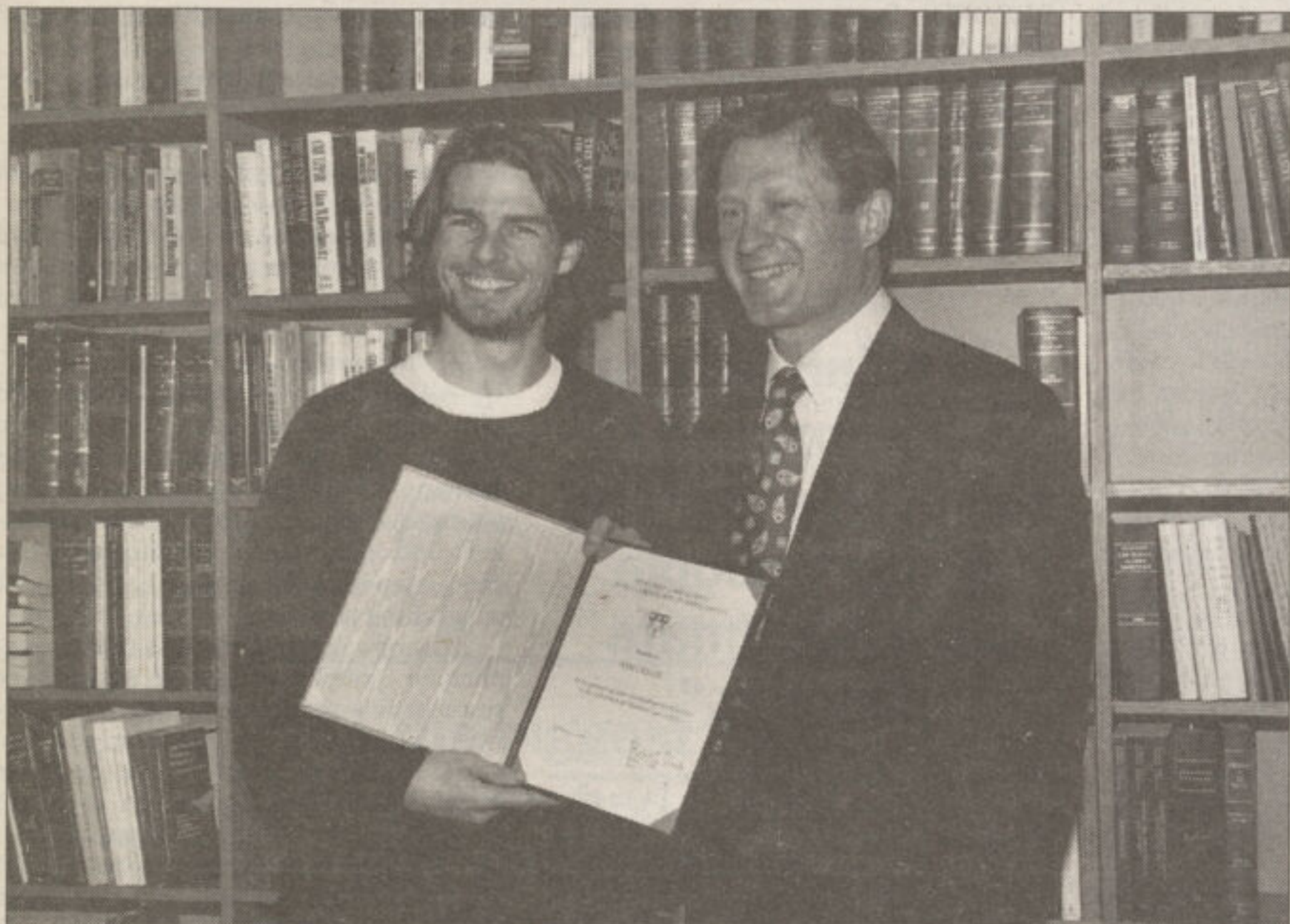




Courtesy of the HLS Communications Office

Actor Tom Cruise displays his trademark grin while Dean Clark presents him with a certificate of appreciation for his "outstanding contributions to the reputation of Harvard Law School."

Somerville Shuttle in Danger of Extinction

By Greg Stohr

Faced with unexpectedly small numbers of riders, the Somerville Shuttle may cease operations at the end of this year, but Law School Council members hope the administration will agree to an alternative plan to provide evening transportation for Somerville residents.

Established last spring as a pilot program in conjunction with the Graduate School of Arts and Sciences, the shuttle currently leaves the HLS campus hourly in the evenings and takes students to their doorsteps in Somerville. But the program cost the Law School more than \$9 per rider last fall — in addition to a small fee paid by the riders — and the Graduate School is expected to discontinue its co-sponsorship of the shuttle.

Administrative Dean Sandra

Coleman said no final decision had been made on the shuttle, but she said it was "entirely likely" it would not operate next fall. She said that figures from the fall semester showed that a



RECORD File Photo

Due to insufficient use by students, the Somerville Shuttle may not run next year.

small number of HLS students — an average of about 130 total riders during the peak fall weeks — used the shuttle.

"Based on those numbers I have no reason to think it will continue," Coleman said.

Law School Council members have all but conceded that the shuttle will not operate next year and have begun exploring

alternatives.

One possibility would be to provide vouchers to subsidize all or part of student taxi fares. With the average cost of a taxi to Somerville running around \$4, council members said, the Law School could save money while still providing students with a safe means of transportation home.

A Law School Council flyer stuffed in Hark boxes this week called the absence of an organized transportation into Somerville "unacceptable."

LSC Representative John Bates '95 said he hopes the Law School will continue the financial commitment it has already made to providing transportation for students who live in Somerville. He noted that a number of existing University services provide free transportation throughout Cambridge.

"[The Law School] kind of

please see **BUS**, page 10

WLA Hosts Porn Panel

By Jeff Bucholtz

Since it's not every day that a famous adult film actress graces the dull landscape of Pound Hall, it would be understandable if many of the people who showed up for Friday's Women's Law Association-sponsored panel on feminism and pornography weren't exclusively academically motivated.

But whatever their motivations, the nearly 200 who attended the forum heard an informative and lively two-hour discussion about sex, speech, and violence against women. The panel featured erotic film star Nina Hartley; Nancy Ryan, the president of the Civil Liberties

Union of Massachusetts; Radcliffe Public Policy Fellow and writer Wendy Kaminer; and activist Bobby Lilly, founder of Californians Against Censorship.

While speaking from markedly different perspectives, all four panelists were united in their opposition to censorship of pornography.

Speaking first, Hartley discussed her career in the sex industry.

"It made me more self-confident and less scared of men," she said. "Now I can walk down the street, look a guy in the eye, and thank him for the compliment."

Hartley criticized anti-porn feminists' stories of coercion and exploitation of women in the sex

industry and asserted that most are not mistreated or forced to do anything.

"For me, it's a matter of consent," emphasized Hartley. "A lot of women don't agree with what I did, but as a feminist I think I should be able to decide if I like what I do, and other people should be able to do what they want, too."

Ryan said she is suspicious of "government intrusion on individual liberties." She pointed to a 1985 proposal in the city of Cambridge to make producers and sellers of pornography liable for tort damages where their products could be shown to have

please see **PANEL**, page 11

Actor Cruises Through Campus

Dean Commends Portrayals

By Lisa Zornberg

Three students, two professors, and the dean's office staff shuffled about Dean Clark's office Tuesday morning, glancing frequently out the window in anticipation of the limousine's arrival.

"They just left the hotel," a staff person announced a few minutes before 11:00 AM.

As the photographers checked their cameras, everyone else prepped for the meeting. "I actually went to see 'The Firm' Friday night — the video that is," Prof. Alan Dershowitz told the group.

"A Few Good Men" was better," retorted Prof. Paul Weiler '65.

"I loved 'Risky Business,'" responded Vice-Dean David N. Smith '61.

Moments later, the long black car pulled up to the Lewis International Law Center, and an entourage of family members and friends quickly surrounded the movie star and ushered him into Griswold Hall.

Tom Cruise had come to meet the dean of Harvard Law School — his would-be alma mater, judging by recent film roles. In both "The Firm" and "A Few Good Men," Cruise stars as a young HLS grad battling the evils of greed and power. Although he came to HLS briefly last year to film the "The Firm," this was Cruise's first opportunity to meet with Clark '72, HLS professors, and real Harvard Law School students.

Cruise was in Cambridge to receive the Hasty Pudding's "Man of the Year" award for best

actor. Accompanying him at the Law School meeting were his mother, his mother's husband, and his sister.

"My wife grabbed me kicking and screaming to see 'The Firm,'" Clark told the film star. "But I loved it because the Harvard Law School graduate turns out to be the knight in shining armor in the end. It's a tremendous expression of faith in our current students."

"I had a ball playing these characters," Cruise said of his lawyer roles.

In his next role, Cruise will star as the vampire, Lestat, in the film adaptation of Anne Rice's book, "Interview With A Vampire." Playing on this theme, Smith quipped, "Your next role and what the dean does have a lot in common: The dean puts the bite on alumni."

The meeting was informal and lighthearted throughout, with participants firing one-liners around the room. At one point, when Clark flaunted the large dagger he received on his recent trip to Saudi Arabia, Cruise asked, "Did they give you money also, or just that?"

Later Cruise asked of the dagger, "Is it all right if my mother holds it?"

"Anyone but Lorena Bobbitt," Dershowitz responded.

Toward the end of the visit, Clark presented Cruise with a "Harvard Law School Dean's Certificate of Appreciation" that read: "Awarded to Tom Cruise in recognition of your outstanding contributions to the reputation of Harvard Law School."

"Put that your desk next to

please see **CRUISE**, page 11

Are Law School Grades a Failure?

Council Surveys Attitudes

By Victoria Kuohung

Not all HLS students are grade-grubbing gunners. Certainly not Eric Lindseth '95, chair of the Academic Affairs Committee of the Law School Council and a motivating force behind the recent attempt to change the current grading system here at the Law School.

Lindseth and his committee have been surveying attitudes toward grades in the hopes of assembling a proposal to modify what Lindseth calls "artificial, arbitrary, and random calculations of your academic performance."

Students last week were

asked to record their preferences, from "strongly agree" to "strongly disagree," for more than 20 proposed grading systems, ranging from a zero-to-100 scale to one where only pass or fail marks would be granted.

Employers in both the public and private sectors received similar surveys asking whether they would change their hiring practices for HLS students if different grading systems took effect.

The systems listed on the surveys were compiled from evaluating grading schemes at top-ranked law schools across the nation.

