree had only words of praise for Phalen, Carter, and all students involved with the BELL Foundation, most of whom are African-American. "It is a powerful statement by minority law students to make the effort to provide meaningful education to minority children," he said.

"Most of us wait until we're successful, wealthy, or both," before getting involved in community projects, Ogletree said. "The foundation reflects a strong student commitment to give back to the community at the earliest point in their legal careers."

Ogletree said he makes his own commitment to the BELL Foundation "as a reminder that lawyers who contributed decades ago made it possible for me to go to college and law school."

Asked about his long term goals for the foundation, Carter responded that he would like to see both its scholarship and mentorship programs expand to serve not only the Boston community, but also other areas in the Northeast. "I would also like to see the addition of a legal component, such as criminal defense work for juveniles," he said.

But for the Grace of God....

By Gordon P. Wright '95

Guest Columnist

ALMOST a year ago to the day, my cousin Maurice was pronounced dead after being struck by an automobile in Richmond, Virginia. There were no skid marks at the scene. Witnesses observed that the driver did not swerve.

The word on the street was that Maurice had "gotten too large" and "forgotten who he owed." The homicide investigators uncovered the fact that Maurice owed the driver of the car approximately \$300. The driver, 21 years old, is now serving time in a state penitentiary. Maurice was 19.

Many of my section-3 classmates have wondered why every time I open my mouth in class, the "black perspective" comes out. One of my closest classmates has informed me that if I would make comments on "other legal topics," perhaps non-mutual collateral estoppel or the like, my "black" comments would hold more weight.

But please be patient with me if my statements seem one-sided. I sincerely love the study of law. I guess that I love it so much that I have left what most people would call the "academic" questions and comments to my classmates whose love of, and possibly interest in, the law surpass mine.

Yet, being a black male in America is something I live daily, and about which I feel I have a unique perspective. I know about being asked whether I am interviewing for the "fax or mailroom job" while anxiously awaiting a summer associate interview. About having women cross the street when I approach in a suit on my way from an on-campus evening reception.

Being a black male in America is something I live daily, and about which I feel I have a unique perspective.

Any first-semester psychology student can appreciate the concept of "self-fulfilling prophecy." My task in life has not simply been to view myself as having worth, but to counter everyday experiences which tell me otherwise.

One Sunday evening last January, there was a dance party in Hampton, Virginia. The organizer of the party, Lamonte, was a black friend and classmate of mine. Lamonte refused to let any more people in, because the party had reached fire safety capacity. He was shot by a person who would not take no for an answer. Lamonte was pronounced dead the next morning, which, incidentally, was Dr. King's birthday. Lamonte was 24.

Interestingly, while some white classmates tell me that I'm constantly concerned about the "black perspective," I feel alienated from some of my black friends as well. As interview season drudges on, the campus is alive with the usual job-search chatter. When I express my satisfaction and feeling of accomplishment about the possibility of working for a firm, some of my black peers look at me with suspicion. "You want to work for a firm?" "What about quality of life?" "What about all the pressure?" "What about your personal freedom?" "Sellout." "Corporate tool."

I've been told to enjoy "shucking and jiving" in my interviews. I take all the comments in full stride, and I even encourage them by wholeheartedly agreeing with my classmates. I realize that showing contempt for the big-name defense firms has become, and probably always will be, the fashionable thing to do.

Success to me is a lot simpler than making money. Success to me is being able to support myself, a wife, children, and the rest of my family. I'm sure a statement such as this reeks of traditional, sexist standards. But it reflects why I came here, all high ideas and personal correctness aside.

On Sunday, September 26, 1993, between 8PM and 10PM, I lost yet another piece of my childhood. It's not the first piece I've lost, and God only knows it will not be the last. Keith was pronounced dead on arrival at a hospital in Queens, New York. He was shot five times in the chest with a high-caliber pistol. Keith was 23.

The homicide investigation will continue for weeks, I'm sure. Yet, as I sat surrounded by childhood friends and church elders at his funeral, all I could recall was the third-grade kid in my Sunday-school class. No matter what the investigation reveals, that is the Keith I will remember.

Continued success with the interview process, Class of 1995. R.I.P., Keith. We love you, and you shall not be forgotten.

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RECYCLE!

So far this autumn, the Law School has seen calls for faculty diversity, gay and lesbians seeking greater rights, demands that the Hemenway Gym be improved, and a bevy of law firm recruiters offering promises of big salaries. Earlier this week, we took a look back at what was happening at HLS in years past, and we found, well, calls for faculty diversity, gay and lesbians seeking greater rights, demands that the Hemenway Gym be improved, and a bevy of law firm recruiters offering promises of what at least seemed at the time like big salaries.

Join us as we take a look at an

AUTUMN RETROSPECTIVE

3 autumns ago

Relying on a Massachusetts civil rights statute, several law students have filed suit against the law school alleging a pattern of discrimination against women and minorities in the faculty hiring process.