Although survey results

please see **GRADES**, page 10



Erik Lindseth '95

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Gay and Lesbian Alums Organize

By April Rockstead

The newly formed Harvard Law School Gay, Lesbian & Bisexual Alumni/ae Committee recently published its debut newsletter, including a welcome letter to the committee from Dean Robert C. Clark '72, an introductory history of the Law School's "gay, lesbian, and bisexual past," and a report on a possible ABA proposal to require accredited law schools to refrain from discriminating on the basis of sexual orientation.

The committee was established by the Harvard Law School Association last May, and the newsletter — so far reaching a mailing list of 200 gay, lesbian and bisexual alums — is an effort to provide announcements of the committee's national and regional activities, items of interest to gay, lesbian and bisexual HLS graduates, and a forum for recollections of HLS experiences.

According to an article in the recently released winter newsletter, committee members had mixed reactions to HLS while studying here.

"Not surprisingly, people had a variety of experiences at HLS, from 'I detested the place,' to 'it was a wonderful experience,'" wrote Bruce Deming '92, committee co-chair.

"We've learned about the formation of the first student group (Committee on Gay Legal Issues in 1978), about romances between law school classmates that have endured the years, and about our fellow alumni whose lives were cut short by AIDS," Deming wrote.

Winning HLSA approval for the committee was a minor story in itself, Deming said in the article. Despite the fact that there are other "special interest" alumni committees within the organization — including a Latino alumni committee and a public interest law commit-

tee — there was "some opposition" to the formation of a committee for gay, lesbian and bisexual alumni, according to Deming.

In a phone interview with the RECORD, Deming, now at Farella, Braun & Martel in San Francisco, said he thought there were a couple of reasons some might have resisted the committee's establishment.

"I think people who opposed it didn't see gay and lesbian people as a legitimate minority, and thought that recognizing

family would be enough, but these kind of committees are necessary to reach out to people and get their involvement," Deming said. "There's the whole issue of the closet. By having a separate group, people can participate without necessarily outing themselves."

The newsletter also contained information about the committee's membership, of whom a little more than 30 percent work at private law firms, 20 percent work in public interest jobs and 20 percent are academics. Most members are concentrated in the metropolitan areas of Boston, Los Angeles, New York, San Francisco, and Washington, DC, according to the newsletter.

Although the committee is composed of alums, it is intended to provide a resource for gay, lesbian and bisexual students at HLS as well, Deming said, noting that as a student he found it easier to find openly gay alums in private law firms than in public interest, government or teaching positions.

The newsletter contains a fundraising pitch for contributions to the committee's summer fellowship fund, which will provide a public interest fellowship to allow an HLS student to spend this summer working at the ACLU, Lambda, or any of a variety of other advocacy organizations.

"We have commitments from several alumni so that we will raise at least \$1800, and we're hoping to raise the full \$3600," Deming said of the fellowship drive.

Fellowship applicants' proposals will be considered by the committee and it is anticipated that the first recipient will be selected at the committee's April 1994 annual meeting in Cambridge, Deming said.

Anyone who would like to join the newsletter's mailing list should write to 5214-F Diamond Heights, Box 121, San Francisco, CA 94131.

"I think people who opposed it didn't see gay and lesbian people as a legitimate minority."

this group would not benefit the law school or its image," Deming said, adding, "I think there was another level — just a fear that the alumni association would become too fractured."

However, the opposition "has remained a quiet, ineffective force in part because [the] committee enjoys the unequivocal backing of [HLSA President] Wes Williams ['67] and Dean Bob Clark," Deming wrote.

He added in the interview that some gay, lesbian, and bisexual alums might not participate in events that were not attuned to sexual orientation issues.

"In a perfect world, one big happy

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Massachusetts Republicans Speak at HLS

By April Rockstead

As the Republican Candidates Roundtable kicked off Friday afternoon, the names of those scheduled to speak in Ames Courtroom and Austin Hall through evening presented a virtual "Who's Who" in the Massachusetts Republican political scene.

Lt. Governor Paul Cellucci delivered the keynote address in a program that included Guy Carbone and Janis Berry, who are seeking the Republican nomination for Massachusetts attorney general; Massachusetts secretary of state candidates Arthur Chase, Peter Forman and Dennis Tardo; U.S. Senate candidates Gary Todd, Janet Jechelian, John Lakian, Darwin Carter, Mildred Jefferson, and Mitt Romney '75; and candidate for U.S. representative Patricia Hardiman Long.

Audience attendance ranged from about 40 people when the event began to an estimated 100 who heard the candidates for U.S. Senate.

"It's the biggest event we've ever had," said Bill Waller '94, president of the HLS Republicans. The roundtable drew a "very impressive attendance" from other law schools, Waller

said, but a "disappointing" show from HLS students and undergraduates.

The City of Cambridge Republican Committee, who co-sponsored the event with the HLS Republicans, provided considerable assistance in getting the big names to come and speak, Waller said.

Cellucci laid out his and Governor William Weld's platform for their 1994 re-election campaign in his keynote address, noting that he and Weld would make a formal announcement in March that they were "in the running."

The platform will emphasize three areas toward which the Weld-Cellucci ticket will concentrate its energies if re-elected, Cellucci said: continuing economic reform, taking measures to combat violence and crime, and encouraging privatization of the government of the commonwealth.

Cellucci counted among Weld administration achievements the establishment of a \$345 million stabilization or "rainy day" fund and a \$4 million reduction in commonwealth's budget over what it the administration projected it would have been had prior spending levels remained in place.

"Massachusetts is on the way back," Cellucci said. "We've balanced every budget that we've submitted. We've operated in the black. We haven't borrowed money from Wall Street."

If re-elected, the administration will continue to push for tax incentives — such as the recently-increased investment tax credits and new

research and development credit that "control the cost of doing business" — to attract small-to-medium-sized companies that can provide jobs for Massachusetts, Cellucci said.

Among measures Cellucci said the Weld administration would exhort to con-

trol crime would be the imposition of the death penalty for those who are convicted of killing police officers.

"If we can save the life of one police officer by putting the death penalty back on the books in this state, then we ought to do it," Cellucci said.

The privatization drive and "fundamental change in the government" the Weld administration envisions would

include eliminating cash AFDC benefits for "able-bodied" recipients and requiring them to work, Cellucci said. The scheme would involve state-provided food stamps, health care, and day care that, when combined with a minimum-wage worker's income, would improve the quality of life for children whose parents currently receive AFDC, he said.

Class of 1958 Starting Public Interest Centers

By James Lank

Ralph Nader, Arthur Miller, and the rest of the HLS class of 1958 have formally announced the launching of the Appleseed Foundation, a project to establish statewide public interest legal centers across the country. The first center will open in Boston this summer, and a second center is scheduled to open in Washington, DC next winter.

In contrast to traditional public interest law, which specializes in helping individuals, the autonomous centers will be dedicated to a new, structural approach to social, political, and economic injustices.

Consumer advocate Nader and HLS Professor Miller, directors of the Appleseed Foundation, unveiled the project at a press conference on February 17 at the National Press Club in Washington, DC.

"As law students in the mid 1950s, we read the words of the eminent Judge Learned Hand: 'If we are to keep our democracy, there must be one com-

mandment: Thou shalt not ration justice.'" said Richard Medalie, executive director and chairman of the foundation's board of directors.

The Appleseed Foundation's long-term goal is to open centers in all 50 states. Interest has already been expressed from other regions of the country, including Texas, Wyoming, New York, and Florida.

The centers hope to do more than merely litigate or lobby for change. Organizers are planning a creative "task force" approach, which will entail functions such as organizing, negotiating, investigating, and involving other community and professional groups.

Nader said the only criterion the foundation laid for the individual statewide chapters was that they should fight "abuses of power from the streets to the suites."

This is the first time an alumni class has joined together to build a public service organization. Organizers hope to encourage other alumni classes in law and other professions to come together to serve the general public.

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BRIEFS



And You Thought Elections Were Over...

The Law School Council Tuesday rejected a motion that would have allowed a plurality vote to suffice to elect the positions of president, vice president, and treasurer. In the event that no candidates for those positions receive a majority vote, run-off elections will be held today and Monday. Results of the vote, held Wednesday and Thursday, were not available at press time.

The council also voted to deny candidates access to registration lists that would let candidates know who had not voted on Wednesday, thereby allowing them to call people and encourage them to vote on Thursday.

Say Goodbye (and Good Riddance?) to that Print Screen Button

Effective March 10, Lexis and Westlaw terminals in Langdell's reading room will print entire documents. Currently, the terminals print only one page at a time.

LSC officials, led by Jon Kissane '96, met with library personnel and Lexis and Westlaw representatives on Tuesday to nail down the details.

"My hope had been to get half of them [printing the entire document] and they agreed to all of them," LSC President Enu Mainigi said. She said printing entire documents is especially important for 3Ls who are writing their third-year papers.

3Ls Win Regional Moot Court Competition

Nathalie Augustin '94 and Devon Carbado '95 beat out 33 other teams in the Regional Frederick Douglas Moot Court Competition last week. The two students argued a case involving environmental racism.

Historically, Harvard students have not entered the competition, and the victory is believed to be the first time Harvard has ever won. Other teams included students from Yale, NYU, and Boston University law schools.

HLS to Launch Korean Legal Studies Program

The Law School will inaugurate its Program on Korean Legal Studies on March 11-12 with a two-day symposium. The event will feature remarks by Seung-Soo Han, ambassador of the Republic of Korea to the United States; Donald Gregg, formerly U.S. ambassador to the Republic of Korea; and our own Dean Clark '72.

Panels and presentations will address a variety of topics, including U.S.-Korean legal and economic relations, the legal implications of Korean unification, legal issues facing women in Korea, and the role of Korean-American lawyers in the U.S. legal profession. The program will culminate with a cultural evening featuring a dance performance and movie.

Third Radiation Study Linked to Harvard

A third experiment involving radiation tests on human beings during the Cold War has been linked to Harvard researchers. Professor of Surgery Emeritus Dr. William H. Sweet and then-research fellow Dr. Louis Bakay were among three doctors who injected seven patients — including one man who was comatose and another with a frontal lobotomy — with radioactive isotopes in a 1951 experiment at Massachusetts General Hospital. The two previously discovered experiments involved retarded children.

Sweet, who is still a Harvard professor, said he vaguely recalled the experiment and that he was not sure whether the patients were capable of giving consent.

"It doesn't seem as if all of them were able to [consent]," he said. "But I'm sure that if we went ahead everything was in order."

"We enjoyed a cheery relationship with the patients," he added. "We were both in it together trying to work for the patient's benefit."

— From The Harvard Crimson

Mission Accomplished: Fenno "Disgusting and Offensive" to New York Daily News

Linda Stasi, gossip columnist, printed the following in the Sunday, February 20 edition of the New York Daily News:

Off the Record

The kids at Harvard are finally getting their heads out of the P.C. gutter. But they might have gone a bit too far. The winter edition of their student weekly, The Harvard Law Record, offers some pretty nasty celebrity recipes. For starters, there's "Lorena Bobbitt's Pigs in a Blanket": ("take a sharp knife from under your pillow...") and "Tom Hank's Philadelphia Cream Cheese," which makes a disgusting and offensive AIDS joke.

Despite this, publisher Kevin Werbach assured us the recipes have not caused much of a stir on the prestigious school's campus. But we hear that all of those Harvard law alumni in esteemed and important positions, who automatically get the mag, are a little taken aback by the whole thing. Stay tuned.

In an exclusive interview with the RECORD, Fenno responded: "While Fenno regrets possibly insulting persons with AIDS, or displaying insensitivity about this serious disease, Fenno feels that occasional offensiveness is an inevitable risk of fully exercising the freedom of speech guaranteed by the First Amendment. Fenno has always been, and will remain, an Equal Opportunity Offender. Peace."

The Rite of Spring

Hitting Into the Wind

By Bill Meissner

New York: Random House

205 pp. \$19.00 / hard cover



By Mike Fischer '95

Book Review Editor

THERE'S a reason why Michael Jordan, the greatest basketball player who ever lived, shucked his Bulls' uniform to become a ballplayer, just as there's a reason why, when I use a generic term that could ostensibly apply to baseball, football or basketball, any American above age three will know which ball I mean. With all due deference to you poor deluded souls who imagine otherwise, baseball is known as the Great American Pastime because it is the greatest game ever invented.

It should come as no surprise, then, that baseball has also spawned one of the most impressive genres in all of American letters. No sport can boast a memoir like Roger Kahn's "The Boys of Summer," which is not only a moving portrait of the great Brooklyn Dodgers teams from the 1950s, but, with the exception of

"Huck Finn," arguably the best book about the transition from childhood to adolescence ever written by an American. Nor can any sport boast the likes of Roger Angell, whose essays in collections such as "The Summer Game" and "Late Innings" demonstrate why he is one of this country's great essayists.

And these two authors are hardly alone. One doesn't need to be a baseball fan to appreciate Peter Lefcourt's "The Dreyfus Affair," in which two baseball stars confront both their love for each other and the hateful homophobic bigotry of once adoring fans. W.P. Kinsella — probably the finest baseball novelist today and author of "Shoeless Joe," which subsequently spun off the movie "Field of Dreams" — uses baseball in his latest novel ("Box Socials") as a backdrop for a simultaneously affectionate and hilarious portrait of life in rural Alberta. Thomas Boswell, working within the Angell tradition, has written a number of outstanding collections of baseball essays, with provocative

titles such as "How Life Imitates the World Series" and "Why Time Begins on Opening Day."

Given such a distinguished pedigree, I was not at all surprised to read the impressive list of endorsements for Bill Meissner's collection of baseball stories, "Hitting Into the Wind." Kurt Vonnegut praises Meissner as "a storyteller with remarkable gifts." The industry's bible, "Publishers Weekly," compares his work to Raymond Carver's. Tim O'Brien, who won the National Book Award for his searing novel about Vietnam, "Going After Cacciato," extols Meissner as a writer who "knows the workings of the human heart."

Ringed endorsements for a writer working in a great tradition. Throw in for good measure that this is the first baseball book of 1994 and that opening day is still six frigid weeks away and you begin to understand the good will with which I approached this collection. But while there are some good stories and a few great moments in Meissner's stories, they couldn't carry the weight of my expectations.

Two major flaws do the collection in. First, like many collections of short stories that are not really ready to be collected, Meissner serves up an uneven assortment. "Baseball stories," he writes in one of them, "always get longer and better if they're simmered a few years." I wish that Meissner had taken his own advice. He develops short sketches around some wonderful, quirky images: a man who retrieves lost baseballs for a hobby; a portrait of glove lacers that rescues from obscurity some of the forgotten people who make baseball possible; an image of baseball heaven, where the game never ends and the players never tire.

These sketches, and many more as well, had the makings of great stories. Instead, Meissner casts them adrift as they are — churning out, in fact, 29 stories and sketches in the space of just over 200 pages. It is far too much in far too constricted a space. And one can see what is lost when these truncated sketches are compared to those stories where Meissner demonstrates the full range of what he can do: the wonderfully titled "Just Another Baseball Story," about how both a friendship and dreams of big league glory can get lost; "Things Are Always So Close," about an obscure umpire and a failing marriage; "Lights," about Joe DiMaggio, Marilyn Monroe, and the fleeting age of innocence that followed World War II.

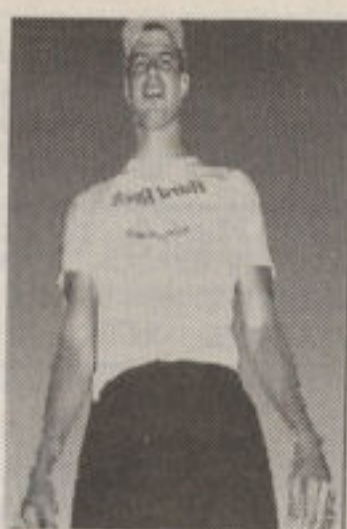
All three of these stories balance precariously between an aching nostalgia for a paradise lost — that magical time when childhood and marriages seem to last forever and are as sure as the rules in baseball itself — and the realization that even the world of baseball, let alone childhood and the very best of relationships, is subject to unwelcome change and possible extinction.

But the balance on display in these three stories is the exception. Meissner's second major flaw — one a great deal of otherwise promising baseball fiction shares — is his overall failure to maintain this balance between permanence and change so that he might explore its tensions. True, part of what makes baseball so great is that it is not ruled, as all other major sports are, by the clock, giving the game its pastoral, pre-modern feel. But baseball is also a part of the culture that spawned it: The game itself, like so much else in American society, has undergone dramatic transformations.

Meissner is aware — almost too aware — of those changes, and he clearly fears and resents them. Almost all his stories express a nostalgic longing for simpler times and cling to baseball as one of the "few constants" as "the world changes." At moments like these, a productive tension between a world without time and time's inevitable incursions gives way to escapist flights from futures that can't be predicted and into pasts that never existed. Baseball deserves better. Like the great rite of spring that it is, it demands a passionate dance from celebrants welcoming changes that, even as they remind us of our collective mortality, also promise the exhilaration of renewal.

Nancy v. Tonya: The Responses

By Bill O'Dowd '94
Sports Editor



Last week, this column asked its faithful readers to respond to the Nancy Kerrigan-Tonya Harding affair. Who is right? Who is wrong? Should Tonya compete? As promised, here are the "best" responses (a.k.a. those most likely to sell more newspapers). Of course, requests for anonymity have been respected.

"I don't know who's right or wrong. I would just like to sleep with both of them." Anonymous skier from Italy.

"Top Five Reasons Why Tonya Should Compete:

5) Gillooly Will Finally Let Us Forget Buttafuoco

4) She Just Might Land A Triple-Axel (NOT)

3) It Will Help Her Playboy Endorsement Possibilities

2) Her Thighs Are Bigger Than Dan Jansen's

1) We All Want To See Her Fall On Her Butt."

Anonymous Talk Show Host

the court, or before they stiff you with the beer tab, it's a major victory. But our work is not done. We still have Emite Romeno this week."

That's right, sports fans. The much anticipated match-up between two-time defending champs, "Emite Romeno," and "Two-L" is tonight at 9:45 in Hemenway. At stake is first place in the A-League. Last year, "Two-L" beat the slower, less-coordinated Ro-Men army twice in the regular season but were unable to reach the finals of the tournament. Tonight's game lost a little luster, though, after Friday night when "Emite Romeno" was upset by "Lawless." The posse of 1Ls served notice on the league as they shot over 75 percent from behind the three-point line. Said a discouraged Hunter "Norman" Bates after the game: "They were better than us tonight. What else can I say?" (Hunter has obviously been taking interviewing lessons from his good friend Dave.)

No doubt about it, folks. This year's intramural hoops titles are up for grabs. Don't miss the action!

From New York City.

"I didn't touch her. Here's \$10 million to prove I didn't touch her. I'm just glad the spotlight is off me." M.J. from L.A.

"From a legal standpoint, it's a tough call. I'd be happy to represent either in any and all future legal matters. Who knows, maybe a movie could be made." A.D. from HLS.

"I don't know. I just want to say that I read your column every week, Mr. Sports Guy. You're the coolest reporter in the world. (Please see enclosed picture)." Lonely Model in N.Y.

Intramural Basketball Update: Well, sports fans, all my preseason favorites are tumbling. In the A-League, "Two-L" (last year's regular season champs) defeated preseason favorite "The No Three-Peeters" by two points last Friday night. The loss leaves Dave "Sir Thomas" Morales' team with a record of 0-3. Said Dave after the game, in yet one more exclusive interview with this reporter: "I thought we had it, but we let it slip away. What can I say?" (Obviously, not much, Dave — Editor's Note: As a follow-up to a scoop reported exclusively in this column, John "The World's Eighth" Wunderli is the proud father of Nathan John, weighing in at approximately 8 pounds. John, the true romantic, left his wife Debbie's side to play in this game!). Mark "Fishing" Rodriguez, team leader of "Two-L," had this to add: "This was a good win for us. Any time you can catch those guys on

In the B-League, the Chicano Bulls have been anything but Bull-ish early this year. After a dismal 0-2 start, the Bulls squeaked by the much-improved Grizzlers (that's right, the Grizzlers!) Saturday afternoon. The Grizzlers, representatives of the Law Review, held the lead late into the second half, but just couldn't hang on until the end (a criticism often unjustly directed at the guys from Gannett House). Grizzer leader Ted Ruger promises this year will be different: "We've made winning the league a priority. Any team member who misses practice has extra footnotes to blue-book." (Wow, they really are taking this season seriously!)

In other B-League developments, Andrew "Welcome Back" Carter's "Black Panthers II" were upset by Ekwan "Sitting In the Back" Rhov's "AALSA" team. Said an elated AALSA member after the game: "We're quicker, we're nastier, and we're better looking than any other team in the league. It's a deadly combination." No doubt about it, folks. This year's intramural hoops titles are up for grabs. Don't miss the action!