The lawsuit, apparently the first ever filed by law students against their own faculty, seeks to enjoin the faculty from continuing with its current hiring criteria and force it to establish an affirmative action plan with "specific hiring goals and timetables for achieving those goals."

— RECORD, Nov. 30, 1990

15 autumns ago

A student-organized Committee on Gay Legal Issues will seek formal recognition from the Law School this week. A founding group of 25 students, 17 male and 8 female, have adopted a constitution, selected a faculty advisor, and notified Assistant Dean Stephen Young of their intention to gain standing as an HLS approved organization.

— RECORD, Oct. 20, 1978

20 autumns ago

The Faculty of Arts and Sciences has decided not to spend \$9,200 to install women's locker room facilities in Hemenway Gymnasium. The University is instead spending approximately \$30,000 to provide women's facilities at the University squash courts on Linden Street.

— RECORD, Sept. 21, 1973

25 autumns ago

Rumors of \$18,000 starting salaries for associates in top Wall Street law firms are currently titillating members of law reviews at Harvard, Yale and Columbia as a result of a brief report published in the latest issue of Newsweek.

— RECORD, Sept. 26, 1968

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Guards

continued from GUARDS, page 1

Authorities at the Harvard Police Department, which employs the security guards, suspended both men without pay after the incident, Perry for 11 weeks and Auterio for nine. Perry received compensation for two weeks of accumulated vacation time and Auterio for four weeks of vacation. The two guards have since been reinstated and are again patrolling the Law School campus, but they have not received back pay for any of the time they were on suspension.

Harvard University Police Chief Paul Johnson said the guards were suspended for "violation of our rules and regulations." He declined to discuss the specific violations, saying only that the violations were "fairly serious" and that "the suspensions are commensurate with the offense."

"We can't try it in the papers," he said.

Perry says the 11 week suspension was far in excess of punishments leveled by the department against other individuals for more serious violations, and he is enlisting the help of his union in his fight for back pay. He says the suspension, coupled with the cost of his legal defense, has created a huge financial burden for him.

Perry and Auterio have the support of Law School Building Operations Director Frank Lamentea, who says he is happy to have the two guards back at the Law School.

"Both men are very committed to the Law School and to the safety of our students," Lamentea said. "I really think it's some kind of misunderstanding."

Johnson agreed that Perry and Auterio did not pose a threat to campus security. "I don't think there is a danger," he said, "otherwise they would not be working."

Perry, who has served as a Harvard security guard for five years, says he and Auterio, a ten-year veteran, have demonstrated their honesty on many occasions.

"Mike and I have found the safe in the Harkness Commons open with \$10,000 in it. We turned it in," he said. "We found two Apple laptop computers. We turned them in. We've proved ourselves as far as we can to be trustworthy."

Perry says he intends to fight to preserve his record, which he says had been clean until the water cooler incident. He said that he rejected a plea bargain offer of guilty with no factual finding.

"It will jeopardize everything because now I'll have a record," said Perry. "We're not going to back down."

Council Sends Letter to Guinier and Crenshaw

continued from GUINIER, page 1

the insight, sensitivity and experience which such difference brings to scholarship."

The Council sent a similar letter to Kimberle Crenshaw '84, an African-American law professor at UCLA, who has also received an offer to visit HLS.

Clark said that a total of eleven "live" offers of visiting professorships are currently outstanding. Six of those offers are held by women and minorities.

The sending of the letter to the two women of color but not to the other professors on the list seemed to catch some LSC members by surprise. Hank Fincher '94, a member of the Law School Council, said he had understood that every professor with an outstanding offer to visit HLS would receive a copy of the letter.

"I thought it would go to the whole list" he said. "If I had known it would be a selective welcoming, there would have been a problem."

LSC President Enu Mainigi '94 reported that while letter could be sent to other professors, a Council vote would be required to do so. For now, the Council

has only authorized letters Crenshaw and Guinier, she said.

Mainigi called the letter a "simple gesture" to say "we would love for you to accept the offer and join our community."

The letter was authored by LSC Vice President Chantal Thomas '94, who also proposed its drafting at a Council meeting two weeks ago. The proposal met with overwhelming, although not unanimous approval.

"The letter follows up on the diversity resolutions adopted by the Council last spring," Thomas said. "It is an attempt to encourage minority and women professors to come and teach here."

Dean Clark also confirmed that the faculty has recently extended a tenure offer to a professor who had formerly visited at HLS. Though the Dean would not elaborate, it is rumored that the recipient of the offer is Professor Anne-Marie Burley,

who currently teaches international relations and international law at the University of Chicago.

Harvard University, which must approve the offer before it can be publicly announced, is expected to review it by November 15.