Games of the Week — A-League: Wednesday, March 2 at 8:45, Oleg "Operaman" Vyadro's "House of Style" v. David "I Kiss Like I'm" French's "The Seventh Seal" (It's almost good enough to skip Melrose for!); **B-League:** Thursday, March 3 at 9:45 = Jad "Good" Greifer's "Death Squad" v. Rob "Mind Over" Musselwhite's "Team Gooch."

FOOD - O - RAMA

Providence: A Play in 3 Courses



By Ted Cohen '95 & Jonathan Goldstein '95

Act One (Appetizers)

(Scene: A plush, yet reserved dining room. The sort of space once used for Bar Mitzvahs and Rotary Club meetings, converted now into a serene and sophisticated restaurant. Waiters flit discreetly between marbleized columns, pulling wine bottles from ice buckets, changing silverware, brushing crumbs from linen tablecloths. The air is filled with the hushed tones of Boston-accented conversations, the clink of wine glasses, and the contented sighs of diners swallowing the last bite of a pumpkin bread pudding with spiced pecans and maple ice cream (\$5.95). Bruce, the manager, escorts two visitors to a table. He is the picture of competence, confident in the knowledge that he is about to serve yet another impeccable dinner.)

Bruce: Enjoy your meal, Gentlemen. (He disappears. Instantly, a waiter enters.)

Waiter: Do you prefer red or white, gentlemen?

Visitor 1: Uh, red. (Waiter leaves.)

Visitor 2: Do you think he was talking about wine?

1: I hope so. (Waiter reappears with two glasses of red wine.)

Waiter: The House Joseph Phelps (\$4.50/glass), and the Chateau Milhau-Lacu.

2: Mmm. This House red is fine: complex with shades of berry fruit.

1: You think? I find it a bit tannic, whereas this one is woody and rich, if slightly hollow.

2: Are you OK?

1: What? Oh, yeah, sorry. (Waiter enters, bearing fresh baked rolls and bread. He sets down a plate of buttery polenta with grilled squid, raisins, slivered almonds, butternut squash, parsley in a rich sauce of fish-and-chicken stock with a dash of Worcestershire (\$6.95), and Grilled Chickpea Flatbread slathered with mashed, cardamon-scented eggplant, topped with goat cheese, and sprinkled with thinly sliced carrots and cabbage lightly coated in oil and cilantro (\$6.25).)

2: (scooping an entire baby squid onto his plate) This looks fantastic.

1: (pursing his lips) The flatbread, though inventive, is not as good as it looks. A touch too heavy on the lemon. How is the polenta?

2: Fantastic. The ingredients come together perfectly: This is a "mush"-style polenta, and the texture is otherworldly, especially as offset by the light crunch of the squid. And the sauce! It's sweet but not cloying, powerfully aromatic and robust — like a beef stock!

1: But there's no beef in it!

2: (keeping a greedy eye on Visitor 1 as he scoops some polenta onto his plate) Amazing!

Act Two (Entrees)

Waiter: (Enters with more food) These are two of our signature dishes. Here's the crispy cod cheeks on a bed of steamed rice potatoes with a grilled lobster gremolata sauce (\$16.95). And this is our "pastrami-style" veal brisket. It's been cured and smoked, and is served with potato dumplings in parmesan cream sauce and roasted fall vegetables in a mustard jus (\$17.95).

1: (Waiting for the waiter to leave) Did he say "riced potatoes"?

2: What?

1: I could've sworn he said "riced potatoes".

2: Quit joking around. This veal brisket is marvelous! And these dumplings...softer than gnocchii...in a little cream sharpened with parmesan. They verily melt in your mouth.

1: (Shoveling in forkfuls of meaty cod and delicate, thyme-infused lobster) My God. It's true. It's rice, but it's potato. Incredible. And look! The plate is flecked with flakes of fried parsley!

2: This menu is an epic adventure in seasonal flavors. Hey, was that a turnip?

1: Y'know, Providence is at the apex of what the "New York Times" recently dubbed "Contemporary New England Cuisine." Local fish and meat and seasonal vegetables — like these roasted, barely caramelized carrots — prepared in innovative ways (those riced potatoes!) and unique combinations (who would have thought that pastrami would make sense north of Fifty-Seventh Street, not to mention in blue-blooded Boston?). Biba can keep its offal, I'm sticking with this place.

Act Three (Dessert)

Bruce: (Enters, bearing a small bottle of white wine; regards the two sated visitors) This is one of my personal favorites, a dessert wine in the style of the German Eiswein (specifically, a '92 Muscat Canelli from Bonny Doon Vineyard in the Napa Valley). The grapes are frozen, then pressed for a richer, sweeter wine. (He pours.)

1: (Sips. Pauses. Sips again.) Oh that's nice. Slightly syrupy, with a warming finish. Perfect to accompany this Vanilla Creme Brulée with a Milano-style, chocolate-filled cookie (\$7.25). Whoops.

2: Hey, you got your Brulée in my Chocolate Fondant Cake with bitter chocolate sauce and sun-dried cranberry compote (\$5.95)!

1: Sorry... Oh no! That was my last bite!

2: Mine too! Hey, I've got an idea. (Leans conspiratorially over the table) Maybe we can hide under the table, and when the restaurant opens tomorrow night, we'll pretend that we never got our food! Then we can do this all over again.

1: What are you talking about?

2: Oh, forget it.

Epilogue

(The Visitors stand outside, waiting for the valet to retrieve their car. N.B. — Providence (1223 Beacon St., Brookline) is easily accessible by the Green Line. Take the "C train" and get off at the St. Paul stop.)

2: Hey, tell me honestly, do you think that law students will actually go to Providence? I mean, they'd have to leave Cambridge.

1: Well, they really should. I'd say this was just about the best dining experience we've had since we started doing this.

2: I agree. Across the board, I'd be hard pressed to name a place that's a better value at this price range. The food, the service, the room...it's a breed apart.

RATING: ★★★★★

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A Home Run for Heymann, A Strikeout for Clinton

When Phil Heymann '60 announced his resignation as deputy attorney general, those who knew him well speculated that disagreements with President Bill Clinton and Attorney General Janet Reno '63 over crime policy might have contributed to his surprise departure. Last week, the day after he left Justice, Heymann went public with some of his thoughts on current anti-crime proposals, and he underscored sharp differences with the administration he is leaving behind.

In particular, Heymann was critical of the so-called "three strikes and you're out" plans that are the current fad among headline-happy politicians — including Clinton. The proposals, which are being considered both at the national and state levels, would require judges to lock up three-time offenders for life without the possibility of parole. The version in the crime bill passed by the Senate would apply to all violent felonies on federal property. A ballot initiative in California would require lifetime incarceration even for some nonviolent felonies.

Heymann says the Senate plan would cost \$600,000 to \$700,000 per prisoner just to incarcerate inmates beyond the age of 50 — after which time, studies show, criminal careers slow dramatically. Ironically, the proposals likely also would expedite the release of some of the most dangerous convicts in the system. Overcrowded prisons already create great pressure to allow inmates to go free on parole. Mandatory minimum sentences for drug offenders have meant that rapists and murderers are paroled to make room for the casual drug user. Now, the pot smoker will be joined by the guy who got into three bar fights 40 years earlier, while the once-caught child molester is free to ruin another life.

In Washington state, where a three-strikes law has been in effect since December, the statute has already produced disturbing consequences. A man whose third alleged crime was holding up a sandwich shop by pretending he had a gun in his pocket is now facing the possibility of life in prison. In another case, a man threatened to shoot police officers as they attempted to arrest him for burglary. He later said that he mistakenly believed he was facing a third-strike charge and figured he had little to lose. The man surrendered only after a special weapons squad surrounded his house.

The problem of crime is real, but simplistic solutions that work better as sound bites than as sound policy are not the answer. In a political arena where pandering to the voters' fear of crime is more typical than respecting civil liberties or using common sense, Phil Heymann was and is a fresh dose of integrity. HLS should be proud to welcome him back when he returns to the Law School next fall, and the Clinton Administration should be ashamed it lost him.

—Stohr

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—First Amendment, US Constitution



• Letters •

Abortion Kills Human Beings

I am writing in response to "Confessions of an Angry Young Jew" by Bill Choslovsky '94 in the February 11 issue of the RECORD. First let me say that I couldn't agree more with everything said in Mr. Choslovsky's article. Although I am not Jewish, I too am outraged by the "semantic diplomacy" with which people address the "Holocaust revisionists." As Mr. Choslovsky points out, the Holocaust is a historical fact, and I join him in looking forward to the day when those who argue that the Holocaust never happened will be "dismissed as town idiots."

Mr. Choslovsky highlights a disturbing tendency of our society: our ability to excuse or ignore, or even worse, attribute titles of respect and authority to, those who refuse to accept proven facts. After reading Mr. Choslovsky's article, I began to wonder how this trait of ours might explain our

societal treatment of the abortion issue.

I know that many would immediately tell me that the Holocaust and abortion are not at all similar because there is a consensus of belief or knowledge, based on tangible facts, that the Holocaust did in fact occur, whereas there is no agreement in society that abortion causes a harm comparable to that of the Holocaust. My response would be that this difference between the two issues is due only to the fact that people never see the tangible consequences of abortion, unlike the pictures we have of the atrocities of the Holocaust. This is because fetal remains, the product of abortion, are flushed into the sewers. If we rely on the tangible, factual consequences of the Holocaust to prove that it in fact occurred and that it was a holocaust, shouldn't we also face the concrete results of abortion to recognize the act for what it really is?

Just as I get angry when

I hear people argue that the Holocaust never occurred, I also get angry when people try to tell me that there is no harm done when an abortion is performed because it is not a human life that is destroyed. I realize that the debate over the legality of abortion will continue, but shouldn't we at least found the debate in proven facts? After all, even a cursory, unbiased study of fetal development reveals the fact that a human being exists long before birth and even before viability. Someday, maybe not in my lifetime, but someday, when our society is no longer afraid to face the tangible consequences of abortion and has the courage and the intellectual honesty to admit that abortion kills a human being, those who argue that abortion is harmless, along with the "Holocaust revisionists," will be dismissed as the town idiots.

David A. Pignato '95
February 21, 1994

There Is Only One HLS

As I read the column written by Terri Gerstein '95 on page 12 [RECORD, January 21, 1994], entitled "A Tale of two Law Schools," containing her adolescent, puerile, infantile, and, yes, simple-minded and brazen declaration that "[t]here are two law schools at Harvard," I had to hold my nose. Maybe she doesn't belong at Harvard!

Across the decades since my graduation in 1948 I have learned that there is only one outstanding Harvard Law School, the star quality of which most normal people regard as a "given" in this uncertain world. Harvard

Law School is respected and honored around the globe because of the excellence of its faculty, its facilities, and its curriculum.

And this reputation, earned in the days before HLS became obsessed with gender, age, and ethnic "diversity," will survive unscathed by the "social engineers" who find their way into the student body and focus their efforts on trying (1) to besmudge the image of HLS and (2) to change its profile among lawyers, judges, legislators, and taxpayers who value the contribution of Harvard Law School to the mainstream of American social, business,

and political life.

The Chief Justice and five Associate Justices of the Supreme Court, the Attorney General of the US, and numerous federal judges, Senators, members of Congress, Governors, outstanding chief executives of private sector corporations, community leaders and academics, etc., are all products of a unitary Harvard Law School, not some imagined "school-within-a-school" at Harvard that apparently exists only in Ms. Gerstein's fevered brain.

Carl Shipley '48
February 16, 1994

O'Connor Should Take Own Advice

Although I am not a Harvard Law student, I have been dating one for the past six months. While browsing the February 18, 1994 edition of the RECORD, I chanced upon a letter written by Patrick O'Connor '95 concerning the lack of inter-student dating at your institution. I felt compelled to respond to his pompous and elitist statements concerning the local women in the Boston area.

Mr. O'Connor's generalizations have portrayed us non-Harvard types as being unintelligent women who cannot "discuss the finer points of literary/social criticism without assuming the blank stare of a coma victim." I beg to differ. There is no premium on rational conver-

sation held by HLS students. In the article, he hits rock-bottom when he asks, "[W]hen was the last time any of you have tried to have any sort of verbal communication, much less relationship, with a hairdresser from Quincy?" He also states, "Reliable sources have told me that they've tried, and that it's next to impossible." Lastly, he implies that "beefy baseball-cap-wearing dock workers" are more compatible with the local girl type than a "four eyed intellectual" HLS type.

I take offense because, although I am not a "hairdresser from Quincy," I am a blue-collar working-class woman who is involved with a "four eyed intellectual" HLS student. I am confident

that we are never lacking in stimulating conversations ranging from the finer points of literary/social criticism to the latest trends in art and music. I may not have the celebrated Harvard degree, but I resent the implication that I am an airhead or bimbo with nothing to say. Mr. O'Connor's stereotypical way of thinking will help further advance commonplace notions of snobbish HLS students with delusions of superiority. If Patrick O'Connor has never had the privilege of dating the "hairdresser from Quincy" type, then he should stop perpetuating prejudicial ideas and take his own advice: "shut the hell up!"

Felicia Alava
February 23, 1994

How 1Ls Can Make the Grade

By Mark L. Byers, Ph.D.

Grades are an emotional issue. They may be academic, but they inspire more ambivalence than cool objectivity, especially for those of you in the first year. You may have to re-orient your attitude toward these once reliable navigational guides. Grades which were once typical for most of you are unlikely to remain so, with consequences only dimly seen in the first semester. Perhaps these remarks will help you to get your new bearings.

Oddly enough, you face the twilight of the grades.

Although for the next two years grades will continue as a source of guidance, opportunity, and self-esteem, as a way of life they are already on the wane. After graduation, your satisfactions will depend upon a decathlon-like combination of skills and energies, including social judgment and the ability to choose work for which you have a passion. Since the rules of the game are already changing, what attitude toward grades will allow you to keep them in proper perspective?

Because most of you try very hard in the first semester, enjoying at least some of your courses and sensing that you are learning a lot, it is natural to feel as if you can rely on the old, familiar results from such experiences. When they don't happen, no amount of philosophical preparation can wholly anesthetize the sting. In your reaction, avoid extreme assessments of the grading system. Some students observe apparent irreg-

ularities in grading, note the frequent incongruity between lengthy preparation and grades, and somewhat hastily conclude that grades will henceforth have little relevance in their lives. Others react as if grades were a verdict on their very right to be here, revealing long-concealed shortcomings. Both of these reactions can express an understandable insecurity, even in this normally confident population.

What to do? You should recognize that, in the aggregate, first-year exam grades do reflect your embryonic ability to discuss rules and cases, marshal evidence, and frame legal-sounding arguments — on exams if not on other occasions. Your classroom experience supplies the additional feedback. However, you should also know that in a population from widely varying academic settings and disciplines, not everyone picks up the beat in the first measure, especially if they are also struggling with social and geographic adjustments. (For some, this has been truly the first winter of their discontent!) Ask yourself how swiftly you negotiated other important transitions in life, and you may find a reassuring pattern.

But suppose you really stumble? Say you got your first C, which can go through you like a bullet through jello. It happens, but with some introspection, determination and assistance the experience need not be repeated.

What is more likely, suppose that B's are to be your most frequent companions. If so, you share the fate of many classmates, for in ability, this is a very homogenous population. On the other hand, this group of average students embraces a vast range of skills and interests, as most employers are aware. The discouraging concentration of talent here will be mercifully redistributed throughout the universe, and all of you will regain your composure. In the meantime, reflect that as an average student you will be not substandard, but the standard of a Harvard Law School education.

More importantly, get on with a more personal and

self-directed program for the next two years. Figure out what you love or do best, then give grades their due. Recently, Tonya Harding told Connie Chung, "I don't like it when I can't be perfect." Better to pay heed to William James, who wrote, "To give up pretensions is as blessed a relief as to get them gratified....There is the strangest lightness about the heart when one's nothingness in a particular line is accepted in good faith."

Things to do if you are in academic trouble:

1. Set up conferences with your professors.
2. Schedule consultations with the Dean of Students Office or the Office of Student Life Counseling.
3. Seek out individual tutoring through the Dean of Students Office.
4. Attend upcoming workshop on taking exams. For information call 495-1880 or 495-2967.

—Dr. Mark L. Byers

Dr. Mark L. Byers is director of the Office of Student Life Counseling at the Law School.

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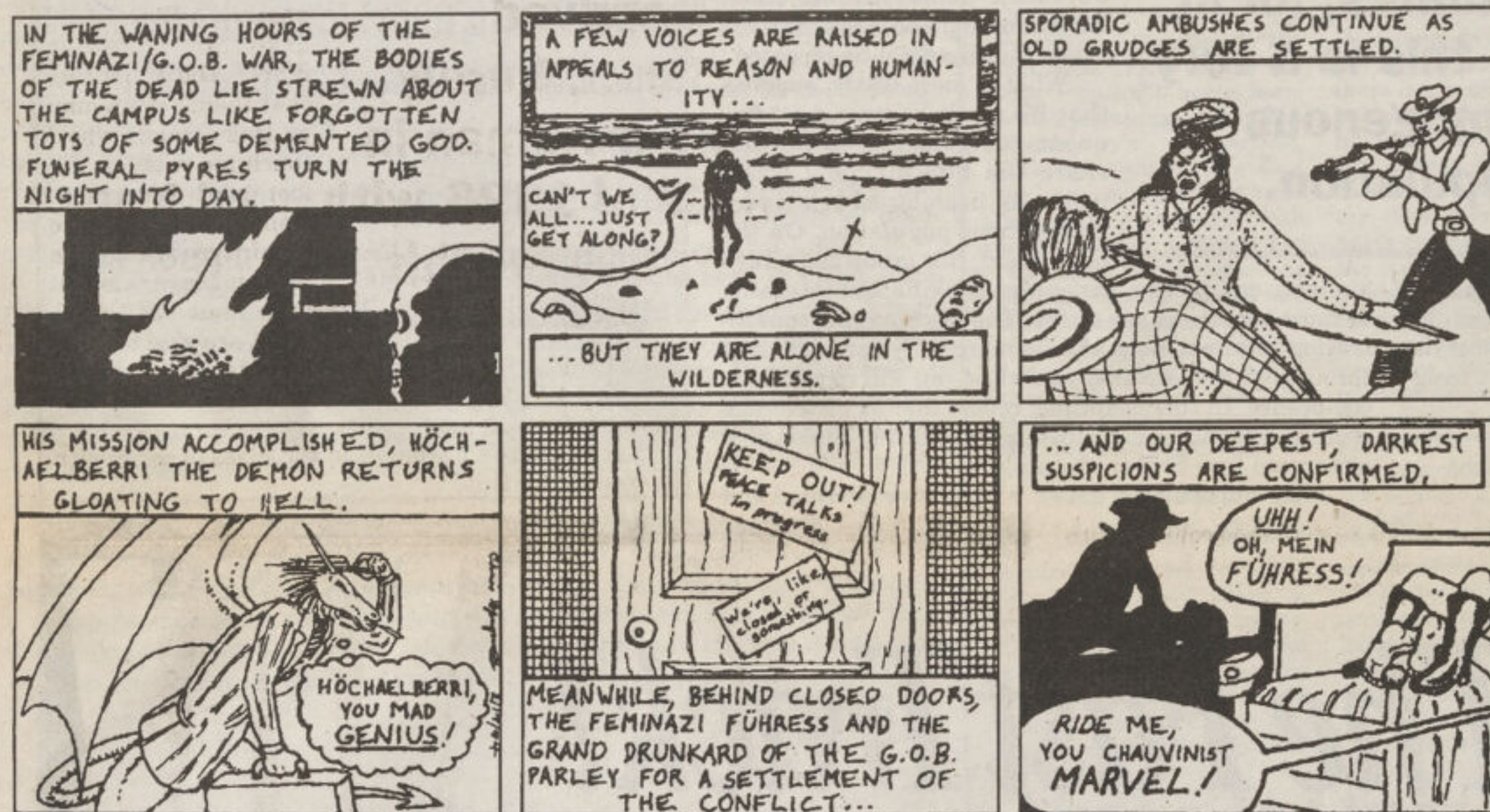
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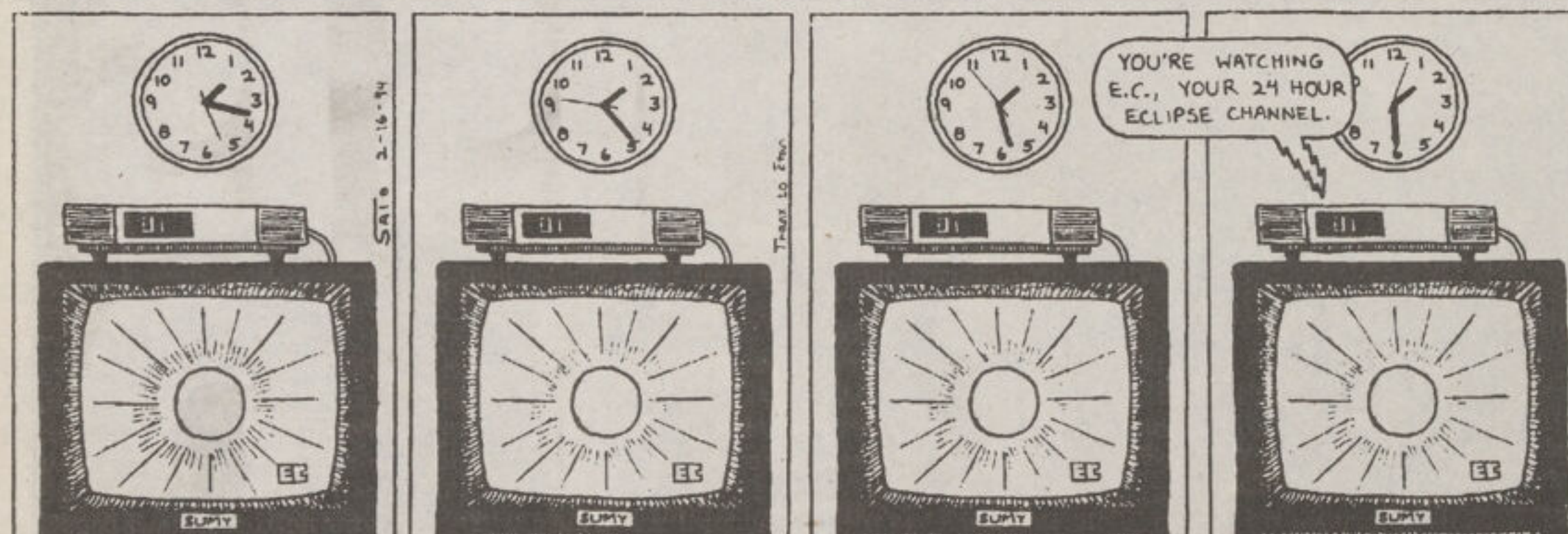
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CALENDAR