Clark said that a total of eleven "live" offers of visiting professorships are currently outstanding. Six of those offers are held by women and minorities.

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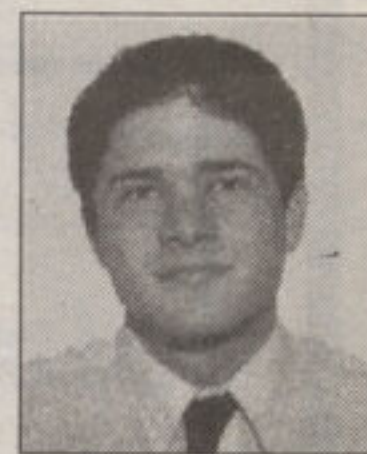
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Risk Without Wealth

By Stephen Weinstein '94

RECORD Columnist



IN the bad old days of the 1980s, Italian-suit-wearing piranhas from Wall Street swarmed mercilessly around polyester-garbed bankers, especially of the savings and loan variety. These fashionably-challenged executives held in their college-ring-bedecked hands the keys to the kingdom: billions of dollars of government-insured depositor money.

Using their smooth, jargon-filled lingo, their soothing, Ivy League cadence, and the cheery effect of imported booze served alongside nouvelle cuisine, these Wall Street seducers coaxed forth this loot, transferring the treasure (for a fee) to various risky financial products, notably junk bonds. In due time, the whole system went kablooeey.

The Wall Street piranhas reemerged as restructuring specialists. The polyester-suited savings-and-loan executives were laid off in the ensuing restructurings. And the US taxpayer ponied up half a trillion dollars to reimburse those depositors who had gleefully chased down interest rates that were, in fact, too good to be true.

Why should we care if some folks with even stuffier fashion sense than the average lawyer lose their over-starched shirts?

Sounds pretty gruesome. Surely, one hopes, the Republic has learned its lesson and will prevent similar disasters from occurring in the future. Unfortunately, the possibility of another such massive financial dislocation is growing. Once again, the major villain seems to be speculative, fee-driven transactions fueled with dollars insured by the federal government, and, thus, the taxpayer.

Consider the growth in speculative trading by depository banks. Thus far, currency trading has been a robust and much-needed source of alternative profits for banks suffering declining earnings — in some cases, massive losses — in their traditional lending business. While the demand for conventional loans remains stagnant or down, the market for securitized assets has grown rapidly in the last decade — as have the profits enjoyed by the market players, including banks. Since 1983, the seven biggest money-center banks have enjoyed an annual growth rate of 17% in trading profits.

However, these profits have not come without a price. Most notably, revenues from trading operations are likely to be more volatile than revenues from, say, collateralized loans or government bonds. In the past few years, the big banks have capitalized on this increased volatility to score extra-juicy gains in their trading operations. But volatility is a two-edged sword; it can also stab the computerized hand that wields it. For example, last year J.P. Morgan lost hundreds of millions of dollars trading collateralized mortgage agreements.

Why should we care if some folks with even stuffier fashion sense than the average lawyer lose their over-starched shirts? First of all, there is the argument that an unsettled financial environment disturbs business planning, discourages investment, skews resource allocation, and so on. More to the point, the button-down going out with the bathwater may well be your own.

It is one thing for a securities firm — Salomon Brothers, famously — to risk its own money or money its customers have knowingly invested. What the banks are doing is a different story.

To be fair, some proprietary traders like J.P. Morgan have been playing with their own capital. But a lot of the cash the banks have sent zinging around cyberspace belongs to unwitting depositors and is insured by Uncle Sam. It's as if your black-sheep sibling secretly smuggled your piggy bank into a casino to risk your paper-route money playing games you don't understand.

Don't forget that this is a lot of money. On any given day, on the foreign-currency exchanges alone, between \$750 billion and \$1 trillion is dropped into the slot machine. And currency trading is but one of the games at the casino — a mere drop in the bucket, albeit a bulbous one.

It gets worse. Most of this activity falls within the regulatory ambit, such as it is, of the Commodity Futures Trading Commission. Sadly, the CFTC is widely considered understaffed and intellectually outgunned, better accustomed to policing the sale of pork bellies contracts. Widespread calls for condensing oversight of the financial markets into the SEC, or some other "super-regulator," have been successfully parried thus far by the groups prospering under the current regime.

My objection is not that derivative products and new trading techniques are inherently evil; indeed, they clearly benefit individual users, especially by enhancing risk management in particular transactions. However, that does not mean that we should not regulate the way private parties gamble with the public gold, as we do with simpler instruments such as mortgages and (less successfully) junk bonds.

The bottom line is that, in the case of derivative securities, we lack an effective watchdog to guard the henhouse of insured-depositor money. Last time around, the junk-bond foxes got away with the goods. Let's buttress the barn before the seldom-considered risks of the emerging financial system crack open our hollow eggs.



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