Music This Week

By Jeff Bucholtz

Fishbone (Avalon, Wed. 3/2, 931-2000)

The show of the week is the return of the original funk/hard rock fusioners. Before anyone outside of LA had ever heard of the Chili Peppers and before Rage Against the Machine were born, Fishbone's head-bangin', bass-slappin', dreadlock-flap-pin' attack defined the genre. They've always been known for their manic live shows, with a gazillion people on stage making a whole lot of noise, P-Funk-style, and now that the edge they cut years ago has moved into the mainstream, maybe Fishbone will finally get the recognition they've long deserved.

Ace Frehley (Axis, Wed. 3/2, 262-2437)

So you say Quiet Riot didn't satisfy your yearning for cheese? No worries, 'cause you can take a damn bath in the stuff Wednesday at Axis. If Fishbone sells out, or if you still just can't break away from adolescence, it could be fun to watch and see if the ex-Kiss geezer buys the farm. He could keel over at any moment, so don't get too close to the stage.

Eve's Plum (Bill's Bar, Tue. 3/1, 421-9678)

In the not-quite-riot-grrrl tradition of aggressive female-fronted bands like Fetchin' Bones and occasionally echoing new arrivals Hammerbox, Eve's Plum's debut, *Envy*, threatens and cajoles its way into your mind. The softer tracks make the harder ones kick even harder ("Blue" is a raging slab of punk energy that would make L7 proud), and the album never loses its momentum. If their live show matches their disc, it'll be an event not to be missed. The much-hyped psychedelic grunge outfit Tripping Daisy are headlining.

* * *

Readings. Shows. and Stuff

By Mike Fischer

Friday Afternoon, February 25:
Aerobics at Star Market with 50,000 of your closet friends as Boston braces for its second snow storm this week.

Friday Evening, February 25:
Drama on the idiot box. Break out the munchies you bought at Star and turn into a couch potato as Nancy, Tonya, and the figure skaters who will actually win medals duel in Hamar. Watch Nancy's vapid smile. Watch Tonya's spendid fall. Watch Connie make a fool of herself.

Tuesday, March 1, 7:00 PM:
Reading. See celebrated Boston Globe columnist and feminist Ellen Goodman, author most recently of "Value Judgments" (Farrar), read at Waterstone's (26 Exeter St., Boston). Goodman's reading is a make-up for her originally scheduled February 8 reading, cancelled because of snow. Which means, of course, that this one will probably be cancelled as well.

SBF Seeks Same For Self-Inflicted Torture

By Debra Dickerson '95

RECORD Columnist

OK, where is she? I've tried to be patient, but the suspense is killing me. Where is the woman of my dreams? Who is the 1L woman twisted enough to inherit the title I inherited from Alysse MacIntyre? I demand that the class of 1996 bring forth its Queen of the HLS Sarcastic, Castrating, Reverse-Discriminating, Self-Absorbed (and therefore) Sexually Deprived Bitches. Ladies, I've heard you talking among yourselves — I know you have it in you.

As you can see, this is a highly coveted and well-respected position and by now one of you should have stepped forward to claim it. I wrote two columns first semester of 1L year and was a regular by spring, so I'm proof you can fit it in first year. It can't be that there's not enough material here for you to work with. This is HLS, for crying out loud, a place where faculty members represent each other at proceedings against students and other faculty members and throw things. Even the students need lawyers here. This is the only law school in the country where law firms have to vie with press agents to recruit. This, I assure you, is the stuff of parody. Between your publicity-seeking profs, your anal-retentive classmates, your friends (who must be goofy 'cuz they hang with you), your enemies/boyfriends ('nuff said), and most important of all, yourself, you could produce a column a day — one a week is just not that hard. Spend two minutes thinking about your Ames brief and tell me comedy doesn't live on the banks of the Charles. You'll find enough material here for a Vegas lounge act.

By the time you read this, you 1Ls will have gotten your grades. 99.9 percent of you will find yourselves with a lot more free time on your hands now that there's no further point in studying 'til your eyes bleed. (There never was, by the way, but you wouldn't have believed me.) So combine that newfound free time with a thirst for revenge.

Whine about your B's in print (like me). Pillory



your profs (I did). Make fun of your friends and your section loudmouths (I did that, too). Then, write a column ragging on your ex-boyfriends in graphic detail, especially the one who is an alum and who you know reads the RECORD for fear that you'll mention his "shortcomings." (Take that S.M. '84.)

Humor's fun to write and it's fun to read, but eventually, you'll have no choice but to write about something of substance and

that's good. For those of you aspiring writers like me, having to produce something weekly will make you set aside some quality time with your Mac. Writing becomes a part of your daily life and before you know it, you're writing all the time. Interestingly, you never know where a piece is going to lead. An essay I started as a column will be published in the next Reconstruction as is — likely with another. I've also included both of these pieces in a novel I've finished two comprehensive drafts of, both since I began writing for the RECORD. I think the discipline of writing for the paper had a lot to do with it. Q.E.D., the RECORD is good for writers.

That's the good news. The bad news is that many people will distrust and misunderstand you. But this is also good news: Because of the bad news, those same people fear you. I was at a party after a column I wrote about faking orgasm (actually it was about improved relations between the sexes but no one remembers that part). As I passed a group of HLS students, I heard one exclaim, "That's Debra Dickerson. I just read all about her sex life!" No he didn't. I MADE THAT UP!!! Anyone who knows me knows I ain't hardly nice enough to fake so some lame-o who obviously dropped the ball can feel like Fabio.

After another column about realizing that I wasn't as far to the left as I thought, I heard myself interpreted as having become a conservative because of the excesses of the HLS left. Not the same thing to my mind. Obvious as it will be to you, usually no one else will know what is real and what you make up. Strive as you may for clarity, you will be misconstrued.

When I harshed on my friends, the RECORD was threatened with libel suits on their behalf. Is it just me, or is there some implication in the word "friend"

that might lead one to conclude that I was kidding? The butts of the piece (and butts they remain) laughed, but complete strangers were prepared to help them sue me as an independent research project.

In short, the job pays nothing, the non-minority editors think all my ethnic colloquialisms are typos and "fix" them, and named partners from top-tier law firms have my face on Wanted posters. Who could ask for anything more? Did I mention that there's not a man on this campus who'd touch me with his 10-foot pole? Did I mention that Alysse MacIntyre wangled a Boston Magazine column out of this? What are y'all waiting

for? Look at it this way — people have always thought I was weird. Now they have a reason. This can work for you, too.

Surely there's a woman in the class of 1996 with the ovaries for this.

I demand that the class of 1996 bring forth its Queen of the HLS Sarcastic, Castrating, Reverse-Discriminating, Self-Absorbed (and therefore) Sexually Deprived Bitches....Surely there's a woman in the class of 1996 with the ovaries for this.



Fenno woke up feeling that a new era was dawning, and he was eager to greet it. His first-year grades were finally available, and Fenno thought he'd pick them up before asking Visiting Professor MacKinnon to be his third-year paper adviser. He was pretty sure his winning smile would get her to consent, but he figured stellar grades would definitely force her into submission.

Of course, in his fit of vim, he forgot all about Tina, that crazy blonde pre-med from last night. He almost killed himself as he tripped over her while leaping out of the Zone of Conquest. No worries: Despite the solid knee to the head, Tina was still asleep, making that strange half-gurgling, half-whimpering sound she had made when Fenno first showed her the Long Arm of the Law.

As he threw on his clothes and splashed something that stung across his cheeks, Fenno suddenly figured out what was so strange about the night before. It wasn't the incident with the ladle, and it wasn't the time when she made him sing REO Speedwagon songs while hoisting her petard. It was worse: Not once during the wine-soaked, smoke-filled seduction did the leather-clad Tina objectify him. Go figure, thought Fenno, as he cast a final glance back at Command Post Bravo and the still-flush Tina.

Once outside, Fenno was lucky enough to catch the Somerville Shuttle down to campus. After coughing up the requisite \$9.17 for the one-way fare, he sat back in his plush vinyl seat and thought some more about Tina and that crazy stunt with the Tater Tots.

Fenno jumped off the shuttle and raced to the registrar's office, realizing that the window of opportunity was fast

closing. In his rush, Fenno collided with Professor Edley, who had been kind enough to fly all the way up from Washington — at taxpayers' expense — to submit the grades from his 1992 classes.

Bursting through the doors of Griswold and leveling four protesters who had gathered to complain about the dearth of professors of Lapp ancestry on the faculty, Fenno made it to the registrar's office — too late. He nearly lost the fingers of his left hand as the window slammed shut. It was 2:18, but Fenno couldn't complain: The sign clearly said, "GRADES AVAILABLE FROM 2:15 - 2:17 TUESDAY, FEB 23 ONLY!!"

Well, maybe, just maybe, if Fenno hurried — and if he could get some money out of that new ATM in the Hark to pay for the Shuttle ride home — Tina the Tater Tot Temptress would still be there at Ground Zero, gurgling away. Maybe she'd even let Fenno use the ladle this time.

NEXT WEEK: Fenno goes to Washington, and Hillary loves it

Quote of the Week

"Anyone but Lorena Bobbitt."

— Professor Alan Dershowitz on the subject of whether Tom Cruise's mother might hold Dean Clark's dagger

NOW THIS IS BOLD.



TRY NEW DUNKIN' DARK ROAST COFFEE FOR AN EXCITINGLY ROBUST TASTE THAT'S **DUNKIN'** ALMOST TOO BIG FOR WORDS. **DONUTS**

AVAILABLE AT PARTICIPATING SITES

Throw the Boss Out with the Bathwater

By Stephen Weinstein '94

RECORD Columnist



MISTAKES have been made. Big mistakes. The boss, furious, huddles with his faithful flunkies. Fingers are pointed, accusations made and countered, and then the fearless leader steps into the fray. He didn't rise to his position of near total power by being a coward, by refusing to stare bravely into the face of disaster and take action. Now, he narrows his flinty gaze and makes a Command Decision. To address the problem, you inquire? Ye gods, no! The boss orders: cover up this mess, boys!

Sounds like the Nixon White House, doesn't it? While this scenario roughly reflects the public record of Tricky Dick's Excellent Adventures (as well as the board meeting of a typical Mafia family), it also applies to far too many scenes from the oak-paneled boardrooms of corporate America. Managers of public firms ranging from semi-seedy Spectrum Entertainment to American Express, the bluest of the blue chips, have been accused of goofing up (or worse) and hiding the results from their nominal bosses, the shareholders. Can anything be done? Should it?

Let's pause for a moment to consider just how important good corporate governance is. Clearly, it matters to public shareholders; they don't want to be ripped off or to have their money thrown away on iffy though legitimate ventures. Similarly, employees, suppliers and other stakeholders have a direct interest in the prosperity of a particular corporation.

Furthermore, you have a vested interest in good corporate governance even if you don't invest in or work for a corporation. Consider the following two factors. Corporations have been steadily extending their sway over the American economy at a pace matched only by the federal government. Aided by favorable legal rules, public corporations have a competitive edge over their organizational rivals in most sectors of our economy.

Second, the foundation of our system of resource allocation is slowly shifting away from depository banks and to the capital markets. Thus, the same set of concerns which led to America's tight regulation of the banking industry should be extended to corporate management. That is, for the good of the economy as a whole, we should consider steps to lower the chances of admittedly private funds being frittered — or spirited — away.

Contrast this situation with that in Germany and Japan, where companies face lower disclosure and regulatory costs than America ones, as well as less pesky "interference" from investors said to be obsessed with short-term gains. Why? Because the Japanese and German economies share a structural feature that makes respectable corporate performance possible despite the absence of a US-style regime of disclosure and private enforcement.

Companies in both nations are largely organized in informal groupings of allied firms, known in Japan as "keiratsu." The firms in any particular alliance own substantial cross-holdings of each other's stock, so that only a minority of shares is publicly traded. Each alliance is centered around a bank, which the other firms rely on to police the management of individual corporations. Individual investors share this free ride of close supervision, obviating the need for them to invest in monitoring or to badger the government for costly disclosure rules.

Rather than fiddle around with mushy good governance theories, why shouldn't we install a similar system here? First of all, fundamental differences in our economy and culture make the German/Japanese model of corporate supervision impossible here. Second, closer observation reveals that their model may have some warts. In particular, the monitoring bank may have a different agenda than the corporations and individuals that rely on it to police corporate behavior. For example, the bank may be more interested in profiting from massive loans to a particular corporation than in reaping profits from a smallish equity stake.

The better solution is to empower investors more effectively to monitor the managers to whom they entrust their money. In a growing number of cases, investors (generally institutions) have taken the bull by the horns and pushed underperforming managers out of the saddle. At companies like Amex, IBM, Campbell's Soup, and Westinghouse, performance has picked up after top managers were shown the door. The California Public Employees Retirement System (Calpers) has helpfully been keeping data on the 42 firms they have urged to mend their ways. Prior to Calpers's demands for reform, these firms had average returns that were seven percentage points below the S&P index. In the years following Calpers' reform demands, these companies yielded 7 percent *more* than the index. Now, imagine the effect of similar productivity gains across the economy as a whole. My mouth waters.

Now the tough part: what can we do? Some useful legal changes might include requiring boards of directors to consist of primarily "independent" outsiders; tightening the definition of "independent" to exclude any individuals who receive any compensation whatsoever (such as consulting fees) from the corporation other than statutorily-limited director's fees; requiring clearer accounting of corporate results and executive pay; and eliminating current rules which entrench incompetent managers, like those allowing "poison-pills".

However, really effective transformation of corporate governance will also depend on harder-to-achieve changes in our corporate culture. Mutual funds and pension funds should learn to embrace corporate governance reform as a superior tool for boosting investor return. Too often, they act like gorillas; big and strong but retiring and adverse to conflict. Conversely, our traditionally autocratic managers must cease sneering at any "interference" from their real bosses, the shareholders. Managers should learn to disclose their results and plans cheerfully. It wouldn't hurt if the pay of top managers was linked more closely to corporate performance and less to the bureaucratic warrior skill of packing the board of directors with friendly faces.

Good corporate governance is in everyone's best interest. America needs competent managers steering appropriately capitalized firms down that happy information-age highway, not incompetent or crooked ones driving indebted businesses into the wall of bankruptcy. We, the people, in order to form a more perfect capitalism, should insist that corporations return the bounty of limited liability by acting responsibly and accountably. Give us meaningful reform, or give us comparative economic disadvantage.

Shuttle's Days Numbered

continued from BUS, page 1

acknowledged that they would be footing part of the bill by going in on the Somerville Shuttle," said Bates, who is working to organize students concerned about the fate of the shuttle. "Everyone agreed it was going to lose money."

LSC President Enu Mainigi '94 agreed that the Law School should be able to subsidize at least part of the cost of a new system. "A law school of this magnitude should be able to suck up the cost," she said.

Coleman would not commit the Law School to subsidizing transportation to Somerville next year, but she said the possibility of the taxi vouchers was an idea originally raised by her office.

Bates said he expected the council to explore other possibilities, including an expansion of the existing University shuttle bus system.

Students' Safety Concerns

For many students, the existence of the Somerville Shuttle is a question of safety.

Catherine Caporusso '95 said she lives next to a park that is often frequented by dangerous-looking individuals and she feels much more secure riding the shuttle home on those nights when she is on campus. She took the shuttle about twice a week last fall and has taken it

about once a week so far this year.

Caporusso, who lives near Union Square, said she would probably curtail some of her evening campus activities if the shuttle were discontinued without a new system taking its place.

On other nights, she said, the trip home would be either considerably less safe or considerably more expensive.

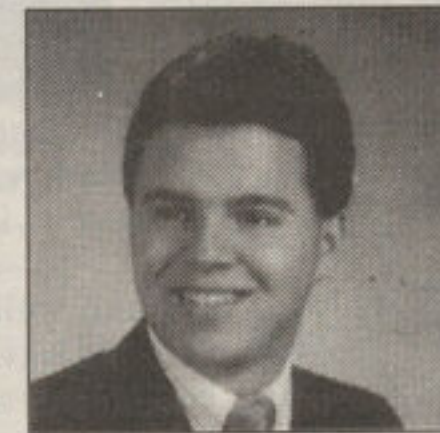
"I suppose on some days I would take the bus and be quite nervous walking home [from the bus stop]," she said. "I would take my pepper mace with me. Or I would take a cab."

Mainigi said she did not have an explanation for the small number of riders. Surveys conducted in previous years had shown considerable student enthusiasm for the idea, and student leaders

had lobbied hard for establishment of the shuttle service. The Law School Council had also worked this year to advertise the service and succeeded in adjusting the schedule to accommodate evening class schedules.

"I'm really puzzled as to why more people aren't using it," Mainigi said. "I don't think it would be the cost. I guess people are just finding other means of getting home."

If the Somerville Shuttle fails, it will mark the third time in less than five years that the Law School has established a trial shuttle program only to cancel it due to a perceived lack of interest.



John Bates '95

Pass/Fail Considered

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will be tabulated in time for Monday's LSC meeting, for Lindseth they have been a long time coming.

"I started to think about this issue when I was a first-year, particularly around November," said Lindseth.

"Grades at Harvard engender more competition between students," he said. "That is disheartening, disillusioning and makes students more jaded in general about the study of law [when] they realize every plus or minus makes a difference, either for themselves or for student organizations like the Law Review or BSA [Board of Student Advisors] or for employers."

The surveys present a variety of alternative grading schemes, such as credit/restricted credit/no credit and honors/pass/fail, as well as different methods of allocating courses taken pass/fail, such as a combination of mandatory and optional pass/fail courses during the first year.

A "grade nondisclosure policy" is also an option, where all students would be asked to refrain from providing grades to employers. The student survey asks whether students would obey the proposed policy if official sanctions enforced it, much like an honor system. The survey also asks students about the extent to which their decision would be influenced by the actions of their classmates.

Any grading proposal the LSC passes would require a faculty vote to become official.

Lindseth says a pass/fail system would improve the social climate at HLS.

"Students with high grades and those without would be more cooperative about sharing study materials and forming study groups," he said.

Ray Ying '96 was more skeptical. He said students may take their courses less seriously under a pass/fail system. "There is some value in being able to differentiate between people in a class as big as ours," he added.

Former HLS students, now employers, also have mixed reactions towards grades.

Kevin Reed '89, counsel at the Los Angeles office of the NAACP Legal

Defense and Education Fund, says he rarely if ever looks at an applicant's grades.

"I'm much more interested in what someone has done outside of the classroom — especially clinicals," Reed said. "The bottom line is that there are other indicators."

Richard Olver '74, Quality Manager at the United Nations Development Program, noted his class had an optional pass/fail system during his first year.

"I felt very strongly that the previous emphasis on class rank was highly corrosive and destructive of the communitarian values I espoused," Olver said. "[But] I realized I was wrong in rejecting the idea of feedback — not grades, but feedback."

"In fact it was much harder for me to perfect my skills...as a law student...having gone pass/fail my first year than if I had grades."

Jordan Budd '86, counsel for the ACLU of San Diego and Imperial Counties and formerly at a San Francisco law firm, looks more at grades from an applicant's second and third years. "I think there's a rough sense of legal skills you can get from grades," he said. "They certainly don't say a lot about someone's ability to engage in legal analysis but they say something."

Another HLS graduate, now a partner at a major New York firm, said a grading system like the ones at Yale and Stanford "would be a disaster at a school like Harvard with so much a larger student body." The Yale system, if anything, causes employers to be more conservative in their hiring decisions, said the graduate, who wished to remain anonymous.

"But the application process at Yale has already screened out a lot of people and leaves very few who weren't summa cum laude from a fancy undergraduate institution," he added.

Lindseth himself has never once looked at his own grades.

"I don't feel either threatened or superior because I don't know what my grades are. It's a generous position," he said. "I did give my grade reports to employers but I didn't look at them."

Instead, Lindseth went to Kinko's and asked the clerk to help open, copy, and collate his grade reports for him.

Pornography Debated

continued from PANEL, page 1

contributed to an act of violence against women.

The ordinance would have established a de facto regime of censorship, Ryan said, adding that the chilling effect of potential civil liability would deter the creation of works that could be perceived as pornographic.

"It was interesting to me that the lesbian and gay community came out so strongly against the law," recalled Ryan. "But they knew that a minority whose sexuality wasn't valued or respected by the majority would be the first to be censored."

Ryan noted that in Canada, which recently adopted a version of the ordinance, sponsored by Catharine MacKinnon and Andrea Dworkin, the first publication targeted under the new rule was a lesbian journal. The fact that Dworkin saw one of her own academic texts on lesbianism seized under the new law demonstrates that censorship of pornography inevitably hurts the women it is intended to protect, she said.

Kaminer agreed that restrictions on expression would be counterproductive, asking why radical feminists who "don't trust the system because it's too sexist would want to give judges and politicians more discretion than the First Amendment now allows them."

Taking issue with Hartley's stance on pornography, Kaminer admitted to being "not unsympathetic to the feelings some women have about pornography. There's some sadistic, shocking stuff out there."

But Kaminer took pains to point out that "just because something is a problem doesn't mean it has a legal solution."

In Kaminer's view, "passing a law is often the easiest thing to do, and it seems like you're addressing the problem." But in reality, she said, pornography is "a social problem" that legal repression cannot solve and would likely exacerbate.

"If you're really concerned with the exploitation of women in the sex industry," said Kaminer, "the last thing you'd want to do is drive it further underground."

Responding to MacKinnon's position that pornography is not speech but action to which the First Amendment does not apply, Kaminer warned that "equating printed or taped material with real sexually discriminatory behavior is like saying that [President] Carter committed adultery by admitting that he had lusted in his heart."

While recognizing that some words can in effect be behavior, Kaminer rejected MacKinnon's argument.

"Images of sex are not like a 'whites only' sign because there's no direct, clear relationship between pictures and rape," she said.

Anti-censorship activist Lilly said MacKinnon's position makes sense "only if you assume that anything relating to sex can only hurt and harass."

"Telling women they're helpless and insulting and patronizing and limiting them to a victim role in the name of protecting them doesn't really help anyone," she said.

Kaminer echoed Lilly's remarks, concluding, "It boils down to white, middle-class academics trying to regulate the working lives of largely working-class women who just don't share their circumstances and perspective."

"It's no wonder sex workers react to professors telling them they're either a victim or a collaborator in the oppression of women by retorting, 'I don't need your help' or 'How do you know what's best for me?'"

The panelists all also agreed that while "you don't judge people just based on their bedfellows," as Ryan put it, "opposing porn plays right into the hands of right-wingers who can't exactly be accused of caring excessively about violence against women."

WLA president Cindy Chandler '95 was pleased with the discussion. She said that some anti-porn feminists refuse to appear on panels with "people like Nina Hartley," so WLA decided to have two separate events on pornography. The anti-porn forum, featuring Norma Ramos and other speakers, will be held on March 16.

"It's a shame in some ways that we couldn't get both sides on one panel," said Chandler, "but this way we can get into more depth."

She added, "There's a lot of diversity of opinion within the feminist community and WLA, and we're trying to reflect that."

Despite being "definitely on the other side of this issue," WLA member Catherine Caporusso '95 also was happy with the panel. "This discussion is important, so I'm glad we had it," she said. "We should be listening to everyone."

"The most interesting thing for me was to hear from Nina Hartley," Caporusso continued. "She described herself as very different than most of the women in the porn business, and I think she sort of downplayed the fact that for most women, when they 'choose' to work in the porn business, they're choosing from a very limited set of choices defined by very unfortunate situations."

The panelists at times mischaracterized the MacKinnon-Dworkin proposal, Caporusso said. "It's not a ban on porn any more than ordinary products liability is a ban on other products," she said.

Caporusso also noted that anti-porn feminists are not necessarily opposed to sex itself.

"I like sex," Caporusso said. "It's just that there's something inherently unequal and subordinating about women selling their bodies."

Alfredo Barrios '94 found Hartley "exhilarating and refreshing, a real change from the norm," adding, "She should teach all our classes."

Many people remained to speak with the panelists, and Hartley was kept even busier by autograph seekers.



Cynthia Chandler '95

Citius, Altius, Nauseous

By Marc Channick '94

RECORD Columnist



BEING that I am right in the middle of an extended period of avoiding my third-year paper, the onset of the Winter Olympics has brought a welcome two-week diversion. The Olympic Games (named after their founder, Dave Games), are held every four years and are intended to allow the best athletes in the world to meet in the spirit of friendship, competition, and million-dollar endorsement contracts.

This year the games are being held in Lillehammer, Norway, a city which satisfies the two main criteria for hosting the Winter Olympics: one, it is still trapped in the Ice Age; and two, it is absolutely chock-full of quaint natives with amusing accents who can be condescendingly interviewed by CBS, in the hopes of making us forget that nothing is ever happening in terms of actual competition. Having paid \$291 million for the rights to the Olympics, CBS is determined to stretch out its coverage as long as possible, even though the actual games were completed within three and a half hours of the opening ceremonies. In addition, the time zone difference between Norway and America means that most of the events scheduled for telecast on any given day actually happened yesterday, so that CBS is able, through a complicated series of maneuvers, to show Olympic coverage for more hours than are actually contained in a single day.

One of the most interesting parts of having the Olympics held in a foreign country is finding out which events appeal most to the local citizenry. The Norwegians, for example, are absolutely crazy about cross-country skiing, which as far as I can tell is not so much a sport as it is a mode of transportation. Granted, this criticism does nothing to distinguish cross-country skiing from auto racing, which, admittedly, is intensely popular with certain sections of the American public, namely those who regularly consume large quantities of "Billy Beer." Still, at least in auto racing the speeds are such that there is always the

Even better than plain old singles luge is the doubles event, in which two people wearing the full-body condoms lie down on top of each other in order to compete. If this type of behavior showed up on NYPD Blue, the censors would be out in force.

distinct possibility of one or more competitors being instantly turned into large quantities of Driver McNuggets. Cross-country skiing, on the other hand, contains the same amount of suspense and drama as, say, watching ice melt. As we all know, in Norway watching ice melt is not so much a sport as it is a full-time hobby.

Still, the people of Lillehammer are so eager to watch the races that they will camp out on the course for several days to be assured of having a good view of the competition. I don't know about you, but I won't camp out for several days even when I go camping. Still, I suppose that getting there that early does have one advantage, in that it allows you to see the American team participate. Americans are so bad at cross-country skiing that Olympic officials have taken to giving them three-day head starts on the rest of the field, in the hope of enabling them to finish before the closing ceremonies are over.

As far as excitement goes, you just can't beat the luge, an event in which mature adults willingly slide down steep hills while wearing nothing but a large box of Saran Wrap. I think that all that needs to be said about this sport is that most commentators agree that the best times are achieved when the competitor isn't looking where he or she is going.

Even better than plain old singles luge is the doubles event, in which two people wearing the full-body condoms lie down on top of each other in order to compete. If this type of behavior showed up on *NYPD Blue*, the censors would be out in force. However, since it happens during the Olympics, not only is it broadcast to an international audience, but they give out medals at the end.

Then we come to figure skating, the "glamour" event of the games, so called because it is the only event in which speed is not of the essence, and so therefore the competitors are not restricted to wearing outfits so tight that the religious affiliation of the men is obvious at the merest glance (see the discussion of the luge above). Instead, figure skaters are free to dress like matadors, rock stars, Shakespearean actors — just the sort of people one would expect to encounter on ice skates. The skaters perform to music that reflects their own personal taste and style, except for the fact that it is invariably composed by Tchaikovsky.

During their routines, the skaters perform moves such as "axels", "toeloops", and "Salchows", all of which, to the untrained eye, appear to be the same. In fact, I am convinced that they are all the same and that the commentators are simply making up alternative names so as to add a little variety to what would otherwise be an extremely repetitive evening.

Of course, any discussion of figure skating in the 1994 Olympics must include, as a matter of federal law, some discussion of Nancy Kerrigan and Tonya Harding. As a journalist, I cannot overstate the importance of the Kerrigan-Harding affair. Actually, that is completely untrue. For example, I could say something like "the Kerrigan-Harding affair is, without doubt, the most important world event of the last decade." That would be a massive overstatement. Still, the incident has taught all of us an essential lesson about modern sports, namely that if you are going to incapacitate your rival, it is best to hit her directly on the kneecap.

Cruise Visits HLS

continued from CRUISE, page 1

the Oscar," Smith advised.

Other gifts Clark presented to Cruise included a wooden box engraved with the actor's name and filled with Harvard-seal chocolates, an HLS tie, and two Harvard Law sweatshirts — one for Cruise and the other for Cruise's baby daughter.

"They're all returnable for credit at the Coop," joked Rob Rader '94.

Visit A Surprise to Clark

Although Clark called the meeting with Cruise "terrific," he took no credit for its planning. In fact, it wasn't until after Cruise accepted the invitation that Clark found out he had invited the film star to visit.

According to Clark, all the credit goes

to his assistant, Joan Noel, who invited Cruise to visit with neither the dean's knowledge nor permission.

"It occurred to me that it just made sense [to invite Cruise]," Noel said. "After all, the reason he's 'Man of the Year' is for his roles as a Harvard Law School graduate. I thought it would be nice for him to come and see the campus."

"Apparently, he was very excited to meet the dean," Noel added.

Cruise accepted the invitation and arranged the visit about two weeks ago, reported Michael Chmura, HLS news officer.

The HLS contingent included Clark, Smith, the dean's office staff, professors Dershowitz and Weiler, and students Rader, Enu Mainigi '94, and Lisa Zornberg '94.

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